

RESOLUTION NO. 223-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA
RESPONDING TO THE HUMBOLDT COUNTY CIVIL GRAND JURY REPORT,
“THE SEA ALSO RISES”**

WHEREAS, sea levels are rising, and due to local subsidence, Humboldt Bay is experiencing the highest rate of sea level rise in California; and

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

WHEREAS, while long-term sea level rise impacts will be significant if global scale causes of climate change continue uncontrolled, there is time to plan, fund, and implement adaptation strategies in response to these evolving environmental conditions; and

WHEREAS, the City has a commitment to sea level rise mitigation and adaptation in both plans and projects such as the Draft Local Coastal Program (LCP), the Hazard Mitigation Plan, the 2009 Arcata Levee Repair project, Coastal Conservancy’s Climate Ready grant for SLR planning, the Jacoby Creek Gannon Slough Wildlife Area acquisitions and restoration projects, Submittal of multiple grant applications for SLR adaptation/mitigation projects in Arcata’s coastal zone, the 2022 Regional Climate Action Plan, 2005 Arcata Greenhouse Gas Reduction Plan, Forest Carbon Sequestration Project the 2022 Waste Water Treatment Plant project, the Baylands acquisition and restoration project; and

WHEREAS, the City Council has made a commitment to sea level rise mitigation and adaptation in Council’s 2022/23 Fiscal Year Goals and Priority Projects, which identify adoption of the LCP, the Climate Adaptation Program; and

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

WHEREAS, the Humboldt County Civil Grand Jury investigated the issue of sea level rise around Humboldt Bay, published their findings in the 2021-2022 Grand Jury Report: “The Sea Also Rises,” and on May 23, 2022, submitted the report to the Arcata City Council Members, requesting a response to several of the report findings and recommendations.

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

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


DATED: August 3, 2022

ATTEST:

APPROVED:



City Clerk, City of Arcata



Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 223-12, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 3rd day of August, 2022, by the following vote:

AYES: ATKINS-SALAZAR, SCHAEFER, MATTHEWS, STILLMAN

NOES: WATSON

ABSENT: NONE

ABSTENTIONS: NONE



City Clerk, City of Arcata

Exhibit 1

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

Re: Arcata City Council's Response to the 2021-2022 Grand Jury Report: The Sea Also Rises

Dear Judge Hinrichs:

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

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

Response to Finding 3 – The Arcata City Council (Council) disagrees with this finding. Council cannot commit to cost sharing and/or allocation of staff time for a regional planning group without any information on the proposed group. Council agrees immediate and ongoing commitment to adaptation and mitigation is essential to addressing the threats posed by sea level rise. Council also agrees regional collaboration is essential to effective planning and implementation of adaptation and mitigation measures. For example, the City of Arcata (City) is actively participating in the development of the Humboldt Regional Climate Action Plan to leverage staff time and resources and ensure a collective, wholistic, robust response to greenhouse gas emission reduction. However, decisions on the region's approach(es) to collaboration on the issue of sea level rise should be made collectively by regional stakeholders. Given the existing regulatory complexity around Humboldt Bay and the diverse array of local, state, federal and tribal stakeholders involved, it should not be assumed creating a new regional governmental entity will be the most effective, efficient or just approach to regional collaboration.

Finding 4 – *The costs associated with SLR mitigation efforts will be significant and will require*

the diligent pursuit of Federal, State, and Public funding sources.

Response to Finding 4 – Council agrees with this finding. The City has been, and will continue to diligently pursue funding sources for sea level rise adaptation work. For example, the City worked tirelessly to secure funding from a variety of local, state, and federal sources for the Elk River Estuary and Tidal Wetlands Enhancement Project, a 114-acre tidal marsh habitat restoration project currently under construction in southern Arcata. This, and previous wetland restoration projects within City watersheds, such as the Martin Slough Enhancement Project, will significantly increase the City’s flood capacity and aid in future habitat migration and resilience as sea levels rise. The City advocates for state and federal granting agencies to ensure grants are earmarked and available for rural locales and targeted at all project stages so the City can successfully navigate from project development to construction. The City also calls on state and federal permitting agencies to simplify environmental regulatory processes for restoration and climate resilience projects.

