

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

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**RESOLUTION NO. 2022-12**

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT  
PERMIT 2022-04 WITH CONDITIONS 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 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 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 Humboldt County as the lead agency under CEQA and that MND was adopted by Humboldt County; and

**WHEREAS**, the Board of Commissioners certified on the 8<sup>th</sup> day of April 2021 in Resolution No 2021-04 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 project has not changed from the project description approved in the above MND and none of the conditions described in CEQA Guidelines 15162 have occurred, as such no subsequent CEQA review shall be required; and

**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.

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

**SECTION 1.** That the Board of Commissioners (1) continues to concur with the analysis and conclusions set forth in the formerly adopted MND along with other information in the record and (2) continues to find that 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) continues to find that the MND represents the independent judgment and analysis of the Humboldt Bay Harbor District as a responsible agency for the Project.

**SECTION 2.** 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 3.** That the Board of Commissioners does hereby issue Permit 2022-04 conditionally approving the Humboldt Bay Trail South (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 13<sup>th</sup> day of October 2022 by the following polled vote:

**AYES:** Higgins, Marks, Newman  
**NOES:** 0  
**ABSENT:** Kullmann, Dale

**ATTEST:**



Richard Marks, 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. **2022-12** 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 **13<sup>th</sup> day of October 2022**; 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 13<sup>th</sup> day of October 2022.



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**Richard Marks, Secretary  
Board of Commissioners**