

Resolution No. 93-85

**RESOLUTION APPROVING ALTERNATIVES
FOR THE BEACH AND DUNES MANAGEMENT
PLAN AND AMENDMENTS TO THE HUMBOLDT
BAY AREA PLAN LCP AND IMPLEMENTING
ORDINANCES**

WHEREAS, Humboldt County has received funding from the California State Parks and Recreation Off-Highway Motor Vehicle Recreation Division, and the California State Coastal Conservancy to prepare a Beach and Dunes Management and Enhancement Plan, and to prepare environmental surveys and studies relating thereto; and

WHEREAS, the Humboldt County Board of Supervisors on December 5, 1989, appointed a Beach and Dunes Advisory Committee to prepare recommendations on the adoption of a Beach and Dunes Management Plan for the beach and dune area from the mouth of the Mad River south to Table Bluff; and

WHEREAS, between December 1989 and July 1992, the Beach and Dunes Advisory Committee held over thirty (30) meetings, reviewed background reports and conducted a survey of community attitudes; and

WHEREAS, on July 7, 1992, the Advisory Committee reported out a hearing draft Beach and Dunes Management Plan containing a range of alternatives; and

WHEREAS, a draft environmental impact report was prepared which analyzed the significant environmental effects of the various alternatives; and

WHEREAS, the draft environmental impact report was released for public review on October 6, 1992; and

WHEREAS, on October 22, 1992, November 17, 1992, and December 17, 1992, the Humboldt County Planning Commission held public hearings on the draft Beach and Dunes Management Plan and the draft environmental impact report, during which written and oral testimony and comments were presented and considered; and

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WHEREAS, on January 7, 1993, said Planning Commission considered said testimony, comments and documents before them;

WHEREAS, the Planning Commission reviewed and considered the draft environmental impact report, including comments, responses, and revisions to said environmental impact report; and

WHEREAS, the Planning Commission formulated a policy recommendation to the Board of Supervisors regarding the Beach and Dunes Management Plan; and

WHEREAS, the draft environmental impact report, together with staff responses to comments were incorporated into a preliminary final environmental impact report in a staff report dated February 23, 1993 for public review and for Board of Supervisors consideration and approval; and

WHEREAS, on March 16, March 30, April 6, April 16, and May 11, 1993, the Board of Supervisors held public hearings on the Beach and Dunes Management Plan, and the Environmental Impact Report, during which staff reports and supplemental written and oral comments were presented and considered; and

WHEREAS, on May 11, 1993, the Board of Supervisors considered said testimony, comments, and documents before them;

NOW THEREFORE BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings and recommendations be and are hereby made:

1. The Board of Supervisors has reviewed and considered the Final Environmental Impact Report, including comments, responses, and revisions to said Final Environmental Impact Report.
2. The Final Environmental Impact Report has been completed in compliance with CEQA.
3. The proposed project, as recommended for approval, substantially reduces the existing impacts currently occurring to the planning area. As such, the project, as recommended for approval, could qualify as a CEQA exempt project under Class 7 and 8, actions taken by regulatory agencies for protection of natural resources and the environment.

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4. Pursuant to CEQA Guidelines Section 15152, which authorizes the preparing of environmental documents, the stated purpose of this EIR was to act as an area-wide level environmental document. Some of the specific proposals included in the proposed alternative may require project specific environmental documents. The Board finds that the Final Environmental Impact Report has to the degree feasible, identified mitigation measures which would avoid or substantially lessen impacts associated with elements of the proposed plan. The Board further finds that site specific environmental review may warrant refinement or modification of the mitigation measures to improve their effectiveness.
5. Geologic impacts identified in the proposed expanded Jetty riding area on page 281 of the Draft EIR will be avoided or substantially lessened by Mitigation Measures 1 and 2 on page 3 of Exhibit A, Part 3, and by changes incorporated into the recommended alternative, which reduces the areas open to OHV use.
6. Impacts to vegetation identified in the Draft EIR, pages 282 and 283, relative to the proposed expanded Jetty riding area will be avoided or substantially lessened by Mitigation Measures 1, 3, and 4 on page 3 of Exhibit A, Part 3, and by changes incorporated into the recommended alternative, which reduces the areas open to OHV use.
7. The identified impacts to wildlife in the Draft EIR, on page 283 and 284, associated with the proposed expanded Jetty riding area, would be avoided or substantially lessened by the installation of fencing around the 80 acre mitigation site on the City of Eureka property, and by changes incorporated into the recommended alternative, which reduces the areas open to OHV use.
8. The social impacts identified on page 285 of the Draft EIR will be avoided or substantially lessened by the recommended improvement in pedestrian access facilities included as part of the Plan in Exhibit A, Part 1, pages 2 - 4.

