

S.0 SUMMARY

S.1 SCOPE AND USES OF THIS EIR BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, AND BY OTHER AGENCIES

This EIR is a disclosure document intended to provide the Humboldt Bay Harbor, Recreation and Conservation District (District), other responsible and trustee agencies, and the general public with an assessment of the potential effects of implementing the Humboldt Bay Management Plan. Humboldt Bay is the second largest bay in California, located on the Pacific Coast in Humboldt County, California (EIR Figure S-1).

The purpose of the EIR is to provide information so that the District can consider the potential environmental consequences of the policies identified in the Draft Management Plan. The information in the EIR does not control the District's decisions concerning the Plan, although the District must respond to potentially significant effects by making the required findings under sections 15091 and 15093 of the CEQA Guidelines.

CEQA Guidelines section 15082(b) requires that "responsible" and "trustee" agencies which will have subsequent review or approval responsibilities for a proposed action must identify their concerns, and that the lead agency must address those concerns in the EIR. The responsible and trustee agencies must then use the EIR to meet their own CEQA review responsibilities (Guidelines section 15096). In addition, Guidelines section 15124(d) requires that the EIR identify the intended uses of the EIR, including a list of the agencies expected to use the document and a list of approvals for which the EIR will be used. However, the District is not aware of any other agency approvals or adoption decisions for the Management Plan.

This EIR may support some or all of the following District uses and activities:

- Decisions by the District regarding any District approvals for management actions in Humboldt Bay. These actions could include programs implemented to carry out the policies in the Plan, agreements with other agencies to develop programs called for in the Plan, or the development of additional policy approaches as called for in many of the Plan's policies.
- Decisions by the District with respect to applications considered by the District. That is, the District will use the environmental assessment this EIR as a basis for considering the environmental effects of applications to the District for permits requested by applicants to the District.
- The EIR may be used as a source of environmental information by local agencies that are jointly concerned with managing lands or activities within the Humboldt Bay watershed. These agencies include various offices within the governments of the County of Humboldt, the City of Eureka, and the City of Arcata.

Management Plan Project Location

This map shows the location of Humboldt Bay, in northern California, the project location of the Harbor District Management Plan.

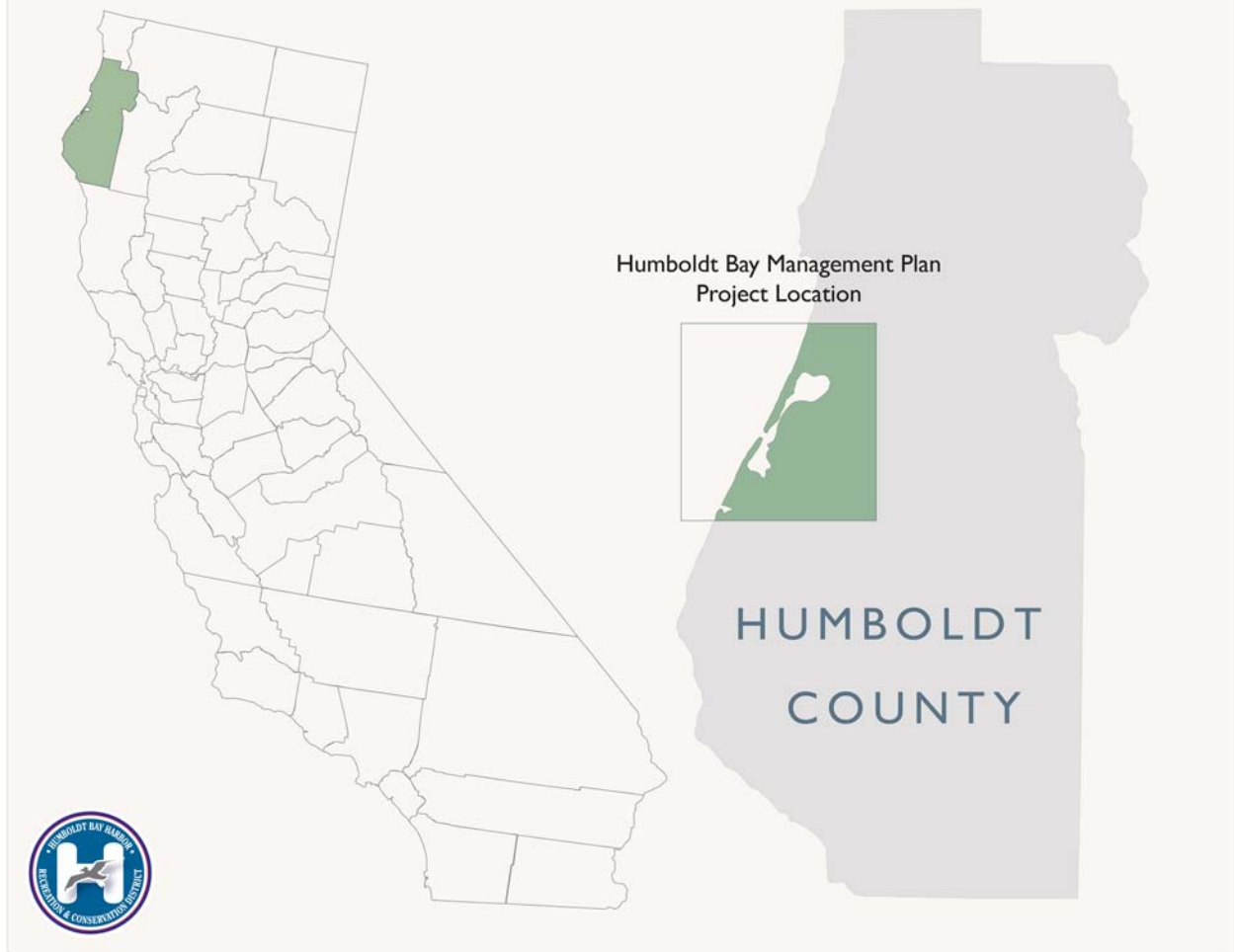


Figure S-1. Location Map. Humboldt Bay is located along the Pacific Coastline, in Humboldt County.

