

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

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**RESOLUTION NO. 2022-11**

**A RESOLUTION RESPONDING TO THE HUMBOLDT COUNTY CIVIL GRAND JURY REPORT “THE SEA ALSO RISES”**

**WHEREAS**, the Humboldt Bay Harbor, Recreation and Conservation District was created in 1973 to oversee planned development of the harbors and ports within Humboldt Bay, as well as to protect the Bay’s natural resources; and

**WHEREAS**, coastal flooding and erosion hazards have been a concern to the District since its initial creation; and

**WHEREAS**, many of the levees and flood control structures around Humboldt Bay are aging, in need of maintenance, and subject to failure; and

**WHEREAS**, sea levels are rising and are modeled to continue to rise into the future, which is expected to increase the future rates, magnitudes, and likelihoods of coastal hazards beyond what has been experienced before; and

**WHEREAS**, sea level rise will exacerbate coastal flooding and erosion around Humboldt Bay, which will impact public and private investments, infrastructure, and activities; and

**WHEREAS**, long-term sea level rise projections and vulnerabilities are significant, but there is time to plan, fund and implement adaptation strategies in response to these evolving hazards; and

**WHEREAS**, the District has consistently sought funding and partnerships to analyze and prepare for sea level rise, including mitigation and adaptation efforts; and

**WHEREAS**, climate impacts do not respect boarders, so effective response to sea level rises require a coordinated effort among private and public landowners and asset managers, staff, elected officials, regional stakeholders, and state and federal agencies; and

**WHEREAS**, the District has consistently coordinated with organizations and agencies throughout the region to analyze and prepare for sea level rise; and

**WHEREAS**, the Humboldt County Civil Grand Jury investigated the issue of sea level rise around Humboldt Bay, published their findings in the 2021-2022 Grand Jury Report: “The Sea Also Rises,” and submitted the report to the Harbor District, requesting a response to several of the report findings and recommendations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT THAT:**

1. The Board of Commissioners affirms the Humboldt Bay Harbor District's commitment to adapting to and mitigating the adverse effects of sea level rise and directs staff to continue to make this commitment a priority in planning efforts.
2. The Board of Commissioners commits to District staff participation in a future multi-agency Steering Committee to discuss and provide direction regarding regional coordination on sea level rise adaptation and mitigation in the Humboldt Bay region.
3. The responses to the Grand Jury Report, "The Sea Also Rises", attached in Exhibit 1, are hereby adopted by the Board of Commissioners.
4. The Board of Commissioners directs Staff to transmit the attached response to the Grand Jury Report "The Sea Also Rises" to the Presiding Judge of Humboldt County Superior Court.

**PASSED, APPROVED AND ADOPTED** by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 8<sup>th</sup> day of September 2022, by the following polled vote:

AYES: Marks, Newman, Kullmann, Dale

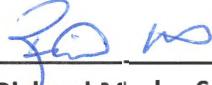
NOES:

ABSENT: Higgins

ABSTAIN:

ATTEST:

  
\_\_\_\_\_  
Greg Dale, President  
Board of Commissioners

  
\_\_\_\_\_  
Richard Marks, Secretary  
Board of Commissioners

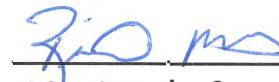
**CERTIFICATE OF SECRETARY**

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. **2022-11** entitled,

**A RESOLUTION RESPONDING TO THE HUMBOLDT COUNTY CIVIL GRAND JURY REPORT “THE SEA ALSO RISES”**

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 **8<sup>th</sup> day of September 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 **8<sup>th</sup> day of September 2022**.



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Richard Marks, Secretary  
Board of Commissioners

## Exhibit 1 to Resolution 2022-11

Honorable Joyce D. Hinrichs  
Presiding Judge  
Humboldt County Superior Court  
825 Fifth Street  
Arcata, California 95501

Re: The Board of Commissioners of the Humboldt Bay, Recreation, and Conservation District's Response to the 2021-2022 Grand Jury Report: The Sea Also Rises

Dear Judge Hinrichs:

On behalf of the Board of Commissioners of the Humboldt Bay, Recreation and Conservation District, I am submitting the following response to the Humboldt Civil Grand Jury Report titled "The Sea Also Rises," emailed to the District on May 23, 2022. This letter was presented to and approved by the Board of Commissioners at its regular meeting on September 8, 2022. As requested by the Civil Grand Jury pursuant to Penal Code sections 933 and 933.05, this response indicates whether the District agrees, partially agrees, or disagrees with the Report Findings 3 through 5 and 8 through 9, and responds to Report Recommendations 1 and 2.

