CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • *Fx* (707) 441-4202
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NOTICE OF PUBLIC HEARING

EUREKA CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Eureka City Council will hold a public hearing on Tuesday, December 4, 2018, at 6:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 "K" Street, Eureka, California, to consider the following application.

Project Title: Indian Island Property Surplus

Project Applicant: City of Eureka **APN**: 405-011-011

Case Nos: CITY-18-0005/ED-18-0005/SP-18-0002

Project Location: Indian Island, Humboldt Bay, Eureka, CA

Zoning and General Plan Designations: NR (Natural Resources)/NR (Natural Resources)

Project Description: The City of Eureka is proposing to adopt a Negative Declaration and surplus approximately 202.3 acres of City-owned land on Indian Island, with the intention of subsequently transferring the surplus land to the Wiyot Tribe.

The property is currently vacant and unused. Upon transfer of ownership, the Wiyot Tribe intends to use the site for ceremonies and habitat restoration. Construction of sweat houses and dance pits in upland and southerly portions of the land are planned, along with removal of the non-native plant species *Spartina densiflora* within the wetland portions of the property.

How to Comment: All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing before or during the hearing. Written comments submitted prior to the hearing should be mailed or delivered to the City Clerk, with a copy to the Development Services Department, Third Floor, 531 K Street, Eureka, CA. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at this public hearing, or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Development Services Department, City Hall. Questions about the project or this notice? Contact Development Services, phone: (707) 441-4160; fax: (707) 441-4202; e-mail: planning@ci.eureka.ca.gov

AGENDA SUMMARY
EUREKA CITY COUNCIL

TITLE: **Indian Island Property Surplus**

DEPARTMENT: Development Services

PREPARED BY: Kristen M. Goetz, Senior Planner

PRESENTED FOR: ☒Action ☐Information only ☐Discussion

RECOMMENDATION

Hold a public hearing; and
Adopt the Negative Declaration and direct staff to file a Notice of Determination (NOD); and
Adopt a Resolution of the City Council declaring the City-owned portion of Indian Island (APN 405-011-011) as surplus property and directing the City Manager to negotiate the conveyance of APN 405-011-011 on Indian Island.

FISCAL IMPACT

☒No Fiscal Impact ☐Included in Budget ☐Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

DISCUSSION

The City of Eureka owns approximately 202.3 acres of land on Indian Island. Indian Island is located in Humboldt Bay, and is approximately one-half mile off the northern shoreline of the City of Eureka. To the north is the Samoa Channel (also called Arcata Channel); to the south is the Middle Channel. Slightly further south are Woodley Island and Daby Island.

Indian Island is the largest of the three bay islands. Including tidelands, it is approximately 280 acres in size. It is nearly one mile long and less than one half mile wide. Much of the island is submerged at extreme high tides.

There are nineteen parcels of land on the island: three owned by the United States of America, two owned by the Wiyot Tribe, six owned by the City of Eureka, and eight privately owned parcels, of which approximately four have residences with recreational boat docks.

The Wiyot people have lived in the Humboldt Bay region for more than a thousand years. Indian Island is the location of two significant ancient Wiyot villages: Tuluwat and Etpidohl. Tuluwat contains important remnants of Wiyot history and culture prior to European contact. Tuluwat is also the physical and spiritual center of the Wiyot world. Before the Tribe lost the Island in 1860, Tuluwat was the place for the annual World Renewal Ceremony, a weeklong ceremony meant to bring the world back into balance and mark the Wiyot New Year.

Indian Island is the site of a massacre in 1860, which occurred during the annual World Renewal Ceremony. While Wiyot men were away, a group of local white men murdered Wiyot women, children, and elders on the Island, leaving few survivors. Other Wiyot villages were attacked that same night. The estimated death toll of Wiyot people is between 80 and 250. After these massacres, the surviving Wiyot people temporarily took refuge at Fort Humboldt and were later forcibly removed to reservations at the Klamath River, and then to the Hoopa Valley, Smith River and Round Valley. In 1908, the federal government created a small reservation for the Wiyot on Table Bluff on the Pacific Coast, south of Eureka. The Tribe's current reservation, which is about 16 miles from Indian Island, was established in 1991.

Figure 1. Approximate boundaries of parcel proposed to be transferred from the City of Eureka to the Wiyot Tribe.

Figure 2 Project location in Humboldt Bay, Eureka, California

The Indian Island massacre marks the beginning of a long period of dispossession of Indian Island from the Wiyot Tribe. In 1860 California settlers took control of the Island and diked and drained it for agricultural and dairy production. Later, a ship repair facility was operated on the northeast side of the Island. The settlers destroyed the Wiyot structures on the Island and dug up, disturbed and chemically contaminated the ancient Wiyot shell mound. A residence was built at the Etpidolh site (see Figure 3). Currently, there are no cattle or ship repair facilities present and the residence previously at the Etpidolh site has burned down.

More than 150 years after the massacre, Indian Island continues to hold historical, cultural and spiritual significance for the Wiyot Tribe. Since 1991, the Tribe has held a candlelight vigils in honor of those who lost their lives in the Indian Island massacre. The Tribe's long-time goal has been the return of Indian Island.

In 2000 the Tribe raised funds to purchase 1.5 acres near the southeastern shore, and part of the historic Tuluwat village site, with the intent of bringing the World Renewal Ceremony back to the Island. In 2004 the City of Eureka donated 40 acres to the Tribe. The Tribe also raised funds to clean up contamination from the ship cleaning facility. In 2015 the Tribe and the Eureka City Council began discussions about returning the remaining 202 acres of Indian Island. Since these discussions commenced, the Wiyot

Tribe and the City have worked together to ensure that all due diligence obligations have been met.

The Wiyot Tribe is committed to Indian Island's environmental restoration and ongoing stewardship. The Tribe intends to use the Island for Wiyot cultural practices and ceremonies, education activities, traditional land and natural resource management, and the restoration, preservation and enhancement of native plant and wildlife habitats.

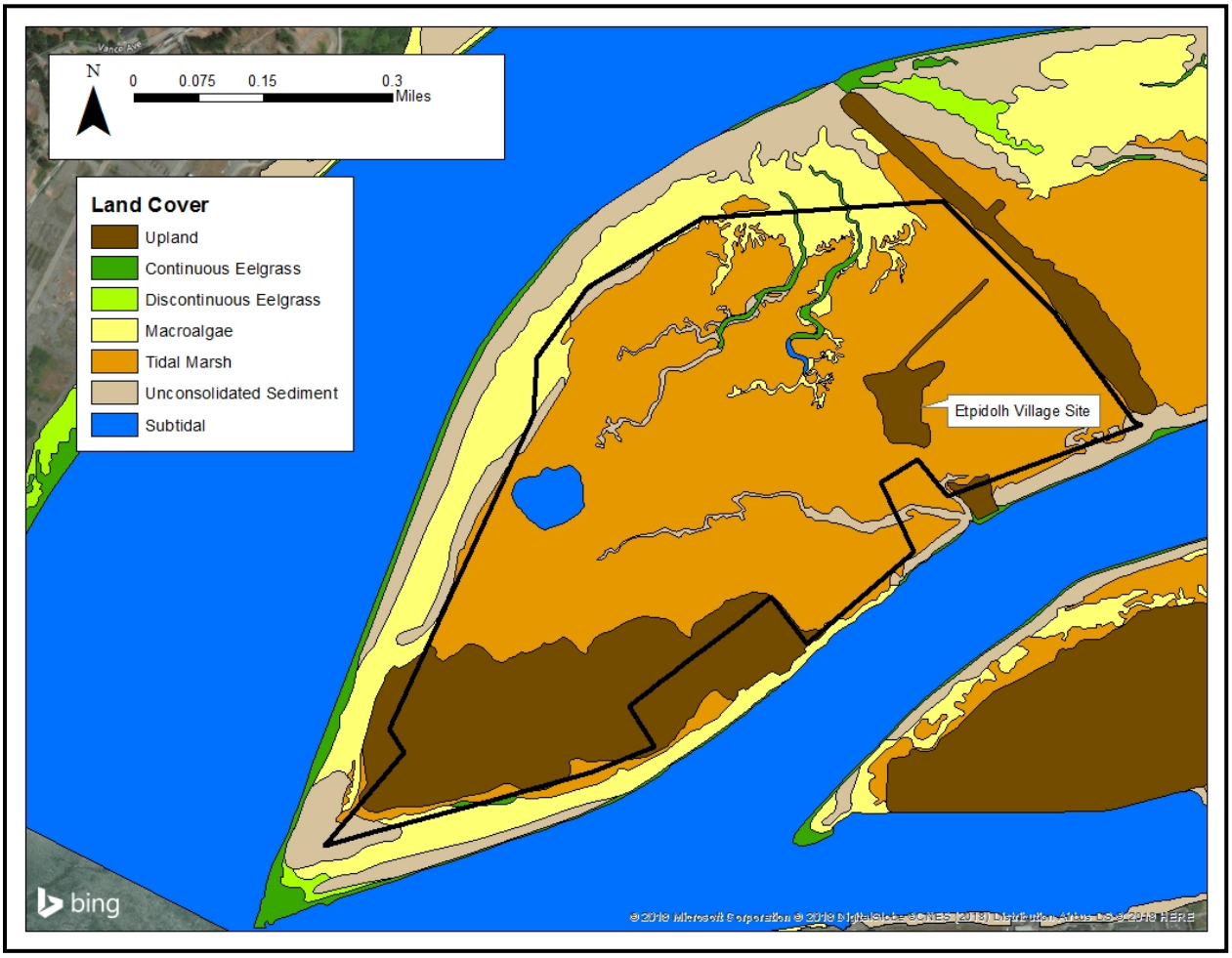

Figure 3. Land cover at the Project Area[1]. Ceremonial uses would primarily occur in upland areas. Habitat restoration would primarily occur in salt marsh areas

<u>Applicable Regulations</u>: Disposition of land owned by a public agency is governed by California Government Code (CGC) §§54220-54232 Article 8 Surplus Land. Additionally, CGC §37351 requires the City's transfer of water front property be made only for the purposes of park improvement, unless by a four-fifth's vote, the City determines that such uses are unnecessary.