This EIR may serve as an information source for state agencies that will consider management actions by the District. The agencies that may play such a role include the California State Lands Commission (CSLC), California Coastal Commission (CCC), the California Department of Fish & Game (CDFG), the North Coast Regional Water Quality Control Board (RWQCB), or other state agencies that also have mandated regulatory or trust responsibilities for Humboldt Bay's resources.

- The EIR may serve as a source of information for federal agencies that require environmental review documents pursuant to federal law for activities that they wish to approve or carry out, including the U. S. Army Corps of Engineers (USACE or Corps), the U. S. Environmental Protection Agency (USEPA or EPA), the National

Marine Fisheries Service (NMFS) of NOAA, the U. S. Fish and Wildlife Service (USFWS), or other federal agencies having mandated regulatory or trust responsibilities for Humboldt Bay's resources.

- The EIR may serve as an information source for consideration of intergovernmental relations between the District and the Wiyot Tribe for Wiyot lands in Humboldt Bay as well as for other discussions of common interests and concerns.

This EIR functions as a “program EIR,” as identified by the California Environmental Quality Act. The EIR defines programmatically the effects of the future elements that are not clearly defined at this time. To the extent that future implementing actions have effects consistent with those described in this program EIR, the future actions will not require additional CEQA documents. The District will conduct a preliminary CEQA evaluation of the future implementing actions (e.g., applying for permits to carry out an action identified in the Plan), and may be required to prepare additional CEQA documents. Those documents will be expected to “tier to” and incorporate the contents of this EIR to the maximum extent possible.

S.2 ALTERNATIVES CONSIDERED

The “proposed project” covered by this EIR is the Humboldt Bay Management Plan. In general the District is not contemplating an alternative plan. However, there is one specific alternative to the adoption of the proposed plan, namely the “No Project” alternative of continued reliance on the recommendations in the Humboldt Bay Master Plan (Koebig and Koebig 1975) and the District's implementing Ordinance No. 7, which functions as a “use control” ordinance that implements some elements of the 1975 Master Plan.

S.2.1 No Project Alternative (Existing 1975 Master Plan)

Since its formation the District has operated under an informal plan developed by a professional planning consultant, implemented by a set of ad hoc ordinances covering the management actions that the District needed to take. The Humboldt Bay Master Plan¹ is substantially less explicit in virtually all respects than is the proposed Management Plan. The Master Plan identified two broad categories of water use in Humboldt Bay:

- “**Conservation Water**,” addressing a set of interrelated uses, including:
 - Natural Resources/Habitats
 - Wildlife Refuge
 - Recreational Uses
 - Public Access
 - Mariculture
 - Scenic Vistas
- “**Development Water**,” covering
 - Bay Access

¹ This plan may be reviewed in the District's offices, by prior arrangement. Owing to the age and fragility of the remaining Master Plan copies, the District does not expect that copies of the Master Plan will be lent to readers for off-premises use.

- Channel

The water use areas identified in the Master Plan approximately correspond to the primary water use areas identified in the proposed Management Plan. Most of Arcata Bay and South Bay were designated as *Conservation Water*; in addition this designation covers the part of Entrance Bay opposite the bay entrance, up to and including the mouth of Elk River, as well as the waters on both sides of Indian Island. The majority of the central part of the bay was designated as *Development Water*, including the primary channel, the Samoa Channel, the inner and outer reaches of the Eureka Channel, and the Fields Landing/Hookton Channel.

The Master Plan also addressed land uses outside of the actual perimeter of the bay, in several areas, primarily west of Highway 101 and the adjacent railroad on the eastern margin of the bay; and the general area between the bay and the Pacific Ocean on the western side of the bay. For most of these upland areas in the middle part of the bay the Master Plan designated the uplands near the bay as “industrial” in one of several senses. The upland areas on the South Spit, on Indian Island, and on most of the Samoa Peninsula (excluding the industrial areas) were designated as “*Public Open Space*,” with several identified “conservation” uses. Under current jurisdictional limits, these upland areas do not fall under the District’s jurisdiction, the designations in the Master Plan have no effect, and these designations are not considered further in this EIR.

In general the Master Plan did not present a “water use diagram” for Humboldt Bay. Instead the Master Plan discussed specific areas of the bay and identified potentially compatible or desirable uses. In addition, the Master Plan did not identify general operating or maintenance practices (or policies, in the context of this EIR) for the bay’s waters), although the Master Plan did identify proposed operating or maintenance proposals for specific areas in the bay. To the extent that these designations affect the comparison of the “no project” alternative and the proposed Plan’s effects, they will be considered in this EIR.

The Master Plan included an environmental assessment of its potential effects. In general, the scope and depth of the assessment in the Master Plan are inadequate to meet the current obligations created for the District by the California Environmental Quality Act.