**Finding 3** – Any SLR adaptation and mitigation regional planning group will incur ongoing costs in salaries, benefits, and overhead that will require the political entities surrounding Humboldt Bay to agree to cost sharing.

**Response to Finding 3** – The Board of Commissioners of the Humboldt Bay, Recreation and Conservation District (Board) disagrees with this finding. The Board cannot commit to cost sharing and/or allocation of staff time for a regional planning group. The Board agrees immediate and ongoing commitment to adaptation and mitigation is essential to addressing the threats posed by sea level rise. The Board also agrees regional collaboration is essential to effective planning and implementation of adaptation and mitigation measures. It is for these reasons that the District has been actively participating in several regional and local efforts related to this topic. However, decisions on the region's approach(es) to collaboration on the issue of sea level rise should be made collectively by regional stakeholders. Given the existing regulatory complexity around Humboldt Bay and the diverse array of local, state, federal and tribal stakeholders involved, it should not be assumed creating a new regional governmental entity will be the most effective, efficient, or just approach to regional collaboration.

**Finding 4** – The costs associated with SLR mitigation efforts will be significant and will require the diligent pursuit of Federal, State, and Public funding sources.

**Response to Finding 4** – The Board agrees with this finding. The District has been, and will continue to diligently pursue funding sources for sea level rise adaptation work. For example, as far back as 2012, the District approved the submittal of a grant from the California Coastal Conservancy to Prepare a Feasibility Study for the Beneficial Reuse of Dredged Materials for Tidal Marsh Restoration and Sea Level Rise Adaptation in Humboldt Bay. Acknowledging the threat of sea level rise to contaminated sites, the District worked to secure funding from a variety of local,

state, and federal sources for the clean-up of the Redwood Marine Terminal II site on the Samoa Peninsula. The District consistently advocates for state and federal granting agencies to ensure grants are earmarked and available and targeted at all project stages so the District can successfully navigate from project development to construction. The District also calls on State and Federal permitting agencies to simplify environmental regulatory processes for restoration and climate resilience projects.

**Finding 5** – The decade of studies that defined the areas and physical assets vulnerable to SLR around Humboldt Bay by mid-century clearly indicate there is an urgency to start developing and implementing solutions.

**Response to Finding 5** – The District agrees with this finding and contributed to many of the relevant studies. The District is already implementing adaptation solutions, while working towards a comprehensive, phased approach to sea level rise adaptation throughout the Bay's shoreline, with short-, mid-, and long-term adaptation triggers for vulnerable areas and assets based on observed sea level rise thresholds. The District has been actively planning for sea level rise since at least 2011. In that time, the District has held many public meetings on the topic, secured multiple grants, and implemented substantial contaminated site cleanup. The District is currently investing substantial effort into advancing the offshore wind industry, which will not only help our nation transition away from carbon-based energy, but will also bring much needed funding to Humboldt Bay that can be used to adapt to and mitigate for the impacts of sea level rise.

**Finding 8** – Former industrial and other contaminated sites around the Bay are susceptible to SLR. As such, SLR could push the contamination into wetlands, creeks, and even Humboldt Bay itself, making it harder to mitigate and clean up.

**Response to Finding 8** – The Board agrees with this finding. The District understands the threat of mobilization of soil and groundwater contamination as a result of sea level rise. The District has secured substantial grants from the U.S. Environmental Protection Agency (EPA) to clean up the Redwood Marine Terminal II industrial site. The District has also recently secured additional EPA funds to study the potential of contamination at the RMT I site. The District has also secured a Technical Assistance grant from the EPA to evaluate former mill sites to ensure dioxins and other contaminants are identified and cleaned up as necessary.

