

RESOLUTION NO. 2004-46

A Resolution of the City Council of the City of Eureka Making Findings as to, and Adopting a Mitigated Negative Declaration of Environmental Impacts for the Palco Marsh Enhancement Plan - Phase 1A Work Plan (SCH# 2004082028), Adopting a Mitigation and Monitoring Program for the Implementation of the Project, and Approving the Project

WHEREAS, the City of Eureka wishes to execute the *Palco Marsh Enhancement Plan – Phase 1A Work Plan* dated July 2004 (hereinafter “Project”), incorporated herein by reference; and

WHEREAS, the Project is an activity directly undertaken by the City of Eureka, and is therefore subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereinafter "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (14 California Administrative Code Section 15000 et seq., hereinafter "CEQA Guidelines"); and

WHEREAS, an initial study was prepared which considered all phases of project planning, implementation and operation to determine if the project may have a significant effect on the environment; and

WHEREAS, the results of the initial study indicated that there was no substantial evidence that the project may have a significant effect on the environment; and

WHEREAS, a Mitigated Negative Declaration, incorporated herein by reference, was prepared for the Project pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration (SCH# 2004082028) was filed with the State Clearinghouse in the Office of Planning and Research, and was also issued by the City for local agency and public review, with a comment period of 30 days commencing on August 5, 2004 and ending on September 3, 2004; and

WHEREAS, copies of the Mitigated Negative Declaration, including the Notice of Intent to Adopt a Negative Declaration, initial study and *Palco Marsh Enhancement Plan – Phase 1A Work Plan*, were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the proposed Project, and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, written comments on the Mitigated Negative Declaration were received during the review period, and the Mitigated Declaration was thereafter supplemented to address issues raised in said comments; and

WHEREAS, a public meeting was held by the City Council of the City of Eureka on September 7, 2004 to consider adoption of the Mitigated Negative Declaration and approval of the Project, following notice duly and regularly given as required by law, and all interested persons expressing desire to comment thereon or object thereto were heard, and said Mitigated Negative Declaration and all comments and responses were considered; and

WHEREAS, the City Council reviewed all environmental documentation comprising the Mitigated Negative Declaration and found that the Mitigated Negative Declaration considered all environmental effects of the proposed Project and was complete and adequate and fully complied with all requirements of CEQA and the CEQA Guidelines; and

WHEREAS, Sections 15074(d) and 15097 of the CEQA Guidelines require that when adopting a Mitigated Negative Declaration, the City Council shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects, and further requires that these measures must be fully enforceable through permit conditions, agreements, or other measures; and

WHEREAS, a Mitigation Monitoring and Reporting Program, incorporated herein by reference, has been prepared for the Project; and

WHEREAS, the City Council has reviewed and considered all of the environmental and other documentation prepared to evaluate the proposed project, including but not limited to the staff report, the *Palco Marsh Enhancement Plan – Phase 1A Work Plan*, and all elements of the Mitigated Declaration; and

WHEREAS, pursuant to Section 15074 of the CEQA Guidelines, the Eureka City Council found that:

1. A mitigated negative declaration was prepared and circulated pursuant to CEQA.
2. The mitigated negative declaration together with any comments received during the public review process was considered by the City Council.
3. On the basis of the whole record before it, including the initial study and any comments received, that there was no substantial evidence that the project would have a significant effect on the environment, and that the mitigated negative declaration reflected the lead agency's independent judgment and analysis.
4. Mitigation measures as recommended in the initial study were made a condition of project approval, and a Mitigation Monitoring and Reporting Program, for reporting on or monitoring the changes which the Council required in the project or made a condition of approval to mitigate or avoid significant environmental effects, was prepared and adopted.
5. The project is within two nautical miles of a public airport or public use airport and 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.
6. Documents or other materials that constitute the record of proceedings upon which the City

Council's decision was based, are located in and in the custody of the City of Eureka Engineering Department and the City of Eureka Community Development Department, Eureka City Hall, 531 "K" Street in Eureka, California.

NOW, THEREFORE, be it resolved, determined, and ordered by the City Council that the City Council by this Resolution adopts the Mitigated Negative Declaration for the Project, and the Mitigation Monitoring and Reporting Program, as required by Sections 15074 and 15097 of the Guidelines, and approves and intends to carry out the Project described in Attachment "A" hereto.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the September 7, 2004, by the following vote:

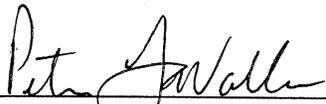
AYES: COUNCILMEMBERS: Wolford, Bass-Jackson, Leonard, Kerrigan, Jones

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ATTEST:



Peter La Valle
Mayor



Kathleen Franco Simmons, City Clerk
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:



David W. Tyson
City Manager



David E. Tranberg
City Attorney