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9. With respect to the issue of people living on the South Spit, the Board of Supervisors finds that the Management Plan proposes no physical improvements that would result in any significant effects, as outlined pursuant to the CEQA Guidelines Section 15065, and as defined by 15002 (G). The Board further finds that the policy clarification and mitigation measures added to the proposed South Spit recommendation avoid or substantially lessen impacts in a manner consistent with the concerns of the commentor on this issue.
10. Certain elements of this proposed Management Plan constitute an amendment to the County's Certified Local Coastal Program. As such, those amendments are subject to the jurisdiction of the California Coastal Commission, which is the lead CEQA agency in reviewing those aspects of the Plan. The Board of Supervisors recommends that the California Coastal Commission adopt the mitigation measures identified in Exhibit A, Part 2, as part of their LCP amendment project approval.
11. Upon consideration of all the above, the Board of Supervisors certifies the Final Environmental Impact Report, as described in Exhibit A, Part 3.

BE IT FURTHER RESOLVED The Board of Supervisors has reviewed and considered the Beach and Dunes Management Plan, including comments, responses, and revisions to said plan, and that the following findings and recommendations are hereby made:

1. Upon consideration of the above, the Board of Supervisors approves the Beach and Dunes Management Plan, as contained in Exhibit A, as an amendment to the Humboldt Bay Area Plan of the Local Coastal Program Element of the Humboldt County General Plan and its implementing ordinances.
2. The Planning Director is directed to submit these materials, together with necessary supporting information, to the California Coastal Commission for consideration as an amendment of the Humboldt County's certified Local Coastal Program, pursuant to the provisions of Public Resources Code Section 30000 et seq.

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3. The Planning Director is authorized to correct typographical errors, references to draft documents, statutes, and ordinances, page numbers, and maps, and to make similar clerical changes.
4. This Board of Supervisors shall not finally adopt this plan amendment and implementing ordinances until they have been approved by the California Coastal Commission.
5. That the Board of Supervisors may choose to review the Plan two years after implementation if the Bureau of Land Management or Louisiana-Pacific Corporation decides to propose a cooperative managed area that includes OHV riding for their respective properties.
6. It is the position of this Board that handicapped persons and those sixty-five (65) years and older should have vehicular access to the beaches. (Reference: pp. 10 and 38 of August 4, 1993 staff report).
7. It is the position of this Board that special permits should be required or guidelines provided for special events. (Reference: No. 2 on Page 22 of said staff report.)
8. It is the position of this Board that a process be established for granting administrative permits for exemptions.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby conveys its indebtedness to each and every member of the Beach and Dunes Advisory Committee, and the many other local residents who contributed and participated by attendance and comments at the public meetings during this community oriented planning effort.

Adopted on motion by Supervisor Neely, seconded by Supervisor Dixon,
and the following vote:

AYES: Supervisors--Dixon, Heider, Fulkerson, and Neely

NOES: Supervisors--Sparks

ABSTAIN: Supervisors--None

ABSENT: Supervisors--None

STATE OF CALIFORNIA)
) ss.
County of Humboldt)

I, CHRIS ARNOLD, 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.

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

CHRIS ARNOLD

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

By Lora Frediani
LORA FREDIANI
Assistant Clerk of the
Board
September 12, 1993

The within Instrument is a full, true
and correct copy of the original on
file in this office.

ATTEST:

~~CHRIS ARNOLD~~

Clerk of the Board of Supervisors of
the State of California in and for the
County of Humboldt

Lora Frediani
10-13-93