[1] Mapping based on data from NOAA Coastal Services. 2009. https://data.nodc.noaa.gov/cgi-bin/iso?id=gov.noaa.nodc:0090251. Accessed June 15, 2018.

In accord with the state regulations, the City of Eureka's Policy and Procedure, Sale of City Owned Real Property, File 2.01, (Attachment B) requires the following steps prior to Council deciding whether to surplus the property:

1. California Environmental Quality Act determination;
2. Planning Commission review, report, and recommendation; and
3. Offer to sell property to other entities.

Analysis:

1. California Environmental Quality Act determination
See Discussion under Enviornmental, page 7

2. Planning Commission Review, Report, and Recommendation
Pursuant to state law and the City's policy and procedure, the Planning Commission must review certain aspects of the proposed property surplus, and then make a report and recommendation to the City Council regarding the disposition of the property.

The Commission's review considers whether or not:

a. The property is required for public use;
b. The size and shape of the parcel allows development as prescribed by the zone district in which it is located; and
c. The disposition of the property is in conformance with Government Code §65402.

Then, the Commission makes a recommendation to the City Council as to whether or not:

d. The parcel is suitable for conforming development;
e. The property is required for present or future public use; and
f. The adopted General Plan supports the surplus.

a. Public use: The only access to Indian Island is by boat, and a large portion of the City-owned property on APN 405-011-011 is tidal wetland. Because of the lack of access and in order to preserve the habitat and the egret rookery located near the Etpidolh site, there are currently no public uses on the island. There are no public projects identified in the adopted 2018-2023 Capital Improvement Program associated with Indian Island, and the property has not been used by the City for a public purpose. Therefore, Indian Island is not needed for public use.

b. Adequate size and shape for development in NR zone district: The subject property is designated as NR (Natural Resources) by the City of Eureka adopted 2040 General Plan, as well as the adopted 1997 Land Use Plan Policy Document. The zoning of the property is also NR (Natural Resources). The majority of the island is a tidal wetland and is less conducive to conventional development.

Purposes of the NR zone are to protect, enhance, and restore environmentally sensitive habitat areas and to allow limited resource-dependent uses. Provided the transfer to the Wiyot occurs, the project site will be used for actions that are consistent with the NR designation such as habitat management and restoration, and ceremonial activities with little-to-no physical impact. Development of sweat lodges and/or dance pits would only occur in upland areas.

Additionally, the proposed project is consistent with policy CEP-12 of the Humboldt Bay Management Plan, which states, "Indian Island use is restricted to environmental and Native American purposes…" The project is also consistent with the goals and objectives of the Humboldt Bay National Wildlife Refuge CCP (Comprehensive Conservation Plan).

c. ***Conformance with Government Code § 65402:*** When a General Plan (or Land Use Plan) has been adopted by a local agency, §65402 requires, prior to the disposal of City-owned property, the location, purpose and extent of the disposition be submitted to and reported on by the Planning Commission as to conformity with the adopted general plan. See discussion in paragraph ***f.***, below.

d. ***Suitable for development:*** The majority of the island is a tidal wetland and is less conducive to conventional development. Provided the transfer to the Wiyot occurs, the project site will be developed with uses that are consistent with the NR designation such as habitat management and restoration, and ceremonial activities. Development will likely include sweat lodges and/or dance pits in upland areas. Therefore, the Island is suitable for certain development.

e. ***Needed for present or future public use:*** As discussed in ***a.***, above, because access to the island is only possible by boat, and for habitat preservation and management purposes, there is no present or future need to retain the island for public use.

f. ***Conformity with the adopted general plan***: The Land Use Plan designation for the subject property is NR (Natural Resources). The NR plan designation provides for protection, enhancement, and restoration of environmentally sensitive habitat areas and limited resource-dependent uses.

There are no goals or policies in the Eureka 2040 General Plan specific to Indian Island. However, under Goal 6.A of the Natural Resources Aquatic Resources and Marine, Wetland, and Riparian Habitat section of the City's adopted and certified Land Use Plan, two policies specifically refer to Indian Island:

Goal 6.A *To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.*

Policy 6.A.6 *The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone: […]*
c. Indian Island, Daby Island, and the Woodley Island wildlife area.[…]

Policy 6.A.22 *The City shall maintain Indian Island as a site for habitat, scientific research and education. Existing uses may be maintained but shall not be expanded, except that reburial of Native American remains shall be permitted as part of the mitigation for coastal-dependent industrial development elsewhere in the Planning area.*

Provided the transfer to the Wiyot occurs, environmental and cultural restoration activities will be undertaken, as well as invasive plant management. Construction and use of sweat houses and dance pits at appropriate upland and southerly portions of the land, including the Etpidolh Village Site, will provide cultural and educational opportunities.

Water front Property Surplus: California Government Code §37351 prevents the City from disposing of any portion of a waterfront, except to the State for use as a public beach or park, unless the Council, by a four-fifths vote, finds and determines that the waterfront to be sold or conveyed is not suitable for use as a public beach or park.

The anticipated transfer of the Indian Island property to the Wiyot is based solely on social and cultural factors. The only access to the Island is by boat; the Island is planned and zoned for open space and limited resource-dependent uses for the purpose of protecting, enhancing, and restoring environmentally sensitive habitat. Therefore, the Island is not suitable or necessary for use as a public beach or park.

3. Offer to sell property to other entities.

Pursuant he California Surplus Lands Act, the City is required to provide a Notice to Sell to certain entities as described in §54222. At the same time the notice of public hearing was sent for the Planning Commission meeting, the City sent offers to the California Department of Parks and Recreation, the California Natural Resources Agency, North Coast Redwoods District CA Department of Parks and Recreation, and Humboldt County Parks (Attachment C).

Planning Commission Action: On November 19, 2018, the Planning Commission held a duly noticed public hearing, during which three persons provided testimony on the proposed surplus. Then, following deliberation, and based on the above discussion, the Planning Commission adopted "A Resolution of the Planning Commission of the City of Eureka recommending the City Council determine the City-owned property on Indian Island (APN 405-011-011) is surplus property" adding an amendment

recommending a 50-foot development buffer be implemented around the eleven properties located along the south shoreline to avoid impacts to those parcels by future development. (see Attachment D)

The area within 50 feet of the existing eleven parcels appears to be mostly Environmentally Sensitive Habitat Area/wetlands, which would preclude most forms of development within those areas. Staff is not recommending implementation of the 50 foot development buffer.

Environmental: The transfer of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA). In its capacity as Lead Agency under CEQA and in compliance with CEQA, the City of Eureka drafted an Initial Study/Negative Declaration (ISND) (Attachment E). A Notice of Intent to Adopt a Negative Declaration was published in the newspaper on September 23, 2018, and the ISND was available for a 30-day public comment period, as well as being submitted to the State Clearinghouse (SCH#2018092054), and circulated to local agencies and City departments between September 24, 2018 and October 24, 2018. Besides a comment from the Blue Lake Rancheria supporting the project, no comments on the initial study were received.

Prior to approving a project, CEQA requires the City Council consider the proposed Negative Declaration, together with any comments received during the public review process, and then adopt the Negative Declaration if the Council finds, on the basis of the whole record before it, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and the Negative Declaration reflects the City's independent judgment and analysis. Based on the Initial Study and the fact no comments were received during the CEQA public comment period indicating any significant impact would occur as a result of the project, Staff has determined this finding can be made.

RECOMMENDATION

Based on the discussion above, Staff recommends Council:

1. Hold a public hearing, and
2. Adopt the Negative Declaration and direct Staff to file a Notice of Determination (NOD); and
3. Adopt a Resolution of Eureka City Council declaring the City-owned portion of Indian Island (APN 405-011-011) as surplus property, and directing the City Manager to negotiate the conveyance of APN 405-011-011.

Suggested Motion

"I move the City Council adopt A Resolution of the City Council of the City of Eureka adopting the Negative Declaration, declaring the City-owned portion of Indian Island (APN: 405-011-011) as surplus property, and directing the City Manager to negotiate the conveyance of APN 405-011-011."