S.2.2 Proposed Management Plan

The proposed Humboldt Bay Management Plan reflects a policy balance that recognizes the District’s legislatively directed obligations to manage harbor-related, recreation-related, and conservation-related management goals for Humboldt Bay. The specificity of the policies in the Draft Plan allows this EIR to consider potential “trade-offs” among policy goals and potential implementation constraints, and that is the primary focus of the EIR: to identify conceptually both the environmental effects that would result from implementing the Plan and the potential trade-offs that could be associated with balancing the policies identified in the Plan.

The “EIR-draft” Humboldt Bay Management Plan is incorporated into this EIR by reference and made a part of this EIR.² In general, the Plan incorporates three sets of management policies for Humboldt Bay: (1) policies for managing “harbor” functions, (2) policies for managing “recreation” functions, and (3) policies for managing “conservation” functions in Humboldt Bay. The Plan also includes a “water use diagram” that specifies generally preferred kinds of uses in the various sections of the bay. Generally the Management Plan identifies a geographical region of coverage for the Plan, which reflects the District’s interests in the Public Trust lands in and near Humboldt Bay. The District’s interests, however, are not uniform throughout this broadly defined region.

The Plan Boundary – “Primary” Area of Concern. The legislation that created the District also established the District’s authority to act within a specified area of the Humboldt Bay watershed. Generally this area includes the region of Humboldt Bay that is wetted by the tides. This region includes the bay itself, most of Mad River Slough, the region of Eureka Slough (including Freshwater Slough and Ryan Slough) approximately to the limit of tidal action (which is generally identified as the location of Myrtle Avenue), Elk River to approximately the vicinity of Pine Hill Road, and the tidally influenced parts of Hookton Slough and Salmon Creek in South Bay. This area (shown in EIR Figure 2-2) may be considered the District’s “primary” area of concern under this Plan.

The District has principal decision-making responsibility for this region pursuant to the state’s Constitution (shared with, or under the review authority of, the State Lands Commission). The policy framework in the Management Plan specifically applies to, and constitutes the basis for, the decisions that the District will make in this area.

The District’s authority also covers several District-owned parcels. Most of the land in these parcels is upland, including Woodley Island, the Park Street mitigation site, the Fields Landing Boat Repair Facility (Kramer Dock) site, the Redwood Dock parcel on the Samoa Peninsula, and a restoration area at Buhne Point in King Salmon. The District also holds title to a parcel of submerged land within Elk River. The Draft Management Plan does not explicitly identify proposed uses or “designations” for these parcels; indeed, the majority of these upland areas are included within the lands covered by the land use plans of the County of Humboldt or the City of Eureka. The Draft Plan proposes that the District develop site-specific use plans for these parcels, which will follow the policy framework laid out in the Draft Plan.

The Sphere of Interest – “Secondary” Area. As discussed further in the Plan, focusing on only a portion of the Humboldt Bay ecosystem on the basis of a “political” boundary, based on the locations of levees that separate tidelands and diked former tidelands, does not sufficiently encompass the ecological dynamics that affect District concerns within the bay’s ecosystem. In consequence, the District has also identified an area of “secondary” concern for the District’s planning considerations, the “Sphere of Interest.”

The “secondary” area encompasses the remainder of the Public Trust lands. This area generally includes the region that was subject to tidal action when California became a state; conceptually, this is the area behind levees and tidegates that would be subject to

² The text of the Draft Management Plan may be downloaded from the District’s website (<http://www.humboldtby.org>).

District jurisdiction if the levees were not present. The Plan includes policy elements that express the District's interests within the "secondary" area, reflecting the District's relationships with other local governments and, to some extent, with state and federal agencies regarding management in the "secondary" area of concern.

The Watershed – "Tertiary" Area. Activities and land uses that take place in the larger Humboldt Bay watershed, a larger geographical region that includes the District's "primary" and "secondary" areas of concern, may also directly or indirectly affect the subjects addressed in the Plan; such activities are, however, outside of both the District's area of direct or "primary" jurisdiction and the Public Trust lands that constitute the District's "secondary" area of concern. Accordingly, the District has identified the remainder of the Humboldt Bay watershed as a "tertiary" area of concern. See the Introduction to Volume I of the Plan for additional information.

The Management Plan divides Humboldt Bay into three "bays" for discussion purposes: Arcata Bay (sometimes also called "North Bay"), Entrance Bay, and South Bay.

- Arcata Bay. The northern part of Humboldt Bay is generally identified as Arcata Bay. The generally recognized southern boundary of Arcata Bay is the Highway 255 bridges between Eureka and the Samoa Peninsula, owing to the extension of maintained dredged Eureka and Samoa channels in Entrance Bay to the vicinity of the bridges. The Harbor District's Management Plan Task Force ordained that the Management Plan identify the generalized uses that would be preferred in Arcata Bay to be: (1) a continued or heightened protection of Arcata Bay's environmental resources, as well as (2) the continued use of Arcata Bay for aquaculture or mariculture, and (3) the continuance and enhancement of recreational opportunities.
- Entrance Bay. The central part of Humboldt Bay is often identified as "Entrance Bay." Generally this region extends from approximately the Highway 255 bridges through the narrow central part of the Bay. The southern margin of Entrance Bay may be thought of most effectively as including the deeper waters inside the Bay opposite the mouth, extending to the vicinity of the Pacific Gas and Electric Company (PG&E) plant. Entrance Bay includes the dredged channel to King Salmon and to the southern extent of the Fields Landing Channel. The Management Plan Task Force determined that management in Entrance Bay should be focused on: (1) harbor-related uses, (2) maintenance or enhancement of Entrance Bay's environmental resources, and (3) maintenance and enhancement of recreational opportunities.
- South Bay. The remaining part of the Bay, South Bay, includes extensive tidal flats and eelgrass meadows. South Bay generally is considered to include the shallows and tidal channels south of the deeper Entrance Bay. The Management Plan Task Force identified the predominant preferred uses in South Bay as: (1) protection and enhancement of South Bay's environmental resources; and (2) port-related uses, in terms of the dredged channel to King Salmon and Fields Landing and the associated harbor-related facilities. Since the latter are identified in the Plan as included in Entrance Bay, the predominant preferred uses in South Bay are: (1) the protection and enhancement of the South Bay's environmental resources, and (2) maintenance and enhancement of recreational opportunities.