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

Response to Finding 5 – Council agrees with this finding. The City is already implementing adaptation solutions, while working towards a comprehensive, phased approach to sea level rise adaptation along Arcata’s shoreline, with short-, mid-, and long-term adaptation triggers for vulnerable areas and assets based on observed sea level rise thresholds. The City has been actively planning for sea level rise since 2013. In that time, the City has held more than 40 public meetings on the topic, secured multiple grants to study the sea level rise rates, vulnerability, effects, and best policy. This work resulted in background reports shared with the Community in 2014-2016, two risk assessments in 2018, including “Sea Level Rise in the Humboldt Bay Region” (Northern Hydrology & Engineering 2018), the “City of Arcata Sea Level Rise Vulnerability Assessment (Laird 2018)”, and an ongoing effort with a Thriving Earth Exchange Fellow that is working on more detailed habitat mapping to inform restoration and mitigation decisions in the future. In addition, the City has secured two Coastal Commission grants to develop a comprehensive update to the Local Coastal Program, which includes significant progress moving the background developed previously into policy.

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

Response to Finding 8 – Council agrees with this finding. The City understands the threat

of mobilization of soil and groundwater contamination as a result of sea level rise. The City has secured an approximately \$360,000 Brownfields Cleanup Grant from the U.S. Environmental Protection Agency (EPA) to clean up the former Little Lakes Industries site. The City has also secured a Technical Assistance grant from the EPA to evaluate former mill sites to ensure dioxins and other contaminants are identified and cleaned up as necessary. In addition, the City's LCP zoning provides strategic land use incentives for industrial sites to convert to other cleaner uses, thereby eliminating the risk through land use.

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

Response to Finding 9 – Council agrees with this finding. However, it is important to note areas around Humboldt Bay are already vulnerable to significant flood damage at current water levels, segments of bay barrier have already overtopped, and additional segments will be vulnerable with different amounts of sea level rise, with uncertainty around when sea levels will be reached and overtopping will occur. As a result, the City is already taking actions to adapt to sea level rise, and timing implementation of future actions based on observed sea level rise thresholds. It is also important to note low-lying areas around Humboldt Bay are not only going to be affected by overtopping of bay barriers by tides, but also by rising and potentially emergent groundwater, and by reduced stormwater drainage capacity, especially when rainfall events coincide with high ocean water levels. As a result, sea level rise adaptation will be more complex and varied than solely relying on elevation and fortification of tidal barriers.

Council supports adaptation responses with multiple benefits, such as the use of living shorelines and dredged spoils deposition to allow habitats to migrate/adjust to rising sea levels, and the use of public access trails as shoreline protection. Council also believes the City's work to increase affordable and infill housing development outside of the hazard zone is a critical component of the region's sea level rise adaptation response.

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

Recommendation 1 – *The Grand Jury recommends the Board of Supervisors, the City Councils of both Arcata and Arcata, and the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (Harbor District) each meet and vote to affirm a commitment to adapting to and mitigating the adverse effects of Sea Level Rise, and direct their*

staffs to make this commitment a priority in their planning efforts. These individual meetings and commitments should occur by September 30, 2022.

Response to Recommendation 1 – Sea level rise has been included in Council’s Goals and Priority Projects since 2015. The Council’s current fiscal year goals include both sea level rise in the Local Coastal Program update and projects that address climate change in general.

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

Response to Recommendation 2 – Council implements this recommendation by adopting Resolution No. 223-12 committing to City participation in a Steering Committee to discuss and provide direction regarding regional coordination on sea level rise adaptation and mitigation in the Humboldt Bay region. However, Council questions whether the Steering Committee should include additional members beyond City, County and Harbor District representatives. Ultimately, to be effective, regional collaboration must bring together all relevant partners and stakeholders. For instance, regional coordination on adapting the vulnerable lands surrounding the Highway 101 corridor will not be effective without Caltrans at the table.

Although Council commits to City participation in a Steering Committee, Council does not agree with associated Recommendations 3 and 4 calling on the Steering Committee to direct the implementation of a regional sea level rise coordination entity/organization based on the conclusions and recommendations in the Humboldt Bay Sea Level Rise Regional Planning Feasibility Study (Study). The Study is incomplete at this time and has not been shared with Council or the general public. It should not be a foregone conclusion the Steering Committee will agree with the Study’s conclusions and follow its recommendations, including any recommendation for a new regional government entity. The purpose of the Steering Committee should be to use the Study and other input to make independent recommendations on regional collaboration, as part of a larger, ongoing, community discussion about climate change mitigation and resilience.

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

Sincerely,

Karen T. Diemer
City Manager

cc: Arcata City Council