Attachments

Attachment A Draft City Council Resolution
Attachment B Policy and Procedure 2.01
Attachment C Notices to Sell
Attachment D Adopted Planning Commission Resolution
Attachment E Draft Initial Study/Negative Declaration

REVIEWED AND APPROVED BY:

☒City Attorney
☐City Clerk/Information Technology
☒Community Services
☒Development Services
☒Finance
☒Fire
☐Human Resources
☒Police
☒Public Works

Attachment A

Draft City Council Resolution

RESOLUTION NO. 2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ADOPTING THE NEGATIVE DECLARATION AND DETERMINING THE CITY-OWNED PROPERTY ON INDIAN ISLAND IN HUMBOLDT BAY (APN 405-011-011 IS SURPLUS PROPERTY AND DIRECTING THE CITY MANAGER TO NEGOTIATE CONVEYANCE OF APN 405-011-011 ON INDIAN ISLAND IN HUMBOLDT BAY

WHEREAS, the City is proposing to dispose of approximately 202.3 acres of City-owned land located on Indian Island in Humboldt Bay as surplus property, APN: 405-011-011; and

WHEREAS, the City's intent is to transfer the land to the Wiyot Tribe; and

WHEREAS, the property is currently vacant and unused and upon transfer of ownership, the Wiyot Tribe intends to use the site for ceremonies, which could include construction and use of sweat houses and dance pits at appropriate upland and southerly portions of the land including the Etpidolh Village Site, and for habitat restoration mainly focused on the removal of the non-native plant species *Spartina densiflora* within the wetland portions of the property; and

WHEREAS, there are nineteen parcels of land on the island: three owned by the United States of America, two owned by the Wiyot Tribe, six owned by the City of Eureka, and eight privately owned parcels, of which approximately four have residences with recreational boat docks; and

WHEREAS, as required by the Surplus Lands Act, the City has distributed written offers to sell the property for park and recreation purposes to four public agencies; and

WHEREAS, on November 19, 2018, the Planning Commission held a duly noticed public hearing to receive public testimony; and

WHEREAS, there is no public project identified for the property in the adopted 2018-2023 Capital Improvement Program and the property has not been used for public purposes; and

WHEREAS, the subject property is located in a Natural Resources (NR) zone district, and is the largest of the three bay islands; including tidelands, it is approximately 280 acres in size, nearly one mile long and less than one half mile wide with much of the island being submerged at extreme high tides; and

WHEREAS, the City of Eureka General Plan is silent on the necessity of retaining the subject property for public use; and

WHEREAS, California Government Code §37351 prevents the City from disposing of any portion of a waterfront, except to the State for use as a public beach or park, unless the Council, by a four-fifths vote, finds and determines that the waterfront to be sold or conveyed is not suitable for use as a public beach or park; and

WHEREAS, on December 4, 2018, the City Council held a duly noticed public hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka that:

1. The transfer of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA). A draft Initial Study/Negative Declaration (ISND) was prepared and circulated for review as required by CEQA (SCH #2018092054). The IS/ND concludes that no substantial adverse environmental impacts will result from the proposed project.
2. The draft ISND was submitted to the State Clearinghouse for a 30-day comment period which ended October 22, 2018.
3. A Notice of Intent to Adopt a Negative Declaration was published in the newspaper on September 23, 2018, and the ISND was available for a 30-day public comment period between September 24, 2018 and October 24, 2018.
4. A comment from the Bear River Band of Rohnerville Rancheria supporting the project was received during the comment period, but no comments on the initial study were received.
5. The City-owned property on Indian Island in Humboldt Bay (APN 405-011-011) is:
   a. Not required for present or future public use; and
   b. The size and shape of the subject parcel is suitable for development that is allowed within the Natural Resources zone district; and
   c. Surplus of the property is in conformance with Government Code §65402 and the City of Eureka's adopted General Plan.
6. Pursuant to California Government Code §37351, Indian Island is not suitable or necessary for use as a public beach or park.
7. The City Council has considered the proposed Negative Declaration, and finds, on the basis of the whole record before it, including the Initial Study, that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the City's independent judgment and analysis, and adopts the Negative Declaration.
8. The City-owned land on Indian Island in Humboldt Bay (APN 405-011-011) is surplus land.

BE IT FURTHER RESOLVED by the City Council of the City of Eureka that**:**

a. Staff is directed to file a Notice of Determination.
b. The City Manager is directed to negotiate the conveyance of APN 405-011-011 on Indian Island.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 4th day of December, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Frank J. Jäger, Mayor of the City of Eureka

Attest:

_____
Pamela J. Powell, City Clerk

Approved as to Administration:

_____
Greg L. Sparks, City Manager

Approved as to form:

_____
Robert Black, City Attorney

Attachment B

Policy and Procedure 2.01

CITY OF EUREKA		Category:	FINANCE
POLICIES & PROCEDURES		Subject:	SALE OF CITY-OWNED REAL PROPERTY
Date Adopted: January 1, 1976 Date Revised: August 20, 1985; August 1, 2005 October 7, 2014		File Number	2.01

POLICY OBJECTIVE

To establish procedures for the disposition of surplus real property or interests therein, owned by the City of Eureka.

ASSIGNED RESPONSIBILITY

City Manager and all Department Heads

APPLICABILITY

Applicable to a City-owned real property judged unnecessary for any present or prospective use by the City of Eureka.

PROCEDURES

1. Once a determination has been made by the City Manager that real property is a candidate for disposition as surplus, the sale of City-owned real property should be directed through the Community Development Department to the Planning Commission.

2. The sale of surplus public property is considered a project subject to the California Environmental Quality Act (CEQA). The sale may qualify for a Class 12 Categorical Exemption (Section 15312). Prior to submission to the Planning Commission, a CEQA determination shall be made and the project shall either be exempted under a Class 12 exemption, if applicable, or a CEQA document shall be prepared.

3. The Planning Commission shall evaluate the property requested for surplus at a public meeting.

    a. In the instance where property requested for surplus has been used for a public, quasi-public, or neighborhood purpose, the Planning Commission shall conduct a properly noticed public hearing after notifying all property owners within 300 feet of said property of the intent to surplus. The

Planning Commission shall then take such public comments into consideration in making the recommendation to the City Council.

b. Regardless of the prior use of the property, tThe Planning Commission shall determine whether the property is required for public use, whether the parcel is of such size and shape that it can be developed for a land use permitted in the zone in which it is located, and whether the disposition of the property is in conformance with Government Code §65402.

4. After evaluating the property as required in Procedure 2, the Planning Commission shall prepare a report for review by the City Council which shall include a recommendation regarding disposition of the property. The report shall also contain, at minimum:
   a. Whether the parcel is suitable for conforming development; if it is not, the property may be recommended to the City Council for disposal to an adjoining property owner by negotiated sale.
   b. Whether the property is required for present or future public use.
   c. Whether the sale of the surplus property is in conformance with the adopted General Plan.

   Upon completion, the Planning Commission's report will be submitted to the City Council for review. If the Council finds that property is not required for present or future public use, it may declare the property surplus real property.

5. Subsequent to or concurrent with the evaluation of the property by the Planning Commission, the City shall distribute written offers to sell or lease the property to local entities as required by the Surplus Lands Act (Government Code § 54220 et seq.).

6. Upon declaration of surplus property, the City Manager shall obtain a fair market value appraisal of the property and upon direction by Council shall establish the minimum acceptable offer.

7. Upon receipt of a written offer for purchase of the property, accompanied by a ten percent (10%) deposit, the City Manager shall set a date for hearing before the City Council.

8. At the hearing on the sale, the City Council shall receive all oral bids. If an oral bid in an amount at least five percent (5%) more than the amount of the written

offer is made and is confirmed with a ten percent (10%) deposit, the Council may accept such higher offer.

9. At the close of the hearing, the Council may confirm the sale and direct conveyance be executed, but the Council reserves the right to reject any and all offers of bids for purchase of real property.

10. If the property is determined by the City Council not to be suitable for development in conformance with planning, zoning, or other applicable regulations, and if after notice to all adjoining property owners, only one owner is interested in purchasing the property, then the City may dispose of the property by negotiated sale, without proceeding with Procedures 7 through 9.

11. If the City Council deems it appropriate, it may authorize the City Manager to retain the services of a licensed real estate broker to sell the property on the open market without proceeding with Procedures 6 through 9.

Attachment C

Notices to Sell

CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director
Community Development Division
Kristen M. Goetz, Senior Planner
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4166 • *Fx* (707) 441-4202
kgoetz@ci.eureka.ca.gov • www.ci.eureka.ca.gov

November 6, 2018

Humboldt County Parks
1106 2nd Street
Eureka, CA 95501

Re: Notice to Sell
City of Eureka Surplus Property Sale: Portion of Indian Island, Humboldt Bay, Eureka, CA
APN: 405-011-011

To Whom It May Concern:

The City of Eureka (City) owns approximately 202.3 acres of land on Indian Island in Humboldt Bay, Eureka, CA (APN 405-011-011). The property is currently vacant and unused, has both a land use designation and zoning designation of Natural Resources (NR) and is located within the California Coastal Zone. There are nineteen parcels of land on the island: three owned by the United States of America, two owned by the Wiyot Tribe, six owned by the City of Eureka, and eight privately owned parcels, of which approximately four have residences with recreational boat docks. The purpose of land planned and zoned for Natural Resource uses is to protect, enhance, and restore environmentally sensitive habitat areas, and to allow resource dependent uses consistent with the continuance of such habitat areas. Therefore, the property proposed for surplus is not suitable for housing or school facilities. It may, however, be suitable for park and recreational purposes.