The Management Plan also included draft "water use designations" (see Chapter 2.0 of Section III of the Draft Plan for complete descriptions). These uses were placed into two

broad categories, “primary” designations and “secondary” (“combining” or “overlay”) designations. The primary designation areas are (1) *Harbor* and (2) *Bay Conservation*. The two combining designations, which overlay portions of the areas covered by the primary designations, are (1) *Marine Recreation* and (2) *Mariculture*; the additional purposes and prescriptions of the combining designation areas are meant to supplement those of the underlying primary areas, as explained below.

Both the primary and combining areas identify geographical areas of the Bay where certain uses will generally be treated preferentially by the District, in accordance with the Plan. The designations are meant to assist in guiding the discretionary uses of Humboldt Bay in ways that promote public safety and welfare, protect the environment, stimulate commerce and desired economic activities, and fulfill other aspects of the District’s public trust responsibilities. Consistency with the water use designations will be considered by the District as a positive indication of general consistency with the requirements in this Management Plan.

Some uses of the water areas within Humboldt Bay are allowed in each designated area without specific authorization. Navigational uses, fish and wildlife habitat management or scientific study that does not involve direct environmental modification, many types of recreational activities, and similar activities do not require District approval. Other uses may be authorized by the Harbor District through the District’s permit process, which will also include environmental reviews pursuant to CEQA. Some kinds of activities that are considered characteristic of the various water use designations are identified in the text of Chapter 2.0 of Section III of the Plan.

The policy document of the Plan includes major sections that address the District’s legislatively directed responsibilities: *Harbor* (Chapter 3.0, Section III), *Recreation* (Chapter 4.0, Section III), and *Conservation* (Chapter 5.0, Section III). These policies provide guidance for decision-making, allowing the District’s staff and decision-makers, other agencies, and members of the public to gain understanding of the District’s intended implementation of its legislatively directed responsibilities. These policies, technically, are the Plan, and are the subject of this programmatic environmental document.

S.3 SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION NEEDS FOR THE DRAFT HUMBOLDT BAY MANAGEMENT PLAN

The Draft Humboldt Bay Management Plan incorporates policy direction that already avoids the majority of the potentially significant policy-related effects that were identified in this assessment. However, the EIR assessment also identified some topical areas in which the policy framework in the draft Plan did not clearly identify potentially significant policy concerns, with the result that the implementation of the draft Management Plan could be associated with environmentally significant effects. The nature of the environmentally significant policy concerns identified in the assessment, and the policy-framed mitigation for those concerns, is summarized in Table S-1.

EIR Table S-1. Summary of Environmental Concerns and Recommended Mitigation Approaches for the Proposed Humboldt Bay Management Plan. (Note: the identified mitigation measures are judged in this EIR to reduce potential policy concerns to less-than-significant levels.)

Environmentally Based Policy Concern	Policy-Based Mitigation
Geology, Seismicity, and Tsunamis	
<ul style="list-style-type: none"> Plan policies do not fully address regionally high seismic and tsunami risk levels. 	<ul style="list-style-type: none"> Add a new policy (HSM-8) to direct that District and other agencies address seismic and tsunami hazards in the Humboldt Bay region.
<ul style="list-style-type: none"> Shoreline stability is not clearly addressed by policies in the draft Plan. 	<ul style="list-style-type: none"> Modify Policy HSM-3 to direct that District consider shoreline stability in view of seismic and tsunami risks.
<ul style="list-style-type: none"> The draft Plan's policies do not fully address the District's role in potentially increased meteorological flooding. 	<ul style="list-style-type: none"> Modify Policy CAE-3 to direct collaborative approach to wetland and floodway management to address flooding.
Hydrology and Hydrodynamics	
<ul style="list-style-type: none"> The draft Plan does not clearly direct the District to collaborate in management discussions about runoff water quality and effects on the bay. 	<ul style="list-style-type: none"> Modify Policy CAE-4 to direct that District collaborate in discussions about runoff water quality and management actions in Humboldt Bay watershed.
<ul style="list-style-type: none"> The draft Plan lacks a policy focus directing the District to address rising sea levels on bay surface elevations, shorelines, and protected resources. 	<ul style="list-style-type: none"> Add a new policy (HSM-7) to direct that District to work collaboratively with other agencies address the effects of rising sea level in the Humboldt Bay region.
Erosion and Sedimentation	
<ul style="list-style-type: none"> The draft Plan does not clearly address potential consequences of rising season level on erosion and sedimentation processes in Humboldt Bay. 	<ul style="list-style-type: none"> Add a new policy (HSM-7) to direct that District to work collaboratively with other agencies address the effects of rising sea level in the Humboldt Bay region.
Water Quality	
<ul style="list-style-type: none"> The draft Plan's existing policy focus doesn't clearly provide direction to the District to incorporate runoff-related water quality issues in its considerations of bay management. 	<ul style="list-style-type: none"> Modify Policy CAE-4 to direct that District collaborate in discussions about runoff water quality and management actions in Humboldt Bay watershed.
Air Quality	
<ul style="list-style-type: none"> The draft Plan does not articulate a policy focus for working with AQMD regarding the region's "Non-attainment" status for particulate matter. 	<ul style="list-style-type: none"> Add a new policy (HTM-3) directing compliance with AQMD planning regarding particulate matter.
<ul style="list-style-type: none"> The draft Plan does not include a policy focus regarding odor management. 	<ul style="list-style-type: none"> Add a new policy (HTM-4) directing the development of and compliance with an odor-management program.
Ecosystem-Based Management	
<ul style="list-style-type: none"> The draft Plan does not include a policy explicitly directing an ecosystem-based 	<ul style="list-style-type: none"> Add a new policy (CAE-1; renumber existing policies in section) to adopt an

