

Attachment 5

Resolution Adopting the Initial Study and Proposed Mitigated
Negative Declaration for the Humboldt Bay Trail South Project

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 31, 2018

RESOLUTION NO. 18-79

**RESOLUTION ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE
DECLARATION FOR THE HUMBOLDT BAY TRAIL SOUTH PROJECT**

WHEREAS, the Humboldt Bay Trail is envisioned as a network of trails providing non-motorized access for transportation and recreational use throughout the Humboldt Bay region; and

WHEREAS, the Humboldt Bay Trail is a collaborative effort between the Humboldt County Association of Governments, Humboldt County, City of Arcata, City of Eureka, California Department of Transportation, State Coastal Conservancy, North Coast Railroad Authority, Redwood Community Action Agency, Humboldt Trails Council, and a variety of other agencies and organizations; and

WHEREAS, completion of the Humboldt Bay Trail between Eureka and Arcata has been a regional priority for over 20 years; and

WHEREAS, in 2014, Humboldt County received state transportation funding to complete the preliminary engineering, environmental review, and design phases for the Humboldt Bay Trail South project; and

WHEREAS, the Humboldt Bay Trail South project ("Project") is a 4.2-mile Class I bikepath extending along the Highway 101 and railroad transportation corridor between Arcata and Eureka, which will connect the trail projects completed by the Cities of Arcata and Eureka to create a nearly 14-mile continuous trail; and

WHEREAS, in July 2018, Humboldt County applied to the Active Transportation Program for funding to construct the Project; and

WHEREAS, the Project is subject to environmental review pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, the County of Humboldt is serving as lead agency for the purpose of complying with CEQA; and

WHEREAS, the Humboldt County Department of Public Works prepared an Initial Study and Proposed Mitigated Negative Declaration (dated February 16, 2018) for the Project in accordance with the provisions of CEQA; and

WHEREAS, the Initial Study and Proposed Mitigated Negative Declaration identified 11 mitigation measures to ensure the Project will have a less than significant effect on the environment; and

WHEREAS, the Initial Study and Proposed Mitigated Negative Declaration was submitted to the California State Clearinghouse with a review period of February 16, 2018, through March 19, 2018; and

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WHEREAS, a Notice of Intent to adopt the Proposed Mitigated Negative Declaration for the Project was published in the February 21, 2018 edition of the Eureka Times-Standard; and

WHEREAS, a public meeting for the Project was held on February 27, 2018.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Humboldt County Board of Supervisors has reviewed the Initial Study and Proposed Mitigated Negative Declaration for the Project together with the comments received during the public review process.
2. The Humboldt County Board of Supervisors has reviewed and approved the recommended mitigation measures and finds that they reduce the potential impacts of the Project to a level less than significant, and hereby incorporates the proposed mitigation measures into the Project and adopts the Mitigation Monitoring and Reporting Program, Appendix F attached to the Mitigated Negative Declaration.
3. The Humboldt County Board of Supervisors finds that the Proposed Mitigated Negative Declaration reflects the County of Humboldt's independent judgment and analysis, and that the procedural requirements of CEQA have been satisfied for the Project.
4. The Humboldt County Board of Supervisors finds, on the basis of the Initial Study and all comments received on the Proposed Mitigated Negative Declaration, and responses to those comments, which together constitute the whole record, that there is no substantial evidence sufficient to support a fair argument that the Project, with incorporation of the approved mitigation measures, may have a significant effect on the environment.
 - a. The existence of a public controversy, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social, psychological, or economic impacts which do not contribute too, or are not caused by, physical impacts, is not substantial evidence. (Pub. Res. Code § 21082.2; 14 C.C.R. § 15384.)
 - b. A significant effect on the environment is a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. (14 C.C.R. § 15382.)
 - c. The existence of a public controversy over the removal of the northerly forty-two percent (42%) of the length of the row of eucalyptus trees along Highway 101 adjacent to the location of the proposed extension of the Humboldt Bay Trail, as reflected in the public comments received on the draft Mitigated Negative Declaration, does not itself constitute substantial evidence.

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- d. The Updated Historical Evaluation Form for Eucalyptus Trees (JRP, 2018) and concurrence letters from the State Historic Preservation Office (2006 and 2018) (Attachment E to the CEQA Comment Evaluation Memo prepared by the Department of Public Works dated July 16, 2018) accurately describes the history of the eucalyptus hedgerow along Highway 101, and establishes that it is not eligible for listing as historically significant under criteria for the National Register of Historic Places and the California Register of Historical Resources. The removal of the northernmost 42% of the eucalyptus tree row does not therefore have a significant environmental effect on a historic resource.
 - e. The Visual Resources Impact Assessment dated February 18, 2018 (Appendix B to the County of Humboldt - Bay Trail South Initial Study and Proposed Mitigated Negative Declaration) for Landscape Units 7 and 8, pp. 57 - 63, describe and illustrate with key observation point photographs and photo simulations the impact on scenic vistas and visual character or quality of the site and its surroundings for the northernmost 42% of the eucalyptus tree row (approximately 2,500 feet long), using CEQA Guidelines criteria and guidance for visual resources set forth by the Federal Highway Administration (1988) to determine the significance of visual impacts. The southerly 58% of the eucalyptus tree row (approximately 3,400 feet long) along the frontage of the California Redwood Company mill site, a majority of the trees, would not be affected by the Project, leaving the overall scenic vista and visual character and quality of the site and its surroundings largely intact. The visual and aesthetic impact of the Project, while noticeable by many of the persons familiar with the existing condition of the northernmost segment of eucalyptus tree row who have submitted comments on the MND, is therefore less than significant when considering the whole record and the entire scope of the Project.
 - f. To the extent that the northernmost approximately 2,500 feet length of eucalyptus tree row may provide nesting sites for birds, potentially impacting migratory bird species protected under the Migratory Bird Treaty Act listed in 50 C.R.F. Part 10, or the state or federal Endangered Species Acts, the adoption of Mitigation Measure BLO-5 set forth on p. 3-24 of the Initial Study/Proposed Mitigated Negative Declaration, will reduce the potential impact to less than significant.
5. The Humboldt County Board of Supervisors adopts the Initial Study and Proposed Mitigated Negative Declaration prepared by the Humboldt County Department of Public Works and approves the Project as currently designed and directs Public Works to carry out the next phases of the Project.
 6. The Humboldt County Board of Supervisors designates the Humboldt County Department of Public Works, 1106 Second Street, Eureka, California, 95501, as the custodian of the documents or other materials which constitute the record of proceedings upon which the decision to adopt the Proposed Mitigated Negative Declaration is based.

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Dated: July 31, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

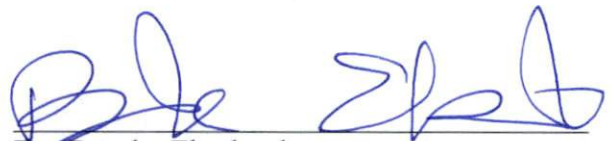
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Fennell, Bass, Wilson, Sundberg
NAYS: Supervisors --
ABSENT: Supervisors Bohn
ABSTAIN: Supervisors --

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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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



By: Brooke Eberhardt
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California