

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of September 27, 2022

RESOLUTION NO. _____

Resolution of the Board of Supervisors of the County of Humboldt approving the McKay Community Forest Trail Plan, adopting the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Trail Plan, approving the McKay Community Forest Stewardship Plan, and finding the Forest Stewardship Plan to be exempt from review under the California Environmental Quality Act.

WHEREAS, the McKay Community Forest (“Community Forest”) was created in 2014 when the County of Humboldt acquired 997 acres of forestland from Green Diamond Resource Company and then was expanded in 2020 through the acquisition of an additional 197 acres, resulting in a total area of 1,194 acres; and

WHEREAS, the Community Forest was established for multiple purposes including public access and recreation, timber harvest, and watershed and resource conservation; and

WHEREAS, the McKay Community Forest Trail Plan (“Trail Plan”) provides a blueprint for the development of trails, access points, and amenities to support recreational and educational activities; and

WHEREAS, the Trail Plan identifies specific trail locations and construction and maintenance activities which have the potential for resulting in physical changes in the environment; and

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration (“IS/MND”) for the Trail Plan was prepared for compliance with the California Environmental Quality Act (“CEQA”); and

WHEREAS, the McKay Community Forest Stewardship Plan (“Forest Stewardship Plan”) describes how non-recreation aspects of managing the Community Forest, including silviculture, fire risk reduction, habitat restoration, carbon sequestration, monitoring, and adaptive management will be integrated; and

WHEREAS, the Public Works Department of Humboldt County has applied to the California Department of Forestry and Fire Protection for a Non-Industrial Timber Management Plan (“NTMP”), which is a regulatory document developed to demonstrate compliance with the California Forest Practice Rules, and which is a CEQA-equivalent document that applies to timber harvest activities and management of logging roads;

WHEREAS, the Forest Stewardship Plan is a guidance document and planning study that provides the context for decisions on future decisions on proposed actions, and is, therefore, exempt from review under CEQA pursuant to CEQA Guidelines Section 15262.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS:

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- 1. FINDING:** **Project Description:** Implementation of the Trail Plan would establish a trail network with approximately 31 miles of multi-use roads, multi-use trails, hiking trails, and mountain bike trails within the McKay Community Forest located southeast of Eureka. The purpose of the project is to create a place for residents and visitors of all ages and abilities to enjoy walking, hiking, mountain-biking, wheeling (in mobility devices), horseback-riding, learning, and connecting with the natural world. The Trail Plan describes the overall goals, objectives, guiding principles, design standards, and construction practices for building sustainable trails. Initial access points include Northridge Road, Harris Street, and Redwood Acres. Amenities include signs, restrooms, benches, and trash receptacles. Construction activities include vegetation clearing, removing stumps and roots, grading and surface preparation, forming the trailbed, placing and compacting the trail surface, forming drainage features, re-vegetation, and bridge installation. Ongoing maintenance activities include trail surface maintenance, erosion control, vegetation management, and repairing short-cuts.
- EVIDENCE:** a) McKay Community Forest Trail Plan (December 16, 2020).
- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. An Initial Study and Proposed Mitigated Negative Declaration (“IS/MND”) was prepared for the project and circulated for public review. The Board of Supervisors finds that there is no substantial evidence in light of the whole of the record that the project, as mitigated, will have a significant effect on the environment. The Board finds that the IS/MND reflects the County’s independent judgment and analysis.
- EVIDENCE:** a) Environmental review for the proposed project included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000-21189) and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).
- b) The IS/MND was circulated from June 3, 2022, through July 5, 2022 (State Clearinghouse No. 2020120382).
- c) The custodian of the record of proceedings is the Humboldt County Public Works Department, Natural Resources Division. The location of the record of proceedings is 106 Second St., Eureka, CA 95501.
- d) The Board of Supervisors has considered the proposed Initial Study and Mitigated Negative Declaration together with all public and agency comments received during the public review process and the whole record.
- e) The project has complied with AB-52 requirements for tribal consultation.
- f) The IS/MND included 13 mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Program which is being adopted as part of the project.
- 3. FINDING:** **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT – NO MITIGATION REQUIRED.** Impacts associated with the following

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environmental factors were found to be less than significant and mitigation is not required to reduce project-related impacts: aesthetics, geology and soils, noise, recreation, agriculture and forestry resources, greenhouse gas emissions, land use and planning, population/housing, transportation, wildfire, air quality, energy, hazards and hazardous materials, mineral resources, public services, tribal cultural services, and mandatory findings of significance.