The property is proposed to be deemed surplus at a City Council Public Hearing, tentatively scheduled for December 4, 2018. Pursuant to Government Code §54222 (b), in order for the City to dispose of this property as surplus, a written *Notice to Sell* the property is required to be sent. Therefore, the City of Eureka is providing this written notice of the City's offer to sell the above listed surplus property.

Please provide a written notification to the City, within 60 days of this letter (*no later than January 5, 2019)* of your interest in the acquisition of the property referenced above. If no public agencies are interested in this property, the City will proceed to convey the property as surplus on the open market.

Please feel free to contact me if you have questions or need any additional information.

Sincerely,

Kristen M. Goetz
Senior Planner

cc: Rob Holmlund, Director of Development Services
Greg Sparks, City Manager

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DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director
Community Development Division
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kgoetz@ci.eureka.ca.gov • www.ci.eureka.ca.gov

November 6, 2018

California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296

Re: Notice to Sell
City of Eureka Surplus Property Sale: Portion of Indian Island, Humboldt Bay, Eureka, CA
APN: 405-011-011

To Whom It May Concern:

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Sincerely,

Kristen M. Goetz

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cc: Rob Holmlund, Director of Development Services
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CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
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kgoetz@ci.eureka.ca.gov • www.ci.eureka.ca.gov

November 6, 2018

California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Notice to Sell
City of Eureka Surplus Property Sale: Portion of Indian Island, Humboldt Bay, Eureka, CA
APN: 405-011-011

To Whom It May Concern:

The City of Eureka (City) owns approximately 202.3 acres of land on Indian Island in Humboldt Bay, Eureka, CA (APN 405-011-011). The property is currently vacant and unused, has both a land use designation and zoning designation of Natural Resources (NR) and is located within the California Coastal Zone. There are nineteen parcels of land on the island: three owned by the United States of America, two owned by the Wiyot Tribe, six owned by the City of Eureka, and eight privately owned parcels, of which approximately four have residences with recreational boat docks. The purpose of land planned and zoned for Natural Resource uses is to protect, enhance, and restore environmentally sensitive habitat areas, and to allow resource dependent uses consistent with the continuance of such habitat areas. Therefore, the property proposed for surplus is not suitable for housing or school facilities. It may, however, be suitable for park and recreational purposes.

The property is proposed to be deemed surplus at a City Council Public Hearing, tentatively scheduled for December 4, 2018. Pursuant to Government Code §54222 (b), in order for the City to dispose of this property as surplus, a written *Notice to Sell* the property is required to be sent. Therefore, the City of Eureka is providing this written notice of the City's offer to sell the above listed surplus property.

Please provide a written notification to the City, within 60 days of this letter (*no later than January 5, 2019)* of your interest in the acquisition of the property referenced above. If no public agencies are interested in this property, the City will proceed to convey the property as surplus on the open market.

Please feel free to contact me if you have questions or need any additional information.

Sincerely,

Kristen M. Goetz
Senior Planner

cc: Rob Holmlund, Director of Development Services
Greg Sparks, City Manager

CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director
Community Development Division
Kristen M. Goetz, Senior Planner
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4166 • *Fx* (707) 441-4202
kgoetz@ci.eureka.ca.gov • www.ci.eureka.ca.gov

November 6, 2018

California Department of Parks and Recreation
North Coast Redwoods District
P.O. Box 2006
Eureka, CA 95502

Re: Notice to Sell
City of Eureka Surplus Property Sale: Portion of Indian Island, Humboldt Bay, Eureka, CA
APN: 405-011-011

To Whom It May Concern:

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Sincerely,

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Senior Planner

cc: Rob Holmlund, Director of Development Services
Greg Sparks, City Manager

Attachment D

Adopted Planning Commission Resolution

RESOLUTION NO. 2018-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA RECOMMENDING THE CITY COUNCIL DETERMINE THAT THE CITY-OWNED LAND LOCATED ON INDIAN ISLAND IN HUMBOLDT BAY, APN: 405-011-011 IS SURPLUS PROPERTY

WHEREAS, the City is proposing to dispose of approximately 202.3 acres of City-owned land located on Indian Island in Humboldt Bay as surplus property, APN: 405-011-011; and

WHEREAS, the City's intent is to transfer the land to the Wiyot Tribe; and

WHEREAS, the property is currently vacant and unused and upon transfer of ownership, the Wiyot Tribe intends to use the site for ceremonies, which could include construction and use of sweat houses and dance pits at appropriate upland and southerly portions of the land including the Etpidolh Village Site, and for habitat restoration mainly focused on the removal of the non-native plant species *Spartina densiflora* within the wetland portions of the property; and

WHEREAS, there are nineteen parcels of land on the island: three owned by the United States of America, two owned by the Wiyot Tribe, six owned by the City of Eureka, and eight privately owned parcels, of which approximately four have residences with recreational boat docks; and

WHEREAS, as required by the Surplus Lands Act, the City has distributed written offers to sell the property for park and recreation purposes to four public agencies; and

WHEREAS, the transfer of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA). In its capacity as Lead Agency under CEQA and in compliance with CEQA, the City of Eureka drafted an Initial Study/Negative Declaration (ISND); and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration was published in the newspaper on September 23, 2018, and the ISND was available for a 30-day public comment period, as well as being submitted to the State Clearinghouse (SCH#2018092054), and circulated to local agencies and City departments between September 24, 2018 and October 24, 2018; and

WHEREAS, besides a comment from the Blue Lake Rancheria supporting the project, no comments on the initial study were received; and

WHEREAS, on November 19, 2018, the Planning Commission held a duly noticed public hearing to receive public testimony; and

WHEREAS, there is no public project identified for the property in the adopted 2018-2023 Capital Improvement Program and the property has not been used for public purposes; and

WHEREAS, the subject property is located in a Natural Resources (NR) zone district, and is the largest of the three bay islands; including tidelands, it is approximately 280 acres in size, nearly one mile long and less than one half mile wide with much of the island being submerged at extreme high tides; and

WHEREAS, the City of Eureka General Plan is silent on the necessity of retaining the subject property for public use.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka that:

1. The City-owned land proposed for surplus on Indian Island in Humboldt Bay APN: 405-011-011, is:
   a. Not required for present or future public use; and
   b. The size and shape of the subject parcel is suitable for development that is allowed within the Natural Resources zone district; and
   c. Surplus of the property is in conformance with Government Code §65402 and the City of Eureka's adopted General Plan.

2. The Planning Commission recommends the City Council:
   a. Determine that the property is a candidate for disposition as surplus property pursuant to City of Eureka Policy and Procedure File 2.01 for the "Sale of City-Owned Real Property," and Government Code §65402; and
   b. Consider implementing a 50-foot development buffer around the eleven (11) publicly- and privately-owned properties along the south shoreline of Indian Island (APNs 405-021-002 through -010, -012 and -013).

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 19th day of November, 2018 by the following vote:

AYES: COMMISSIONERS RAGAN, AMES, BONINO
NOES: NONE
ABSENT: COMMISSIONER MCBETH
ABSTAIN: NONE

_____
Jeff Ragan, Chair, Planning Commission

Attest:

_____
Rob Holmlund, Executive Secretary

Attachment E

Draft Initial Study/Negative Declaration

CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • *Fx* (707) 441-4202
planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

EUREKA CITY COUNCIL

NOTICE IS HEREBY GIVEN that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15072 & 15105, the City is providing notice of an "Intent to Adopt a Negative Declaration of Environmental Impact" for the project described below. All interested persons are invited to comment on the draft negative declaration pursuant to the provisions of CEQA. The review period commences on September 24, 2018. Written comments on the draft negative declaration must be submitted to the Development Services Department no later than October 23, 2018. Public Hearing notices for Planning Commission and City Council meetings will be sent later. The draft negative declaration is available for review during regular business hours at the City of Eureka Development Services Department, Eureka City Hall, 531 "K" Street, Eureka, California.

PROJECT TITLE: Land Transfer from City of Eureka to Wiyot Tribe

CASE NO: CITY-18-0005/ED-18-0005

PROJECT LOCATION: Indian Island, Eureka, CA **APN:** 405-011-011

ZONING AND GENERAL PLAN DESIGNATIONS: Natural Resources (NR)

ENVIRONMENTAL: The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. Staff has prepared an initial study and posted for review a draft Negative Declaration of Environmental Impact. The negative declaration concludes that no substantial adverse environmental impact would result from the proposed project.