Environmentally Based Policy Concern	Policy-Based Mitigation
<p>approach to bay management, even though the focus is identified as a Plan goal.</p>	<p>explicit ecosystem-based management approach for Humboldt Bay.</p>
Eelgrass	
<ul style="list-style-type: none"> The draft Plan does not include policy direction that fully addresses the importance of eelgrass as a significant habitat element for environmentally significant species. 	<ul style="list-style-type: none"> Amend Policy CAS-1 to designate eelgrass for explicit consideration as an important ecosystem element throughout Humboldt Bay.
<ul style="list-style-type: none"> The draft Plan does not clearly identify the importance of eelgrass as a habitat element for fish species, including commercially significant species. 	<ul style="list-style-type: none"> Amend Policy CAS-2 to recognize the significance of eelgrass as an essential fish habitat element for commercially important species.
Fish, Wildlife, and Plant Species and their Habitats	
<ul style="list-style-type: none"> The draft Plan does not include a policy direction identifying the importance of eelgrass as essential fish habitat for commercially important species 	<ul style="list-style-type: none"> Amend Policy CAS-2 to recognize the significance of eelgrass as an essential fish habitat element for commercially important species.
<ul style="list-style-type: none"> The draft Plan does not clearly identify the importance of eelgrass as an important habitat element for sensitive fish and wildlife species, or as a key element in the bay ecosystem as a whole. 	<ul style="list-style-type: none"> Amend Policy CAS-1 to designate eelgrass for explicit consideration as an important ecosystem element throughout Humboldt Bay.
<ul style="list-style-type: none"> The draft Plan lacks an explicit direction to adopt an ecosystem-based approach to bay management as a whole. 	<ul style="list-style-type: none"> Add a new policy (CAE-1; renumber existing policies in section) to adopt an explicit ecosystem-based management approach for Humboldt Bay.
Water Use and the Built Environment of Humboldt Bay	
<ul style="list-style-type: none"> The draft Plan lacks a policy focus for the bay's management directing the District to identify and manage the shoreline that clearly identifies and incorporates potential effects resulting from sea level changes. 	<ul style="list-style-type: none"> Amend Policy HSM-2 to provide policy direction to carry out an inventory of existing shoreline protection features, identify the adequacy of these features with respect to potential failure risks, and to incorporate appropriate corrective measures in developing shoreline protection standards for the bay as a whole. Add a new policy (HSM-7) to direct that District to work collaboratively with other agencies address the effects of rising sea level in the Humboldt Bay region.
<ul style="list-style-type: none"> The draft Plan does not include a policy direction to monitor the need for and assure the availability of berthing or marina space, and for support facilities, that address the needs of smaller watercraft using the bay, including commercial and private craft. 	<ul style="list-style-type: none"> Add a new policy (HFA-1; renumber remaining policies in section) directing the District to collaboratively identify and provide for berthing and support services for small watercraft that use Humboldt Bay now, and that may use the bay in the future.

Environmentally Based Policy Concern	Policy-Based Mitigation
Recreation and Coastal Access	
<ul style="list-style-type: none"> The draft Plan currently does not adequately direct that access to the bay's shoreline should be provided whenever it is feasible to do so. 	<ul style="list-style-type: none"> Amend Policy HSM-2 to include consideration for shoreline access as an element in developing shoreline protection standards. Amend Policy HSM-5 to assure that shoreline access requirements are considered in District project reviews. Amend Policy HSM-6 to assure that shoreline access is considered in the development and application of non-structural shoreline protection methodology
Cultural Resources	
<ul style="list-style-type: none"> The draft Plan does not provide clarity regarding the Plan's management of cultural resources. 	<ul style="list-style-type: none"> Amend Policy HSM-2 to include consideration for cultural resources as an element in developing shoreline protection standards. Amend Policy HSM-3 to include the Table Bluff Reservation-Wiyot Tribe as a consulted entity. Add a new policy (HFA-2; renumber remaining policies in section) directing the development of a collaborative approach with the Table Bluff Reservation-Wiyot Tribe regarding the management of cultural resources. Add a new policy (HFA-3; renumber remaining policies in section) clarifying procedures for screening cultural resources during Plan implementation. Amend Policy ROP-3 to include culturally sensitive areas. Amend Policy RFA-3 to include culturally sensitive areas. Amend Policy RFA-5 to include culturally sensitive areas. Amend Policy RFA-6 to include culturally sensitive areas. Amend Policy RIO-3 to protect culturally sensitive areas. Amend Policy CAE-3 to include the Table Bluff Reservation-Wiyot Tribe as a consulted entity. Amend Policy CEP-3 to include culturally sensitive areas.

