

August 8, 2022

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

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

Dear Judge Hinrichs:

On behalf of the Eureka City Council (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 Council at its regular meeting on July 19, 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 – 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 Eureka (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 Eureka. 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 Eureka'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 2016, when the City secured a grant from the Ocean Protection Council and produced a detailed Sea Level Rise Vulnerability and Risk Assessment (Aldaron Laird, April 2016), and the results informed an Adaptation Planning Report (December 2016). A detailed vulnerability assessment of the City's Elk River Wastewater Treatment Plant (WWTP) and collection system was performed by ESA in 2019, which informed a Climate Readiness Plan: Adaptation Control Measures & Schedule memorandum prepared by GHD in 2020. In March of this year, a Sea Level Rise Vulnerability and Capital Improvement Program (CIP) Adaptation Plan was prepared by GHD providing a similarly detailed vulnerability assessment and adaptation plan for all City-owned assets and infrastructure (sewer, storm drain, water supply, roads, trail, etc.) between Elk River Slough and Eureka Slough. The City is incorporating the probability of sea level rise and associated coastal hazards into the CIP planning process to ensure public

investments in City-owned assets and infrastructure take advantage of opportunities to increase asset/infrastructure resilience to the effects of sea level rise, and where possible to also help build adaptive capacity for other coastal assets and resources. The City also added robust climate change policies to our new 2040 General Plan, adopted in 2018, and is working on updating our coastal hazard-related policies and regulations in our upcoming comprehensive update to our Local Coastal Program and in our current specific planning effort for Eureka's northern waterfront (the Waterfront Eureka Plan). Furthermore, the City is not just planning, but also implementing solutions. For instance, the City has secured over 8 million dollars in grant funding for the Eureka Flood Reduction & Sea Level Rise Resiliency Project to be constructed next year, to increase the capacity and resilience of the City's stormwater drainage system, including upsizing stormwater facilities, installing flap gates within the system and on bay outfalls, adding trash capture devices on outfalls, and adding rain gardens and other low-impact-development features upstream of storm drain improvements.

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, and has secured a \$300,000 Brownfields Cleanup Grant from the U.S. Environmental Protection Agency (EPA) to inventory and prioritize contaminated properties along the waterfront and adjacent low-lying areas, conduct a limited number of environmental assessments, develop cleanup plans, and conduct community outreach. Much more work is needed, and the City is committed to continuing to seek funding for remediation on vulnerable public and private lands.

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 tidewaters, but also by rising and potentially emergent groundwater, and by reduced stormwater

drainage capacity, especially when rainfall events coincide with high ocean water levels. As a result, sea level rise adaptation will be more complex and varied than solely relying on elevation and fortification of tidal barriers.

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 Eureka, 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 strategic visioning since 2018, and Council's current 2021-2022 Strategic Visioning Plan explicitly calls for the City to carry out the Council's strategic vision and priorities with an underlying commitment and dedication to addressing climate change. Climate change adaptation and mitigation is also a core component of the City's 2040 General Plan, adopted in 2018, with goals, policies, and vision statements focused on adapting vulnerable areas and assets, and reducing the City's carbon footprint. Although Council has already implemented Recommendation 1 in its 2021-2022 Strategic Visioning Plan and in the City's 2040 General Plan, Council adopts Resolution No. X to reaffirm the City's commitment to adapting to and mitigating the adverse effects of sea level rise and directing City staff to make this commitment a priority in their planning efforts.

Recommendation 2 – *The Grand Jury recommends the Board of Supervisors along with elected officials from 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. X committing to City participation in a Steering Committee to discuss and provide direction regarding regional coordination on sea level rise adaptation, mitigation and prevention 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 (msslattery@ci.eureka.ca.gov) or Public Works Director Brian Gerving (bgerving@ci.eureka.ca.gov) if we can be of further assistance.

Sincerely,



Miles Slattery
City Manager

Cc: Eureka City Council

RESOLUTION NO. 2022-39

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA 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, coastal flooding and erosion hazards have always been a concern to the City of Eureka (City) and other communities with low-lying land around Humboldt Bay, but sea level rise will increase the future rates, magnitudes, and likelihoods of these coastal hazards, beyond what has been experienced before; and

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

WHEREAS, the City has made a commitment to sea level rise mitigation and adaptation in the City's 2040 General Plan, adopted in 2018, with goals, policies, and vision statements focused on adapting vulnerable areas and assets, and reducing the City's carbon footprint, including Policy SL-1.15 calling on the City to collaborate with stakeholder groups, other agencies, local tribes, and the public to develop local and regional strategies that collectively improve the community's ability to adapt to sea-level rise in ways that advance or maintain economic prosperity, social equality, and environmental protection; and

WHEREAS, the City Council has made a commitment to sea level rise mitigation and adaptation in Council's 2021-2022 Strategic Visioning Plan which calls for the City to carry out the Council's strategic vision and priorities with an underlying commitment and dedication to addressing climate change; and

WHEREAS, an effective response to sea level rise will 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 Eureka 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 Eureka, that:

1. The City Council reaffirms the City of Eureka'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, mitigation and prevention in the Humboldt Bay region.
3. 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.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 19th day of July, 2022 by the following vote:

AYES: COUNCILMEMBERS CASTELLANO, MOULTON, ARROYO, BAUER
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS BERGEL



Susan Seaman, Mayor of the City of Eureka

Attest:



Pamela J. Powell, City Clerk

Approved as to Administration:



Miles Stattery, City Manager

Approved as to form:



Autumn Luna, City Attorney