All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing. Written comments on the project may be submitted at the hearing, or prior to the hearing by mailing or delivering them to the Development Services Department, at 531 K Street, Eureka, California 95501. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Development Services Department, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact Kristen M. Goetz, Senior Planner, phone: (707) 441-4166; fax: (707) 441-4202; e-mail: *kgoetz@ci.eureka.ca.gov*

CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

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CEQA Initial Study

Project Title: Land Transfer from City of Eureka to Wiyot Tribe

Project Applicant: City of Eureka **Case No**: CITY-18-0005/ED-18-0005

Project Location: Indian Island, Eureka, CA

APN: 405-011-011

Zoning Designations(s): Natural Resources (NR)

General Plan Designation(s): Natural Resources (NR)

Lead Agency: City of Eureka**,** 531 "K" Street, Eureka, CA 95501-1165

Contact Person: Kristen M. Goetz, Senior Planner; *phone*: (707) 441-4166; *fax*: (707) 441-4202; *e-mail*: kgoetz@ci.eureka.ca.gov

Project Applicant's Name and Address:

City of Eureka
531 K Street
Eureka, CA 95501

Project Description: The City of Eureka is proposing to surplus approximately 202.3 acres of land currently owned by the City of Eureka (the Project Area, Figure 1 and 2) with the intention of subsequently transferring the property to the Wiyot Tribe.

The Project Area is currently vacant and unused. Upon transfer of ownership, the Wiyot Tribe intends the following uses of the site:

1. Ceremonies, which could include construction and use of sweat houses and dance pits at appropriate upland portions of the Project Area potentially including the Etpidolh Village Site and the southern Project Area (Figure 3).
2. Habitat restoration mainly focused on the removal of the non-native plant species *Spartina densiflora* within the wetland portions of the Project Area (Figure 3).

Figure 1. Project location in Humboldt Bay, Eureka, California.

Figure 2. Approximate boundaries of parcel proposed to be transferred from the City of Eureka to the Wiyot Tribe.

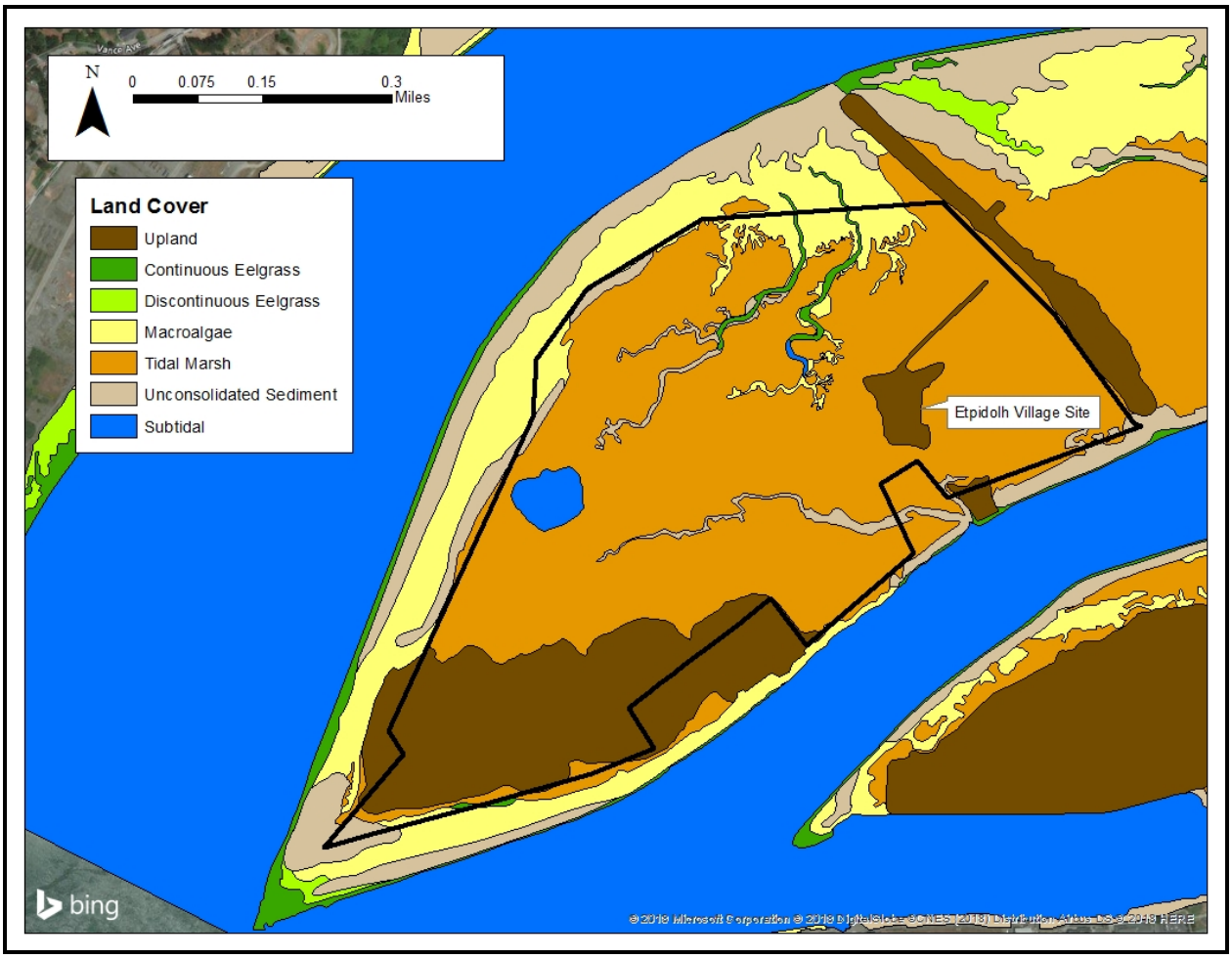

Figure 3. Land cover at the Project Area[1]. Ceremonial uses would primarily occur in upland areas. Habitat restoration would primarily occur in salt marsh areas.

Setting:

The Project Area consists of 202.3 acres on Indian Island in Humboldt Bay, California. In the 1860s, Indian Island was diked and cattle were subsequently brought for grazing. Additionally, a ship repair facility was operated on the northeast side of the island in an area previously conveyed from the City of Eureka to the Wiyot Tribe and outside of the project area. Also, a residence was established at the Etpidolh site, in the project area. Currently, there are no cattle or a ship repair facilities present and the residence previously at the Etpidolh site has burned down. There are nineteen parcels of land on the island: three owned by the United States of America, two owned by the Wiyot Tribe, six owned by the City of Eureka and eight privately owned parcels of which approximately four have residences with recreational boat docks.

There are approximately 165.1 acres of tidal wetlands on the project site and 37.2 acres of uplands (Figure 3). The tidal wetlands include salt marsh and mudflat habitats. The

[1] Mapping based on data from NOAA Coastal Services. 2009. https://data.nodc.noaa.gov/cgi-bin/iso?id=gov.noaa.nodc:0090251. Accessed June 15, 2018.

salt marsh habitat contains native plant species and the non-native plant species Spartina densiflora. The mudflats are mostly bare, with some macroalgae species and eelgrass (Zostera marina) present. Uplands consist of grassy areas, shrubs and trees. There is a rookery at the Etpidolh site where great egrets (Ardea alba), night heron (Nycticorax nycticorax) and other bird species nest in non-native Monterey cypress trees (*Cupressus macrocarpa*).

Surrounding Land Uses:
The site is bounded to the northeast, east and southeast by Humboldt Bay. Uses in Humboldt Bay include motorized and non-motorized boating for recreation (e.g., fishing, hunting and paddling) and commercial activities (e.g., fishing and shellfish farming). The channel to the northeast of the Project Area is also a federal navigation channel for shipping, but ships do not currently operate in this area. On the southeast part of Indian Island, adjacent to the Project Area, there are private lands and lands owned by the United States of America. State Route 255 is on the northeast project boundary. Across a bay channel to the south is Woodley Island. On Woodley Island there is a public boat marina, restaurant and offices for the Coast Guard, US Army Corps of Engineers and National Weather Service, as well as a "wildlife area". The wildlife area is conserved for protection of wildlife habitat.

Other Public Agencies whose approval is, or may be required (*e.g. permits, financing approval, or participation agreement*): State Coastal Commission for future development

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

☒ No ☐ Yes

Date Consultation Offered: An invitation to consult was extended to the Blue Lake Rancheria on August 21, 2018 and the Bear River Band of the Rohnerville Rancheria on September 4, 2018.

Date Consultation Begun: The Blue Lake Rancheria declined to consult. As of September 17, 2018, the Bear River Band of the Rhonerville Rancheria has not responded.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agricultural and Forestry Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation/Traffic
- ☐ Tribal Cultural Resources
- ☐ Utility/Service Systems
- ☐ Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

■ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kristen M Goetz

Kristen M. Goetz, Senior Planner
City of Eureka

9-20-18
Date

Summary of Potential Project Impacts: Below is a table that summarizes the impact potential for each category of impacts discussed and analyzed in this Initial Study.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I.	Aesthetics				X
II.	Agricultural & Forestry Resources				X
III.	Air Quality				X
IV.	Biological Resources				X
V.	Cultural Resources				X
VI.	Geology & Soils			X	
VII.	Greenhouse Gas Emissions			X	
VIII.	Hazards & Hazardous Materials				X
IX.	Hydrology and Water Quality			X	
X.	Land Use and Planning				X
XI.	Mineral Resources				X
XII.	Noise			X	
XIII.	Population & Housing				X
XIV.	Public Services				X
XV.	Recreation				X
XVI.	Transportation & Traffic				X
XVII.	Tribal Cultural Resources				X
XVIII.	Utilities & Service Systems				X
XIX.	Mandatory Findings of Significance				X

Recommended Mitigation Measures: Below is a list of mitigation measures that are identified in the following checklist and would be recommended as conditions of project approval.