- EVIDENCE:**
- a) There is no evidence of impact to any of the above-referenced potential impact areas based on the project as proposed.
 - b) IS/MND dated June 2, 2022, and circulated for public review June 3, 2022, through July 5, 2022 (SCH No. 2020120382).

4. FINDING: **ENVIRONMENTAL IMPACTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL.** The IS/MND identified potentially significant impacts to biological resources, cultural resources, hydrology and water quality, and utilities. Mitigation measures were developed to ensure that potential impacts are limited to a less than significant level.

- EVIDENCE:**
- a) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:
 - i. **Rare Plant Avoidance (BIO-1):**
 - A. Trail construction in the following trail units will be subject to rare plant avoidance measures:
 - Mid-McKay (MM-01), Northridge (BG-01), South McKay (SM-01) – Occurrences of *Pleuropogon refractus* (nodding semaphore grass) will be flagged and either avoided or re-located.
 - Mid-McKay (MM-01, MM-02, and MM-03) – Occurrences of *Chrysosplenium glechomifolium* (Pacific golden saxifrage) will be flagged and either avoided or re-located.
 - Henderson Gulch (HG-05), South McKay (SM-02/-03) – Occurrences of *Montia howellii* (Howell’s montia) will be flagged and either avoided or re-located.
 - B. Seasonally-appropriate surveys for rare plants within the Park Street trail planning unit, Henderson Gulch trail planning unit, Bike Skills Park, Eggert Connector Trail, and other un-surveyed trail segments will be performed within three years prior to construction.
 - ii. **Northern Spotted Owl Protective Measures (BIO-2):** Trail construction within Segment SM-07, SM-08, SM-13, SM-16, HG-03, HG-04, HG-05, and HG-06 will be subject to seasonal restrictions for protection of Northern Spotted Owls. Work with heavy equipment or chain saws will not occur between February 1 and July 10 within these trail segments, unless protocol surveys determine that Northern Spotted Owls are non-nesting, or that nesting has failed, or California Department of Fish & Wildlife authorizes deviation from this measure due to proposed noise minimizations or other site-specific factors. If additional activity centers are identified within the Community Forest, trail segments within a 0.25-mile

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(1,320 feet) radius will also be subject to seasonal heavy equipment and chain saw restrictions. Work activities using hand labor are not subject to seasonal restrictions.

- iii. **Native Migratory Bird Nest Avoidance (BIO-3):** For trail construction work, Public Works will attempt to remove trees and other vegetation that could potentially contain nesting migratory birds outside the bird nesting season (March 15 to August 15). If vegetation removal occurs outside the bird nesting season, no further mitigation is necessary. If vegetation removal occurs between March 15 and August 15, Public Works shall have a qualified wildlife biologist conduct preconstruction surveys within the vicinity of the impact area to check for nesting activity of native migratory birds. The biologist shall conduct a minimum of one preconstruction survey within the seven-day period prior to vegetation removal activities. If vegetation removal work lapses for seven days or longer during the nesting season, a qualified biologist shall conduct a supplemental avian survey before project work is reinitiated. If an active nest is found, the biologist will determine the extent of an appropriate construction-free buffer zone to be established around the nest and/or operational restrictions in consultation with the California Department of Fish and Wildlife. Buffer zones will be delineated with flagging and maintained until the nests have fledged or nesting activity has ceased. This measure does not apply to vegetation that does not contain potential bird nesting habitat.
- iv. **Osprey and Peregrine Falcon Protective Measures (BIO-4):** Trail construction coordinators will be alert for potential osprey or peregrine falcon detections during the pertinent nesting seasons (February 15-August 15 for osprey; January 15-August 15 for peregrine falcon). If osprey or peregrine falcons are sighted or heard, then a qualified wildlife biologist will conduct a preconstruction survey to determine if a nesting location is nearby. No trail building will occur within 500 feet of an occupied osprey or peregrine falcon nest.
- v. **Riparian Vegetation Protective Measures (BIO-5):** Bridges will be located to minimize removal of riparian vegetation. Where removal of riparian vegetation is unavoidable, a new tree will be planted along the stream reach for each tree larger than four inches diameter at breast height removed. The planted trees will be of the same species as the removed trees.
- vi. **Wetland Avoidance and Mitigation Measures (BIO-6):** For trail segments RA-08, RA-19, PS-01, NM-07, MM-01, SM-17, HG-04, and other segments with potential wetlands, Public Works will implement the following measures:
 - A. Wetlands near proposed trail alignments will be delineated and flagged.
 - B. The trail will be routed to avoid wetlands to the greatest extent practicable.
 - C. If wetlands cannot be avoided, the amount of wetland impact will be quantified and wetlands will be created within the Community Forest at a 3:1 ratio by removing soil within existing upland areas and re-vegetating with native species.