**Finding 9** – Research studies of SLR impacts around Humboldt Bay indicate that if no action is taken by 2050, monthly maximum high tides will overtop bay barriers and flood existing infrastructure, wetlands and low-lying communities.

**Response to Finding 9** – The Board agrees with this finding. However, it is important to note that many areas around Humboldt Bay are already vulnerable to significant flood damage at current water levels, segments of bay barrier have already overtopped, and additional segments will be vulnerable with different amounts of sea level rise, with uncertainty around when sea levels will be reached and overtopping will occur. Many of the levees and flood control structures around Humboldt Bay are aging, in need of maintenance, and subject to failure. These facilities are vulnerable to flooding even without the threat of sea level rise. Therefore, even if sea level rise was not a reality, our region would still need to invest in the aging flood-related infrastructure around Humboldt Bay. As a result, the District is already taking actions to address our regional infrastructure and to adapt to sea level rise. The District is working to time the implementation

of future actions based on observed sea level rise thresholds. It is also important to note low-lying areas around Humboldt Bay are not only going to be affected by overtopping of bay barriers by tidewaters, but also by rising and potentially emergent groundwater, and by reduced stormwater drainage capacity, especially when rainfall events coincide with high ocean water levels. As a result, sea level rise adaptation will be more complex and varied than solely relying on elevation and fortification of tidal barriers.

The Board supports adaptation responses with multiple benefits, such as the use of living shorelines and the beneficial reuse of dredge spoils to allow habitats to migrate/adjust to rising sea levels, and the use of public access trails as shoreline protection. The Board also believes the District's work to support the offshore wind industry is a critical component of the region's efforts to reduce climate change and sea level rise.

Given the amount of work necessary between now and 2050, prioritization of adaptation measures will be critical. The District will strive for thoughtful consideration of the distribution of environmental risks and adaptation benefits in setting priorities, and the meaningful participation of all groups in the decision-making process.

**Recommendation 1** – The Grand Jury recommends the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District meet and vote to affirm a commitment to adapting to and mitigating the adverse effects of Sea Level Rise, and direct their staffs to make this commitment a priority in their planning efforts.

Response to Recommendation 1 – Combating climate change and preparing for sea level rise have consistently been goals of the District since at least 2011. To formalize this commitment, the Board adopts the Resolution presented above to affirm the District's commitment to adapting to and mitigating the adverse effects of sea level rise and directing staff to make this commitment a priority in their planning efforts.

**Recommendation 2** – The Grand Jury recommends the Board of Supervisors along with elected officials from Eureka, Arcata, and the Harbor District form a Humboldt Bay SLR Steering Committee composed of senior members from each entity who have decision-making authority. Per the Grand Jury Report, this committee should be formed no later than December 1, 2022.

Response to Recommendation 2 – The Board implements this recommendation by adopting the Resolution presented above committing to District participation in a Steering Committee to discuss and provide direction regarding regional coordination on sea level rise adaptation and mitigation in the Humboldt Bay region. However, the Board questions whether the Steering Committee should include additional members beyond City, County, and Harbor District representatives. Ultimately, to be effective, regional collaboration must bring together all relevant partners and stakeholders. For instance, regional coordination on adapting the vulnerable lands surrounding the Highway 101 corridor will not be effective without Caltrans at the table.

Although the Board commits to District participation in a Steering Committee, the Board does not agree with associated Recommendations 3 and 4 calling on the Steering Committee to direct the implementation of a regional sea level rise coordination entity/organization based on the conclusions and recommendations in the Humboldt Bay Sea Level Rise Regional Planning

Feasibility Study (Study). The Study is incomplete at this time and has not been shared with the Board or the general public. It should not be a foregone conclusion the Steering Committee will agree with the Study's conclusions and follow its recommendations, including any recommendation for a new regional government entity. The purpose of the Steering Committee should be to use the Study and other input to make independent recommendations on regional collaboration, as part of a larger, ongoing, community discussion about climate change mitigation and resilience.

Thank you for taking on the complex and urgent issue of sea level rise adaptation around Humboldt Bay. Please contact me or Development Director Rob Holmlund if we can be of further assistance.

Sincerely,

Larry Oetker  
Executive Director  
Cc: Board of Commissioners of the Humboldt Bay, Recreation, and Conservation District