I. Aesthetics

None

II. Agricultural and Forestry Resources

None

III. Air Quality

None

IV. Biological Resources

None

V. Cultural Resources

None

VI. Geology and Soils

None

VII. Greenhouse Gas Emissions

None

VIII. Hazards and Hazardous Materials

None

IX. Hydrology and Water Quality

None

X. Land Use and Planning

None

XI. Mineral Resources

None

XII. Noise

None

XIII. Population and Housing

None

XIV. Public Services

None

XV. Recreation

None

XVI. Transportation and Traffic

None

XVII. Tribal Cultural Resources

None

XVIII. Utilities and Service Systems

None

XIX. Mandatory Findings of Significance

None

Checklist and Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and
b) the mitigation measure identified, if any, to reduce the impact to less than significance

I. **AESTHETICS**. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers whether the proposed project may have any significant effect on visual aesthetics because of: (a) the short-term or long-term presence of project-related equipment or structures; (b) project-related changes in the visual character of the project area that may be perceived by residents or visitors as a detraction from the visual character of the project area; (c) permanent changes in physical features that would result in the effective elimination of key elements of the visual character of the project area near a state scenic highway; or (d) the presence of short-term, long-term, or continuous light which would detract from the project area that is otherwise generally dark at night or that is subject to minimal artificial light.

DISCUSSION:
The project proposes to surplus and transfer the Project Area from the City of Eureka to the Wiyot Tribe. The Project Area is currently vacant and unused. The action to surplus the land and the possible transfer to the Wiyot would have no impact on aesthetics. However, provided the transfer to the Wiyot Tribe occurs, the Wiyot Tribe proposes to use the site for habitat restoration and ceremonial purposes, including the potential construction of sweat houses and dance pits. The sweat houses and dance pits would be relatively small structures without a substantial aesthetic affect. Restoration, construction, and ceremonies would increase, for temporary periods of time, the presence of people within the Project Area. The Project Area can be viewed from boats, State Route 255 and from Woodley Island and Old Town Eureka.

a) No Impact. The proposed project does not include any project elements that would have a substantial adverse effect on a scenic vista. Although SR-101 (an eligible state scenic highway) is less than a half-mile from the southern tip of the Project Area, Indian Island is not a noticeable feature from SR-101 and no scenic resources would be affected as part of the proposed project. There is the possibility of temporary construction-related activities taking place on Indian Island that may be visible; however, these construction activities would be relatively minor (building of sweat lodges and dance pits) and would not significantly affect the day or nighttime views.
b) No Impact. No scenic resources would be damaged as part of the project.
c) No Impact. As described above, the ceremonial and habitat restoration activities that may occur after the land transfer would only be a minor change to current conditions. They would not degrade the visual character or quality of the site.
d) No Impact. Temporary lighting may be used during construction of sweat lodges and dance pits and during ceremonies. Lighting during these activities would be minimal and short term. Any new source of light and glare would not be substantial and would be temporary.

FINDINGS:
There would be No Impact to Aesthetics under the proposed project.

MITIGATION MEASURES:
None

II. **AGRICULTURE & FOREST RESOURCES**. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would: (a) change the availability or use of agriculturally important land areas designated under one or more of the programs above; (b) cause or promote changes in land use regulation that would adversely affect agricultural activities in lands zoned for those uses, particularly lands designated as Agriculture Exclusive or under Williamson Act Contracts; or (c) change the availability or use of agriculturally important land areas for agricultural purposes.

DISCUSSION:
The entirety of the project site is designated as Natural Resources (NR) by the City of Eureka Draft 2040 General Plan as well as the adopted 1997 General Plan Policy Document (City of Eureka, 2018; 1997). There are no agricultural, Williamson Act contract lands or Farmland of Statewide Importance, nor any land zoned as forest/timberland present in the Project Area. Tree-removal is not a part of the proposed project. Therefore, the proposed project does not have the potential to affect agricultural nor forest resources in any way.

FINDINGS:
There would be No Impact to Agriculture and Forest Resources under the proposed project.

MITIGATION MEASURES:
None

III. **AIR QUALITY**. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?				✓
e) Create objectionable odors affecting a substantial number of people?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would (a) directly interfere with the attainment of long-term air quality objectives identified by the North Coast Unified Air Quality Management District; (b) contribute pollutants that would violate an existing air quality standard, or contribute to a non-attainment of air quality objectives in the project's air basin; (c) produce pollutants that would contribute as part of a cumulative effect to non-attainment for any priority pollutant; (d) produce pollutant loading near identified sensitive receptors that would cause locally significant air quality impacts; or (e) release odors that would affect a number of receptors.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on air quality. Following transfer, invasive plant species removal may occur on the project site, which may involve burning, use of gas powered brush cutters and/or other methods. *Spartina densiflora* would be the primary species targeted for removal. This species occurs in salt marsh habitat of which there is approximately 144 acres in the Project Area. The environmental effects of removing *Spartina densiflora* within the Project Area and elsewhere have been described and disclosed in the Humboldt Bay Regional *Spartina* Eradication Plan Final Program Environmental Impact Report and the effects were found to be less than significant with mitigation (California State Coastal Conservancy, 2013). There is no evidence that the proposed project would result in objectionable odors. Additionally, there are no sensitive receptors within 1,000 feet of the Project site. Future construction-related activities proposed by the Tribe would require Use Permits from the City of Eureka and a CDP from the Coastal Commission, and any related environmental effects would be analyzed and disclosed in the future.

FINDINGS:
There would be No Impact to Air Quality under the proposed project.

MITIGATION MEASURES:
None

IV. **BIOLOGICAL RESOURCES**. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers whether the proposed project would result in significant adverse direct or indirect effects to: (a) individuals of any plant or animal species (including fish) listed as rare, threatened, or endangered by the federal or state government, or effects to the habitat of such species; (b) more than an incidental and minor area of riparian habitat or other sensitive habitat (including wetlands) types identified under federal, state, or local policies; (c) more than an incidental and minor area of wetland identified under federal or state criteria; (d) key habitat areas that provide for continuity of movement for resident or migratory fish or wildlife, or (e) other biological resources identified in planning policies adopted by the City of Eureka.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on biological resources. As habitat restoration is one of the planned uses on the island after the land transfer, the impacts to biological resources as a result of the proposed project would be generally beneficial rather than adverse. *Spartina densiflora* removal is the primary habitat restoration activity that would occur. *Spartina densiflora* occurs in salt marsh habitat of which there is approximately 144 acres in the Project Area. *Spartina densiflora* control within the Project Area has been analyzed and disclosed to the public in the Final Programmatic Environmental Impact Report for the Humboldt Bay Regional *Spartina* Eradication Plan (California State Coastal Conservancy, 2013). That EIR found that with mitigation, the activity would be less than significant. Although the majority of the island is a tidal wetland and protected by Section 404 of the Clean Water Act, construction of sweat lodges and/or dance pits would only occur in upland areas. Furthermore, any construction-related activities proposed by the Tribe would require a Use Permit from the City of Eureka and a CDP from the Coastal Commission and would be subject to CEQA, and any related environmental effects would be analyzed and disclosed in the future. The proposed project would not have the potential to impede native wildlife or fish species' migratory patterns. The proposed project would not conflict with any policies, ordinances, or provisions adopted as part of a Natural Community or Habitat Conservation Plan as there are not any approved Natural Community or Habitat Conservation Plans for the Project Area or nearby areas.

FINDINGS:
There would be No Impact to Biological Resources under the proposed project.

MITIGATION MEASURES:
None

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				✓

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of dedicated cemeteries?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would cause (a) physical changes in known or designated historical resources, or in their physical surroundings, in a manner that would impair their significance; (b) physical changes in archaeological sites that represent important or unique archaeological or historical information; (c) unique paleontological resource site or unique geologic feature; or (d) disturbance of human burial locations.

DISCUSSION:
There are no reasonably foreseeable project components that would result in an impact to historical, archeological, or paleontological cultural resources. Presumably any human remains present on the project site would be of the Wiyot Tribe and would be protected for religious purposes.

FINDINGS:
There would be No Impact to Cultural Resources under the proposed project.

