

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

RESOLUTION NO. 2026-08

**A RESOLUTION ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION,
ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND ESTABLISHING
FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2023-04 WITH
CONDITIONS FOR THE HUMBOLDT BAY OYSTER COMPANY SHELLFISH FARM 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, Todd Van Herpe applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Humboldt Bay Oyster Company Shellfish Farm 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 November 14, 2024 and a Notice of Application was published and sent to adjacent property owners and regulatory agencies; and

WHEREAS, the Project was subject of an Initial Study / Mitigated Negative Declaration (IS/MND) (SCH# 2026020306) prepared for the 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 Mitigated Negative Declaration (MND) has been prepared the decision making body shall review said MND and make findings regarding the significant effects on the environment identified in the MND; and

WHEREAS, a notice of intent to adopt a Mitigated Negative Declaration was circulated for a 30-day public comment period commencing on February 9, 2026; and

WHEREAS, at their June 11, 2026 meeting, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District heard public comment on the Initial Study/ Mitigated Negative Declaration; and

WHEREAS, on June 11, 2026, 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 Mitigated 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 mitigated 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 / Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Program for the Humboldt Bay Oyster Company Shellfish Farm Project.

SECTION 3. 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 activities contemplated in the permit application for the Humboldt Bay Oyster Company Shellfish Farm Project (Permit 2023-04):

- a) The proposed uses are necessary to promote public safety, health, comfort, and convenience;
- b) The proposed uses are required by the public convenience and necessity;
- c) The proposed uses, 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;
- d) The proposed use is consistent with the Humboldt Bay Management Plan;
- e) The permit, right, or privilege 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

- 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 2023-04 approving the Humboldt Bay Oyster Company Shellfish Farm Project (Exhibit A-1) with conditions.

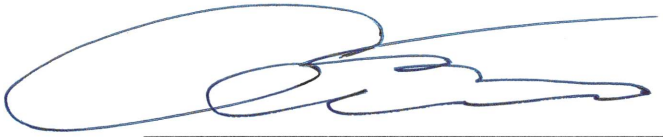
PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 11th day of June 2026 by the following polled vote:

AYES: Dale, Kullmann, Newman, Norton

NOES: 0

ABSENT: Benson

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. **2026-08** entitled,

A RESOLUTION ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2023-04 WITH CONDITIONS FOR THE HUMBOLDT BAY OYSTER COMPANY SHELLFISH FARM 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 June 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 11th day of June 2026.



**Aaron Newman, Secretary
Board of Commissioners**

COMMISSIONERS

1st Division: Aaron Newman
2nd Division: Greg Dale
3rd Division: Stephen Kullmann
4th Division: Craig Benson
5th Division: Jack Norton

**Humboldt Bay Harbor,
Recreation and Conservation District**
(707) 443-0801
P.O. Box 1030
Eureka, California 95502-1030



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

PERMIT

Permit No. 2023-04

**601 Startare Drive
Woodley Island Marina
P.O. Box 1030
Eureka, CA 95502-1030**

Permittee:

Todd Van Herpe
2797 O'Neil Lane, Eureka, CA 95503
toddvanherpe@gmail.com;
707-499-2388

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 2023-04, filed by Todd Van Herpe hereinafter referred to as "**Permittee**", and the **Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD)** as the lead agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination adopting the Mitigated Negative Declaration (SCH# 2026020306) and the Board of Commissioners of the **District** having on June 11, 2026, passed Resolution No. 2026-08 establishing findings relative to the Application by **Permittee** for the Humboldt Bay Oyster Company Shellfish Farm Project as provided for in this Permit, the **Permittee** is hereby authorized to perform the work as more particularly described in the Application filed with the **District** and the mitigated negative declaration referred to above.

You are hereby authorized to conduct that activity described in the Permit Application of **Permittee** consisting of:

Culture of Pacific oysters (*Crassostrea gigas*) and Kumamoto oysters (*Magallana sikimeia*) to maturity as well as Manila clams (*Venerupis philippinarum*) for seed in Humboldt Bay, California. The project includes (1) existing FLUPSY at Woodley Island Marina, raft culture in Mad River Slough, and rack and bag culture methods within existing 17.8 acre farming area in north Humboldt Bay, (2) farming within two proposed expansion areas (up to 3 acres of culture within 13.9 acres total), and (3) the use of an additional intertidal culture method known as "Longline Culture" at existing and proposed expansion sites. Details are more particularly described in the Application filed by **Permittee**.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. If the **Permittee** materially changes the activity plan and scope, it will be necessary to request a permit revision.
2. That all work authorized by this Permit shall further be subject to the approval of the following public agencies as applicable:
 - A. United States Army Corps of Engineers
 - B. North Coast Regional Water Quality Control Board
 - C. California Department of Fish and Wildlife
 - D. California Coastal Commission

and **Permittee** shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

3. That the mitigation measures and best management practices described in the Initial Study / Mitigated Negative Declaration for the Humboldt Bay Oyster Company Shellfish Farm (SCH# 2026020306) are made conditions of this permit by reference.
4. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on **June 11, 2036**. Two (2) five-year extensions may be granted at the discretion of the District.
5. Any in-water work requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the project site. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill.
6. All debris shall be removed from the site and disposed of only at an authorized disposal site. Placement of any such material within Humboldt Bay or any wetland area is prohibited.
7. If archeological or cultural features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the **Permittee** has contacted the Wiyot Tribe's Cultural Department, and the significance of the resource has been evaluated, to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the **Permittee** prior to resumption of construction activities. If human remains are exposed by project related activity, the **Permittee** shall comply with California State

Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, §5097.98.

8. That there shall be no unreasonable interference with navigation by the work herein authorized.
9. That no attempt shall be made by the **Permittee** to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
10. That the **District**, its Commissioners, or any officer or employee of the **District** shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the **District** for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
11. That neither the **District**, nor its Board of Commissioners, nor any officer of the **District** shall be liable to any extent for any such injury or damage to any person or property or for the death of any person arising out of or connected with the work authorized by this Permit.
12. That the Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District** of a violation by the **Permittee** of any condition of this Permit.
13. That the **Permittee** shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State of California Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.
14. That as a condition to the issuance of this Permit, **Permittee** agrees to indemnify and hold harmless **District** from and against any and all liability, loss, or damage **District** may suffer from claims and demands for attorneys' fees, costs of suit, and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit, including, but not limited to attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial appeal or arbitration of claims

for attorneys' fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.

15. That this Permit is valid as of June 11, 2026 and is made subject to the **Permittee** approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

EXECUTED on this 11th day of June 2026, by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District**.

STEPHEN KULLMANN, Chair
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

Todd Van Herpe, **Permittee**, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. **Permittee** shall indemnify and hold harmless the **District**, its Board of Commissioners, officers and employees from any and all claims of any nature arising from the performance of and work of improvement contained in the Application for injury, death or damage to any person or property.

Todd Van Herpe, **Permittee**, in the above Permit, agrees to indemnify and hold harmless **District**, its Board of Commissioners, officers and employees from and against any and all liability, loss or damage **District** may suffer from claims and demands from attorneys' fees; costs of suit and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorney's fees, costs of suit and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Dated: _____

Todd Van Herpe

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STEPHEN KULLMANN, Chair
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

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Dated: 6-15-26


Todd Van Herpe