Environmentally Based Policy Concern	Policy-Based Mitigation
	<ul style="list-style-type: none"> • Amend Policy CEP-7 to include archaeologically or culturally significant sites. • Amend Policy CEP-12 to further restrict uses on Indian Island and clarify consultation requirements. • Add a new policy (CAS-6) allowing the use of fill to protect culturally significant resources.
Visual Resources, Noise, and Other Aesthetic Considerations	
<ul style="list-style-type: none"> • The draft Plan currently includes no specific policy direction regarding noise. 	<ul style="list-style-type: none"> • Add a new policy (HLU-7) providing direction to District to consider noise and vibration effects, and to require mitigation, in reviewing implementation proposals.

S.4 OTHER CEQA CONSIDERATIONS

S.4.1 Issues to be Resolved

The preliminary environmental review carried out by the District, in combination with a consideration of the responses to the Notice of Preparation for this EIR and the “scoping” sessions (see Chapter 1 for additional information regarding the identification of CEQA issues and descriptions of CEQA-related criteria adopted in this EIR), identified the following as subjects for which the Draft Plan’s policies might lead to potentially significant (if indirect) effects as a consequence of Plan implementation, indicating that these topics would need to be considered in a programmatic fashion in this EIR:

- Aesthetic effects, primarily because of potential effects on visual resources, but also including potential noise-related effects
- Air quality effects, primarily relating to nonattainment status for PM10 in the North Coast Air Basin; in addition, potential odor-releasing implementation projects
- Biological effects on the Humboldt Bay ecosystem, on sensitive fish, plant, and wildlife species and their habitats, and on wetlands and riparian areas, including erosion, sedimentation, and water quality effects
- Potential effects on cultural resources and Native American interests in the bay vicinity
- Geological and stability concerns that could result from seismically related ground failure; potential tsunami inundation hazards
- Potential concerns arising from the transportation or use of hazardous chemicals; potential mobilization of toxic materials in bay sediments
- Hydrological and flooding-related effects resulting indirectly from implementation projects and from changing environmental conditions during the Plan’s lifetime
- Possible water quality effects resulting from implementation project construction

- Possible indirect effects on public services, utilities, and traffic/circulation infrastructure
- Potentially significant cumulative effects

The assessment of the effect of the Plan for each of these issues requires an exercise in decision-maker judgement regarding the likelihood that the Plan will lead to actions that will either exacerbate or alleviate conditions that would occur without the Plan. Many of these actions are likely to be remote in time. Future projects guided by the policies in the Management Plan will also need to undergo additional CEQA reviews.

The policy-based assessment in this EIR is extended into considerations of mitigation for identified significant effects. To the extent possible the EIR identifies an addition, deletion, or modification of policy text for the Draft Management Plan as mitigation for potential impacts that might occur because of the Draft Plan's proposed policies. The aim of this approach is to produce a "self-mitigating" Plan, in which any potential adverse effects that may result from Plan policies are avoided, reduced, or offset by other policies in the Plan. The desired net outcome is a set of "directions" to the District that either does not cause adverse environmental effects, or which specifies an approach to the bay's management that offsets unavoidable effects.

Thus the issues that are to be resolved through the EIR process are concerned primarily with the Plan's policy-based potential for managing Humboldt Bay's multitude of environmentally, culturally, and economically valuable "resources" in ways that avoid or minimize adverse environmental effects. That is, the primary focus of this CEQA review is the identification of Plan elements that may be associated with possible impacts on the bay's resources, or on values held by members of Humboldt Bay's human community about those resources, together with the identification of elements that can be included in the Plan to prevent or offset such impacts to the greatest feasible extent. The issues that the EIR seeks to resolve are not, however, primarily associated with the effects of specific projects that may subsequently be proposed to implement the Management Plan, which are intended to be addressed in subsequent CEQA review processes tiered to this Plan EIR.

S.4.2 Areas of Environmental Controversy

The CEQA Guidelines (subsection 15123(b)(2)) require that the summary of an EIR identify "[a]reas of controversy known to the lead agency, including issues raised by agencies and the public."³ While the proposed Management Plan is generally not directed towards specific projects, the District has identified some policy areas in which there areas of controversy were identified (these areas are indicated in the responses to the Notice of Preparation for this EIR, all of which are included in Appendix A).

³ The Guidelines also require that a lead agency consider the views held by members of the public regarding all areas of potential effect as expressed in the whole record before the lead agency (subsection 15064(c)). The existence of public controversy alone does not mean that an EIR is required (or by extension that an effect is significant) if there is no substantial evidence in the record that the effects of the project may be significant (subsection 15064 (f)(4)).