MITIGATION MEASURES:
None

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii) Strong seismic ground shaking?			✓	
iii) Seismic-related ground failure, including liquefaction?			✓	
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers project-related effects that could involve or result from: (a) damage to project elements as a direct result of fault rupture along a fault identified in the Alquist-Priolo study or other known fault; (b) damage to project elements as a direct or indirect effect of seismically derived ground movement; (c) damage to project elements because of landslides that are not seismically related; (d) project-derived erosion by water or wind of more than a minimal volume of earth materials; (e) project-derived or project-caused

secondary instability of earth materials that could subsequently fail, damaging project elements or other sites or structures; (f) location of project elements on expansive soils that are identified by professional geologists, which could result in damage to project elements or other sites or structures.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot does not include earth-disturbing activities and therefore would not result in soil erosion or loss of topsoil. Future construction activities may include ground disturbance for sweat houses and dance pits. The island is relatively flat and stable and is not located on a known fault line. Furthermore, although the City of Eureka Draft 2040 General Plan has identified Indian Island as an Area of Potential Liquefaction, with the exception of the risk of substantial seismic activity occurring while there are people present on the island for ceremonial or habitat restoration purposes, there are no project elements that would increase the risk of injury, loss, or death associated with ground liquefaction. Additionally, because the island would remain vacant (outside of planned ceremonial and habitat restoration activities) there would be no significant potential of loss, injury, or death due to seismic-related ground failure or landslides. The soils present at the Project Area are non-expansive (Soil Map Units 156- Lanphere, 2 to 75 percent slopes; 1008- Hydraquents mucky silt loam, strongly saline, 0-1 percent slopes, very frequently flooded; and 1009- Hydraquents-Wassents mucky silt loam, strongly saline, 0-3 percent slopes, very frequently flooded). Even if there were expansive soils present in the Project Area, there would be no substantial risk to life or property due to the relatively remote location of the project and the lack of development that has occurred on the island. Finally, the project does not include a septic tank or alternative wastewater disposal system, and therefore the soil's ability to support the use or installation of these tanks or disposal systems is irrelevant.

FINDINGS:
There would be a Less Than Significant impact to Geology and Soils under the proposed project.

MITIGATION:
None

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would contribute to greenhouse gas emissions and global warming.

DISCUSSION:
The proposed project does not include any project elements that would generate greenhouse gas emissions (directly nor indirectly) that would result in a significant impact to the environment. Access to the Project Area is from boats and from cars so there would be greenhouse gas emissions associated with planned activities on the project site; however, this small amount of emissions would not contribute to a significant impact to the environment. The proposed project would not result in a conflict with any plans, policies, or regulations that have been adopted for the purpose of reducing greenhouse gas emissions.

FINDINGS:
There would be a Less Than Significant impact related to contribution of Greenhouse Gas Emissions under the proposed project.

MITIGATION MEASURES:
None

VIII. **HAZARDS AND HAZARDOUS MATERIALS**. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?			✓	

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would involve: (a) potential storage or use, on a regular basis, of chemicals that could be hazardous if released into the environment; (b) operating conditions that would be likely to result in the generation and release of hazardous materials; (c) use of hazardous materials, because of construction-related activities or operations, within a quarter-mile of an existing or proposed school; (d) project-related increase in use intensity by people within the boundaries of, or within two miles of, the Airport Planning Areas; (e) project-derived physical changes that would interfere with emergency responses or evacuations; (f) potential major damage because of wildfire.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot does not necessitate the transportation, use, disposal, or storage of hazardous materials. Furthermore, there are no existing or proposed schools within a quarter-mile of the Project Area and the Project Area is not listed in the California Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Site List (Department of Toxic Substances Control, 2018). The nearest airports, Murray Field and Samoa Field are over two miles away, and the proposed project would not result in any safety hazards due to the proximity of either airport. Because the proposed project does not include any traffic-increasing elements, there is no potential for the proposed project to interfere with emergency response or evacuation plans. Lastly, although there may be some risk of wildfire on the Project Area, the proposed project would not increase this risk, and as the Project Area will remain generally vacant of people and structures, there would be a less than significant impact of exposing people or

structures to wildland fires.

FINDINGS:
There would be No Impact to the environment related to the transportation, use, or disposal of Hazardous Materials under the proposed project, nor would the proposed project contribute to any impact related to air traffic or reduced emergency response effectiveness. There would be a less than significant impact related to the exposure of people or structures to wildland fires.

MITIGATION MEASURES:
None

IX. **HYDROLOGY AND WATER QUALITY**. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				✓
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				✓
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?				✓
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				✓
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j) Result in inundation by seiche, tsunami, or mudflow?			✓	

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would involve: (a) improvements that would violate standards set for water quality and for discharge of waste water; (b) use of, or interference with ground water such that the amount of flow of groundwater is adversely impacted; (c) drainage improvements that would alter or cause an increase in amount or flow of drainage, or that would affect the free-flow of a stream or river or cause an increase in silt runoff as to cause adverse impact; (d) added runoff from the site that would exceed the capacity of drainage facilities; (e) the creation of polluted runoff or other general adverse water quality impacts; (f) the placement of housing or other structures within the 100-year flood plain, or other area subject to flooding; (g) development in such a manner or location that it would be adversely affected by seiche, tsunami or mudflow.

DISCUSSION:
The Project Area is on an island within Humboldt Bay. Humboldt Bay is tidal and areas of the site with relatively low elevation are frequently inundated with tidal waters. The action to surplus the land and the possible transfer to the Wiyot would have no impact on hydrology or water quality. Nearly the entire Project Area falls within the 100-year flood hazard area on FEMA's Flood Insurance Rate Map; however, no housing will be constructed as part of the proposed project, and any dance pits or sweat lodges built by the Wiyot Tribe would be built on upland areas and would have virtually no potential to impede or redirect floodwaters during flood events and would have a relatively low risk of inundation due to tsunami. The proposed project and possible future construction does not include any groundwater extracting activities, nor would any actions be included that could disrupt groundwater recharge. No earth-disturbing or hydrology-affecting activities are associated with the proposed project and the Project Area is relatively flat; therefore, adverse erosion or siltation effects would not occur under the proposed project. The Project Area is identified in the Humboldt Bay Management Plan as "Highest Hazard" on the Tsunami Hazard map; however, the proposed project does not include any development that would be adversely affected by seiche, tsunami, or mudflow. Any construction-related activities proposed by the Tribe would require a Use Permit from the City of Eureka and a CDP from the Coastal Commission and would be subject to CEQA, and any related water quality-related impacts would be analyzed and disclosed in the future.

FINDINGS:
There would be a Less Than Significant impact to Hydrology or Water Quality under the proposed project.

MITIGATION MEASURES:
None

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would (a) divide an established community or conflict with existing land uses within the project's vicinity, such as agriculture resources; (b) conflict with the Eureka General/Coastal Plans designation, policies, and zoning ordinances regarding commercial facilities; (c) conflict with applicable environmental plans and protection measures enforced by regulatory agencies such as habitat conservation plans or a natural community conservation plan.

DISCUSSION: The action to surplus the land and the possible transfer to the Wiyot would have no impact on land use and planning. There is no potential for the proposed project to physically divide an established community, as the existing residences are clustered along the southeastern shoreline of the island. The Project Area is designated as NR (Natural Resources) by the City of Eureka Draft 2040 General Plan (as well as the adopted 1997 General Plan Policy Document) and the project site will be used for actions that are consistent with the NR designation such as habitat restoration and ceremonial activities with little-to-no physical impact (City of Eureka, 2018; 1997). The project is also consistent with policy CEP-12 of the Humboldt Bay Management Plan, which states, "Indian Island use is restricted to environmental and Native American purposes, and management decisions shall be made cooperatively (Humboldt Bay Harbor, 2007)." The proposed project is also consistent with the goals and objectives of the Humboldt Bay National Wildlife Refuge

CCP (Comprehensive Conservation Plan), such as Objective 3.3 Control of *Spartina densifora*, Objective 4.1 Ecosystem Management, and Objective 6.1 Cultural Resource Management (US Fish and Wildlife Service, 2009). Therefore, the proposed project would not contribute to an impact to Land Use and Planning.

FINDINGS:
There would be no impact to Land Use or Planning under the proposed project.

MITIGATION MEASURES:
None

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would interfere with the extraction of commodity materials or otherwise cause any short-term or long-term decrease in the availability of mineral resources that would otherwise be available for construction or other consumptive uses.

DISCUSSION: The action to surplus the land and the possible transfer to the Wiyot would have no impact on mineral resources. The Project Area is currently vacant, and no valuable mineral resources are known to occur on the project site. The Project Area is designated as Natural Resources (NR) by the City of Eureka's Draft 2040 General Plan (as well as the adopted 1997 General Plan Policy Document) and would not result in the loss of availability of any resource recovery sites (City of Eureka, 2018; 1997).

FINDINGS: There would be No Impact to Mineral Resources under the proposed project.

MITIGATION MEASURES:
None

XII. NOISE. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				✓
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers the projects potential to generate noise and expose people to noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

DISCUSSION: The action to surplus the land and the possible transfer to the Wiyot would have no impact on noise. Future actions planned on the island include ceremonies and construction of small structures and any noise would be temporary and would not affect ambient noise levels in a significant manner. Additionally, the proposed project is not within two miles of a public airport nor is it in the vicinity of a private airstrip and would not expose any persons to air traffic-related noise.

FINDINGS:
There would be a Less Than Significant Impact related to Noise under the proposed project.

MITIGATION MEASURES:
None

XIII. **POPULATION AND HOUSING**. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would result in, or contribute to, population growth, displacement of housing units, demolition or removal of existing housing units, or any project-related displacement of people from occupied housing.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on population and housing. The proposed project, or any future construction does not include plans for building any residences or any other major features (such as infrastructure or road extensions) that could facilitate substantial population growth. Wiyot Tribe members that would use the Project Area are expected to already live in Humboldt County. Therefore, population growth would not be induced. No housing or people would be displaced as part of the project.