b) **Cultural Resources:**

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- i. **Inadvertent Discovery Protocol for Cultural Materials (CULT-1):** If cultural materials (e.g., chipped or ground stone, historic debris, building foundations, or bone) are discovered during ground-disturbance activities, work within 20 meters (66 feet) of the discovery shall be stopped, per the requirements of CEQA (Title 14 CCR 15064.5 [f]). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action. Any identified cultural resources will be recorded on DPR 523 historic resource recordation forms, from the Office of Historic Preservation. If Native American archaeological remains are inadvertently encountered, the Tribal Historic Preservation Officers (THPOs) of the three recognized Wiyot-area tribes (Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe) will be immediately notified, permitted to observe the findings in the field, and afforded the opportunity to make recommendations for avoiding, minimizing, or mitigating impacts from the proposed development.
- ii. **Inadvertent Discovery Protocol for Human Remains (CULT-2):** If human remains are discovered during project construction, work within 20 meters (66 feet) of the discovery location, and within any nearby area reasonably suspected to overlie human remains, will cease (Public Resources Code, Section 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the California Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). In this case, the coroner will contact NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or person responsible for excavation work with direction regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

c) Hydrology and Water Quality:

- i. **Controllable Sediment Discharge Sources (HYD-1):** The project includes treatments of Controllable Sediment Discharge Sources as listed in Attachment E of the Initial Study/Mitigated Negative Declaration.
- ii. **Stormwater Pollution Prevention Plan (HYD-2):** Construction practices will utilize BMPs identified in a SWPPP to avoid or minimize the potential for erosion and sediment delivery.
- iii. **Limited Equipment Work Period (HYD-3):** Trail construction work using heavy equipment will be limited to the period from April 1 through October 31 to avoid the wet season.
- iv. **Aggregate for Multi-use Trails and Multi-use Roads within Streamside Areas (HYD-4):** Aggregate rock (crusher fines or other appropriate material) will be applied to multi-use trails and multi-use roads within streamside areas to reduce erosion and sediment delivery. This measure

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applies to portions of the following trail segments: RA-20, RA-19, RA-07, RA-08, RA-09, NM-06, NM-07, MM-01, SM-17, SM-01, SM-02.

d) Utilities:

- i. **Domestic Water Line Protection (UTIL-1):** The County will offer to replace an approximately 40-foot segment of water line leading to the inholding residence in the North McKay trail planning unit where a trail (segment NM-04) is proposed to cross.

5. FINDING:

CEQA Public Comments. Letters of comment were received from two parties. These comments have been considered and neither of these comments change the conclusions of the IS/MND.

EVIDENCE:

- a) The Humboldt Trails Council. The Humboldt Trails Council expressed support for “light touch” trail-building and volunteer trail construction. The Humboldt Trails Council also emphasized the importance of considering future crosswalk enhancements on Harris Street near the Community Forest.
- b) The North Coast Regional Water Quality Control Board. The North Coast Regional Water Quality Control Board transmitted comments that will be addressed as part of the Clean Water Act section 401 water quality certification process, which is separate from CEQA. This certification process applies to permitting of the 12 proposed bridges within the trail network.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors hereby:

1. Adopts the findings set forth in this resolution;
2. Certifies that the IS/MND for the Trail Plan (SCH#: 2020120382) has been completed in compliance with CEQA, that the IS/MND was presented to the Board of Supervisors, and that the Board of Supervisors has reviewed and considered the information contained in the IS/MND and comments received before adopting the IS/MND and approving the Project, and that the IS/MND reflects the County’s independent judgment and analysis;
3. Adopts the IS/MND for the Trail Plan Project;
4. Adopts the Mitigation Monitoring and Reporting Program for the Trail Plan Project;
5. Approves the Trail Plan and directs Public Works to proceed with implementing the Project;
6. Directs Public Works to file a Notice of Determination with the Humboldt County Clerk-Recorder’s Office for the Trail Plan IS/MND pursuant to CEQA Guidelines Section 15094 within five working days after this resolution is adopted;
7. Approves the Forest Stewardship Plan; and

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8. Directs Public Works to file a Notice of Exemption with the Humboldt County Clerk-Recorder's Office for the Forest Stewardship Plan pursuant to CEQA Guidelines Section 15262 within five working days after this resolution is adopted.

Dated: September 27, 2022

Virginia Bass, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, Seconded by Supervisor _____ and the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

STATE OF CALIFORNIA
County of Humboldt

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES
Clerk of the Board of Supervisors of the
County of Humboldt, State of California