The principal area of controversy for the EIR is an issue regarding the basic focus of the District's activities in managing Humboldt Bay. Some members of the public have expressed opinions that the District focuses exclusively or excessively on port-related economic development activities. For example, the incorporation of elements into the Draft Management Plan from a prior planning study, the Harbor Revitalization Plan, was identified as a commitment to the further "industrialization" of the bay, with a disregard of obligations to manage in ways that address other concerns. As part of the dialog that surrounds this focus of controversy, the following alternative focuses for Humboldt Bay management were identified (see Appendix A):

- Biological resources, ecological restoration and enhancement, and a primary focus on conservation. That is, adherents of this perspective argue that the District should focus baywide management on restoring ecological conditions that were previously present in the bay watershed, including significant restoration of diked former tidelands that were separated from the bay a century or more ago. Additional elements of this focus include elevating the priority of protecting the biological ecosystem in the bay above other management focuses.
- Recreational activities and uses, with a primary focus that includes increasing the recreational opportunities within the bay and an increased focus on managing the bay's aesthetic values. This focus would place the development of enhanced access to the bay above other uses, particularly industrial uses. This focus also suggests, in part, that activities that decrease the aesthetic value of the bay's open environment should be foregone.
- Identification and clean-up of the results of past uses, including remediation of past toxic contamination, and an avoidance of any future uses that could increase the use of toxic materials.

These alternative focuses are well developed within the cultural setting of the Humboldt Bay region, and similar differences of opinion regarding management direction are often expressed to the decision-makers and staff of other local governments in the region. These perspectives were identified by the District as elements that should be addressed in the Management Plan at the time the District began to develop the Plan, and the District explicitly invited people who were believed to represent these perspectives to participate in the Plan-development process (see the summary of the planning process in Section 1.0 of Volume I of the Plan).

A different perspective regarding the bay's management apparently also developed regarding the proposed Management Plan's policies relating to cultural resources, particularly archaeological resources and ongoing Native American cultural concerns. This context is generally not openly controversial. The alternative perspective is less that the primary management focus in the Management Plan should be changed; it is more a desire that the focus on cultural resources be enhanced within the general framework of proposed Plan. As part of the work to implement the Plan the District expects to develop a closer collaborative relationship with representatives of the Native American community in order to address this area of concern.

S.4.3 Effects Found Not to be Environmentally Significant

The CEQA Guidelines (Section 15128) require that an EIR contain a statement briefly indicating the reasons that various possible effects of a project on the environment are found not to be significant and therefore are not discussed in detail in the EIR.

The environmental checklist summary in the Initial Study (see Appendix A) indicated that some environmental concern categories did not appear to be associated with concerns arising from the Management Plan, including (1) agricultural resources, (2) land use and planning concerns, (3) mineral resources, and (4) population and housing concerns. Also, a number of concerns within each of the remaining issue categories also did not appear to rise above a threshold of significance for this planning effort. Generally these were items that focused on “projects” that might have adverse effects on the “physical” environment.

The Initial Study’s essential conclusion remains valid: many potential impacts of site-specific kinds are not germane for this EIR. Not only does the proposed Plan not propose specific development projects, but the District also lacks jurisdiction over many of the land areas where developments that could be promoted by Plan policies would be proposed.

Generally the concerns that were identified in the Initial Study as having possible significant policy-related effects on the environment are addressed in the EIR.

S.4.4 Summary of Effects Reduced to a Level of Insignificance

The assessments in this EIR considered the potential effects of the proposed Plan and, where appropriate, identified policy modifications or additions that serve as mitigation measures to reduce potential effects to levels that are less-than-significant. This EIR finds that all potential policy-related environmental impacts are reduced to less-than-significant levels by the proposed measures. The policy proposals are discussed in the appropriate chapters of this document, and the overall results of the effort are summarized in Table S-1, above.

S.4.5 Significant Effects that Cannot be Avoided

The CEQA Guidelines (section 15126.2(b)) require that an EIR identify any significant effects of the Proposed Project that would be unavoidable, including effects that can be mitigated, but not to a level that is less-than-significant, should the Proposed Project be implemented.

The adoption of the Humboldt Bay Management Plan will create a policy focus that may, indirectly, lead to some adverse environmental effects. However, the adoption of the Draft Plan will not create commitments to carry out specific implementation projects, and the Plan’s adoption thus does not commit the District to irreversible courses of action (see following subsection) that will have significant effects that can’t be avoided. The Plan, moreover, contains many policy elements specifically focused on avoiding, reducing, or offsetting possible adverse effects of actions that may result from the Plan.

The explicit focus of the Management Plan, identified above in Subsection S.4.1, is the identification and incorporation of offsetting mitigation as a part of every action

undertaken to carry out the Plan. It is uncertain that the Plan's focus on "internal mitigation" will be fully successful, so that a project that carries out the policies in the Plan *may* be associated with significant environmental effects; however, it is clearly incorrect to conclude that any project that may implement the Plan definitely *will* have significant environmental effects. That is, there are no implementation projects that can be stated, conclusively, to be associated with significant impacts that can't be avoided.

S.4.6 Irreversible Changes

The CEQA Guidelines (section 15126.2(c)) require that an EIR identify significant irreversible, physical changes in the environment that would be caused by the proposed project should it be implemented. Irreversible environmental changes may occur as either direct ("primary") or indirect ("secondary") effects; among the considerations that may be identified under this topic are uses of nonrenewable resources (such as over-covering of prime agricultural soil), irreversible damage resulting from accidents, and irretrievable commitments of resources.

While there is no standard definition in impact assessment for "irreversible" environmental effects, for practical purposes, environmental effects may be considered "irreversible" if they will persist well into the future of the human environment. For example, construction of a major new road into a previously inaccessible area would commit future residents and decision-makers to continuing courses of action that could not be reversed within at least several generations.

