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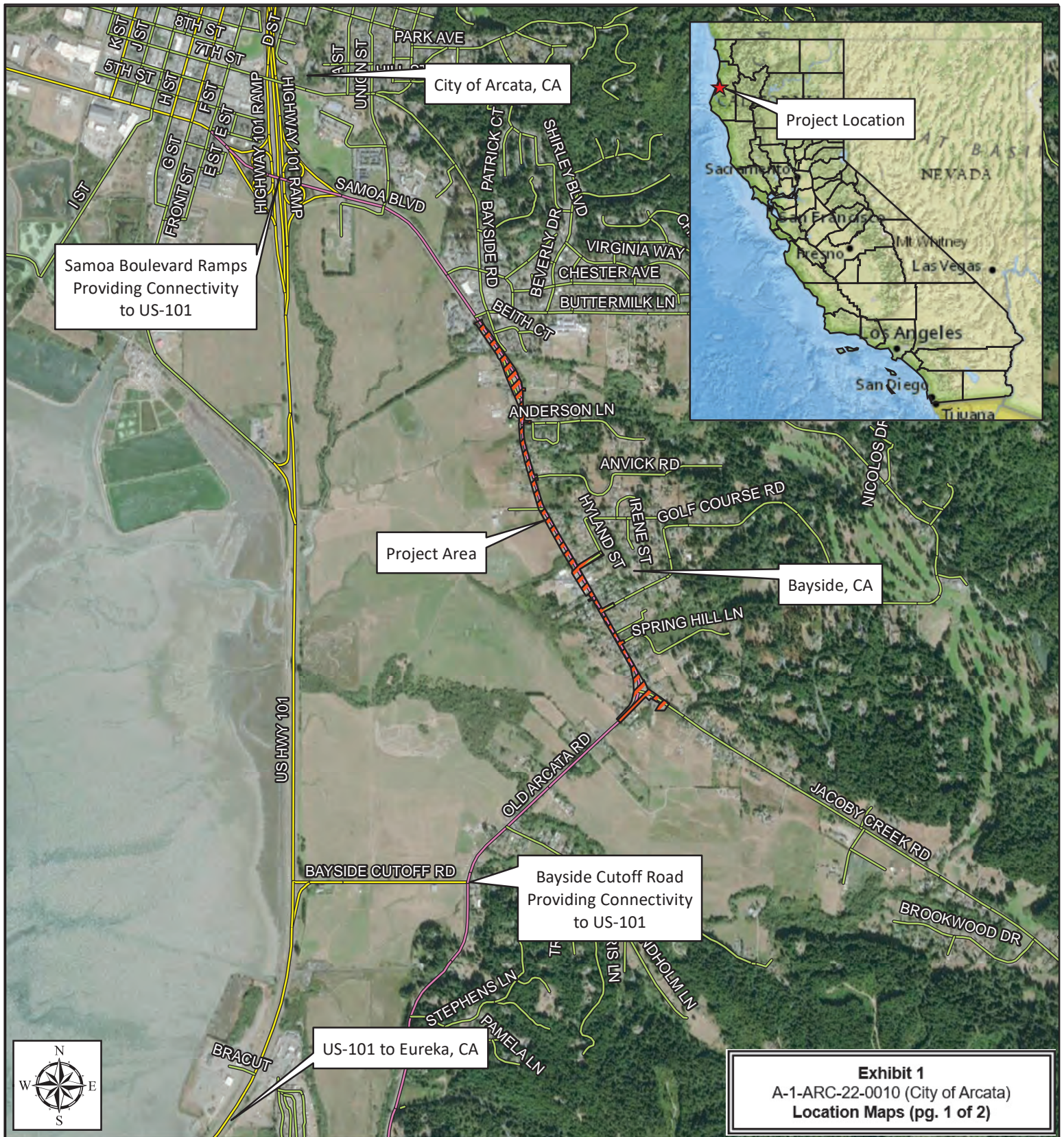
A-1-ARC-22-0010 (City of Arcata)

October 28, 2022

EXHIBITS

Table of Contents

Location Maps.....	2
Jurisdictional Boundary Map.....	4
Project Description.....	5
Project Plans with Wetlands.....	15
Mitigation Monitoring and Reporting Program (MMRP).....	29
California Department of Fish and Wildlife Comments.....	38
Bayside Cares Appeal.....	42
Marc Delany Appeal.....	56
Final Local Action Notice and Findings for Approval.....	62