FINDINGS:
There would be No Impact to Population and Housing under the proposed project.

MITIGATION MEASURES:
None

XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would result in any changes in existing fire or police protection service levels, or a perceived need for such changes, as well as any substantial changes in the need for, or use of, schools, parks, or other public facilities.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on public services. The proposed project or any future construction does not include any housing development; therefore, there would be no need to physically alter existing or create new public facilities. The Project site is already served by the Eureka Police Department and Humboldt Bay Fire. When the island is used by the Tribe for ceremonial gatherings or habitat restoration, there would be no additional or increased need for public services or facilities.

FINDINGS:
There would be No Impact to Public Services under the proposed project.

MITIGATION MEASURES:
None.

XV. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree any aspect of the proposed project would be related to demand for recreational facilities or increase use of existing recreational areas such that those areas are physically degraded, including secondary effects such as degradation through over-use of environmentally sensitive areas.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on recreation. The proposed project or any future construction would not contribute to population growth or the relocation of any residences. Implementation of the proposed land transfer would not increase the demand for or the use of parks or recreational facilities in the project's vicinity. There are private parcels on Indian Island (but outside of the Project Area) that contain recreational boat docks. The land transfer and future land uses of the island would not impede the use of the existing boat docks for recreational purposes.

FINDINGS:
There would be No Impact to Recreation under the proposed project.

MITIGATION MEASURES:
None

XVI. TRANSPORTATION/TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree, if any, the proposed project would be associated with (a) changes in traffic, circulation, or other changes that might be perceived as adverse, including traffic effects resulting from temporary construction-related changes; (b) any project-related changes in levels-of-service on County or state highways; (c) project-associated travel restrictions that would prevent emergency vehicles from reaching the locations where they were needed.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on transportation/traffic. The project would not affect air traffic patterns. With the exception of SR-255, there are no public or private roads on Indian Island, and none are proposed for the future; therefore, the proposed project does not have the potential to increase hazards due to roadway design features (such as sharp turns or dangerous intersections), affect emergency access or response time, conflict with any level of service or travel demand standards, conflict with any ordinances or policies regarding traffic circulation effectiveness. The project would not have any effect on public transportation, bicycle, or pedestrian travel routes. Entry to the Project Area is limited to boat access and walking from public parking spaces on nearby Woodley Island or elsewhere. The Project would not conflict with transportation related plans, ordinances, policies or programs.

FINDINGS:
There would be No Impact to Transportation/Traffic under the proposed project.

MITIGATION MEASURES:

None

XVII. TRIBAL CULTURAL RESOURCES. Would the project	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				✓
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				✓
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would cause impacts to Native American artifacts and sites, including traditional tribal cultural places on both public and private lands for federally and non-federally recognized tribes. A cultural place is a landscape feature, site or cultural resource that has some relationship to particular tribal religious heritage or is an historic or archaeological site of significance or potential significance; the cultural place may be outside a reservation boundary.

DISCUSSION:
The entire Project Area could generally be considered a tribal cultural resource. The action to surplus the land and the possible transfer to the Wiyot would have no physical impact on tribal cultural resources. Future activities by the Tribe are generally planned to improve conditions and preserve the tribal cultural resources rather than adversely affect them. Furthermore, any future construction that could possibly degrade or destroy the artifacts present on Indian Island would require a Use Permit from the City of Eureka and aCDP from the California Coastal Commission and would be evaluated under CEQA at a time in the future.

FINDINGS:
There would be No adverse Impact to Tribal Cultural Resources under the proposed project.

MITIGATION MEASURES:
None

XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?				✓
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Violate any federal, state, and local statutes and regulations related to solid waste?				✓

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers to what degree the proposed project would be related to: (a) a substantial demand for water supplies affecting existing entitlements and resources; (b) increase in runoff intensity that exacerbates drainage conditions and changes; and (c) insufficient provision for solid waste disposal.

DISCUSSION:
The action to surplus the land and the possible transfer to the Wiyot would have no impact on utilities or service systems. The Project Area is currently vacant and unused. The project does not include any plans for wastewater or solid waste disposal because there would be no waste-generating activities associated with the proposed project. Portable toilets and handwashing stations would be used during future construction activities or ceremonies. The hydrology of the site will not be altered by the project; therefore, no wastewater treatment or storm water drainage facilities would need to be built or expanded.

FINDINGS:
There would be No Impact to Utilities and Service Systems under the proposed project.

MITIGATION MEASURES:
None

XIX. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).				✓
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

DISCUSSION:

a) No Impact. As described above under *Biological Resources* and other sections, the proposed project would not significantly degrade the environment or biological resources. Habitat restoration would benefit biological resources.

b) No Impact. There are no cumulatively considerable past, current or probable future projects.

c) No Impact. The proposed project would allow the Wiyot Tribe to regain control of the Project Area for ceremonial and habitat restoration uses. These uses would not cause an adverse effect on human beings.

FINDINGS:

No impact.

MITIGATION MEASURES:

None

EARLIER ANALYSES

1) ***Earlier Analyses Used***. The following document(s), available at the Community Development Department, have adequately analyzed one or more effects of the project. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)).

Final Programmatic Environmental Impact Report for the Humboldt Bay Regional *Spartina* Eradication Plan. State Coastal Conservancy. March, 2013

2) ***Impacts Adequately Addressed***. The following effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed above, pursuant to applicable legal standards.

Air Quality, Biological Resources

3) ***Mitigation Measures***. The following mitigation measures from the document(s) listed above have been incorporated into the checklist.

N/A

SOURCE/REFERENCE LIST: The following documents were used in the preparation of this Initial Study.

1) Eureka Municipal Code
2) Adopted City of Eureka General Plan and Certified Local Coastal Plan, as applicable
3) City of Eureka Draft 2040 General Plan Update (GPU) and GPU DEIR
4) County of Humboldt General Plan
5) Humboldt Bay Management Plan

6) National Flood Insurance Program Flood Insurance Rate Map (panel 845 of 2050)

7) Humboldt Bay National Wildlife Refuge Complex Comprehensive Conversation Plan and Final Environmental Assessment

8) Natural Resources Conservation Service Web Soil Survey (accessed 06/08/2018)

CEQA
NEGATIVE DECLARATION

CITY OF EUREKA

SCH #: 2018092054

PROJECT TITLE: Land Transfer from City of Eureka to the Wiyot Tribe

PROJECT APPLICANT: City of Eureka

CASE NO: CITY-18-0005/ED-18-0005

PROJECT LOCATION: Indian Island, Eureka, CA; **APN:** 405-011-011

ZONING DESIGNATION: Natural Resources (NR)

GENERAL PLAN DESIGNATION: Natural Resources (NR)

PROJECT DESCRIPTION: The City of Eureka is proposing to surplus approximately 202.3 acres of land currently owned by the City of Eureka with the intention of subsequently transferring the property to the Wiyot Tribe.

The Project Area is currently vacant and unused. Upon transfer of ownership, the Wiyot Tribe intends the following uses of the site:

1. Ceremonies, which could include construction and use of sweat houses and dance pits at appropriate upland portions of the Project Area potentially including the Etpidolh Village Site and the southern Project Area.
2. Habitat restoration mainly focused on the removal of the non-native plant species *Spartina densiflora* within the wetland portions of the Project Area.

LEAD AGENCY/CONTACT: City of Eureka, Development Services Department; Kristen M. Goetz, Senior Planner; 531 K Street, Eureka, CA 95501-1165; phone: (707) 441-4160; fax: (707) 441-4202; e-mail: kgoetz@ci.eureka.ca.gov

DATE OF PROJECT APPLICATION: October 11, 2018

DATE OF PROJECT APPROVAL: December 4, 2018

FINDINGS: This is to advise that on December 4, 2018, the City Council of the City of Eureka, as the Lead Agency, approved the project described above, and made the following determinations and findings regarding the project.

1. The City Council found that the proposed project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

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3. The City Council found that the Negative Declaration was prepared pursuant to the provisions of CEQA.
4. The decision of the City Council to adopt the Negative Declaration was based on the whole record before it (including the initial study and any comments received).
5. The City Council found that the Negative Declaration reflects the City of Eureka's independent judgment and analysis.
6. Mitigation measures were not made a condition of project approval.
7. A Statement of Overriding Considerations was not adopted for this project.
8. Findings were not made pursuant to the provisions of CEQA (CCR §15091)
9. The City Council adopted a program for reporting on or monitoring the changes which it either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
10. The City Council found that the project site is not within two nautical miles of a public airport or public use airport, and they determined that the project will not result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

This is to certify the City of Eureka, Development Services Department is the custodian of the documents or other material which constitute the record of proceedings upon which the City Council's decision was based; and that the Negative Declaration and the record of project approval are available to the general public for review during regular office hours at the City of Eureka, Development Services Department, Third floor, 531 K Street, Eureka, CA 95501.

_____ December 5, 2018

Rob Holmlund, AICP
Director, City of Eureka

Date

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