With respect to this context (which is characteristically included in CEQA assessments for "projects"), the Humboldt Bay Management Plan is not associated with significant irreversible changes. The Management Plan does not irreversibly commit the future of the Humboldt Bay region to enacting any specific physical project. The Plan does include a number of policy focuses that commit the District's decision-makers to collaborative planning for the bay region in order to carry out many of the Plan's policy recommendations, and it may be presumed that the results of those planning efforts will include some "projects" that have adverse environmental effects. However, the Plan, itself, does not irreversibly commit the District or other agencies to carry out such projects.

S.4.7 Summary of Cumulative Effects

Section 15130 of the CEQA Guidelines requires that this EIR identify possible cumulative impacts. The assessment of cumulative effects requires an analytical framework that allows the impacts of the "project" and other past, present, and reasonably foreseeable future actions to be jointly assessed. However, the Humboldt Bay Management Plan does not explicitly commit the District, or any agency, to enact or carry out any specific implementation project, and therefore the Management Plan is not, in a direct sense, an element in a significant cumulative effect.

Notwithstanding the validity of the above conclusion, it is also undeniable that the Management Plan provides directions to the District that may result in the Plan's indirect participation in significant cumulative effects on the environment. The "project" covered by this EIR is a planning document, and the group of other "projects" with which the Management Plan would interact would be other planning documents, including the City

of Eureka General Plan, the City of Arcata General Plan, and the County of Humboldt General Plan. As described in Chapter 12.0 of this EIR, the interactions of the plans could include potentially significant environmental effects for a variety of concerns; examples may include:

- An intensification of coastal-dependent industrial developments on appropriately designated lands on both sides of Entrance Bay, with concomitant impacts on a variety of environmental concerns (biological resources; public services and utilities; transportation; cultural resources; noise, viewsheds, and other aesthetic concerns; recreation).
- An intensification of recreational uses, with concomitant impacts on a variety of environmental concerns (biological resources; public services and utilities; transportation; cultural resources; interference with coastal-dependent uses for which the bay is explicitly designated).

The cumulative and potentially significant nature of the environmental effects that could occur because of the Plan's policies is inherent in the nature of this "project." That is, the Plan designates future (or potential) uses within a geographical area, a feature that it shares with other legally adopted plans in the Humboldt Bay area. Uses that are consistent with the adopted plans are not necessarily free of adverse environmental effects (and, in fact, because some perfectly acceptable land uses may be associated with locally significant effects on the environment, one purpose of land use planning within local jurisdictions is to identify locations where certain categories of adverse environmental effect may be deemed acceptable). The interactions of uses among plans (or "across planning boundaries") may result in environmental effects that exceed in significance the effects that would result from any one plan standing alone.

The Humboldt Bay Management Plan attempts to avoid participating in cumulative effects, to the extent possible, by directing that the District incorporate mitigation into any action that the District takes to implement the Plan. Because the Plan incorporates this specific intent to prevent individuals actions from creating significant impacts, this EIR also concludes that adopting the Humboldt Bay Management Plan will not inherently result in significant cumulative effects. Whether particular implementation projects participate in significant cumulative effects must be determined during future, project-specific environmental reviews.

S.4.8 Growth Inducement

CEQA (Section 21100(b)(5)) requires that an EIR address the "growth-inducing impact of the proposed project." The CEQA Guidelines Section (15126.2[d]) provides this guidance addressing the intent of this discussion:

"Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or

cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

“Growth” may take a variety of meanings beyond an increase in population, or an increase in the land area dedicated to housing or other developed land uses. For example, growth may also include the increase in total economic activity within a region that occurs because of increased industrial land use. The intent of the Humboldt Bay Management Plan includes an encouragement of economic activity that is related to Humboldt Bay as a harbor. An explicit direction to adopt this focus, and to carry out various actions to lead to its realization, was included by the Legislature in the action that created the District. This EIR finds that the proposed Management Plan is “growth-inducing” in this narrow sense (in fact, for the District to adopt a different focus would be contrary to the Legislature’s explicit directions to the District’s decision-makers). At the same time, the Management Plan fully addresses the necessary mitigation for possible effects of the “induced” activities, and this EIR has concluded that the possible environmental impacts resulting from this concern are less-than-significant.

In a land-use regulatory sense (that is, in the sense generally covered by CEQA assessments), the Management Plan does not include any policy elements that would increase population in the region. The Plan does not include policies that would increase the development of housing, or that would explicitly cause utility services or roadways to be extended into regions which currently lack them, or to have other effects generally identified as growth-inducing. Such features are absent from the Management Plan because the District’s jurisdiction explicitly stops at the line of Mean Higher High Water within Humboldt Bay. The District lacks jurisdiction over upland areas, and the proposed Management Plan cannot prescribe policies that promote “growth” in the sense of population and land use that is characteristically covered in CEQA assessments. The proposed Management Plan is not growth-inducing as the term is commonly used in CEQA assessments.

S.4.9 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines includes the following text:

“If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Of the two planning approaches considered in this EIR, each specific topical assessment identified the proposed Humboldt Bay Management Plan as being *at least* as protective of the environment, or of expressed environmental value statements for Humboldt Bay area residents, as the 1975 Master Plan (the “no project” alternative for this EIR). In almost all of the comparisons, the proposed Humboldt Bay Management Plan is vastly more thorough in its inclusion of environmental values; its identification of physical, biological, and cultural “resources” within the bay; and its consideration of potential environmental consequences of the Plan on both the values and the environmental resources than is the 1975 Master Plan.

This EIR concludes that the proposed Humboldt Bay Management Plan is the “environmentally superior alternative” with respect to the bay’s management.

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