Legend

 Biological Study Area

Old Arcata Road Improvements
Humboldt County, California

Figure 1
Project Location Map

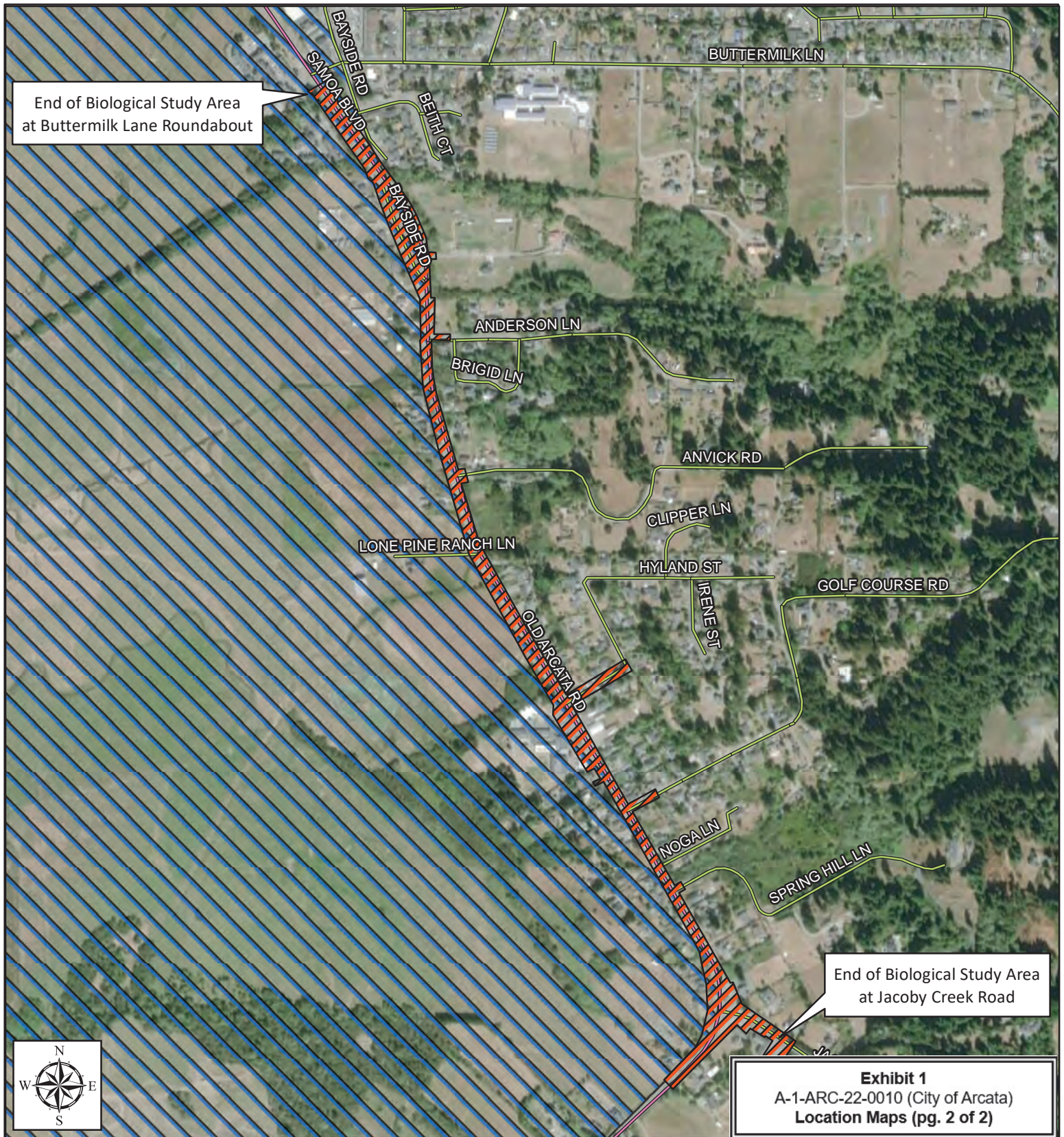




Exhibit 1
A-1-ARC-22-0010 (City of Arcata)
Location Maps (pg. 2 of 2)

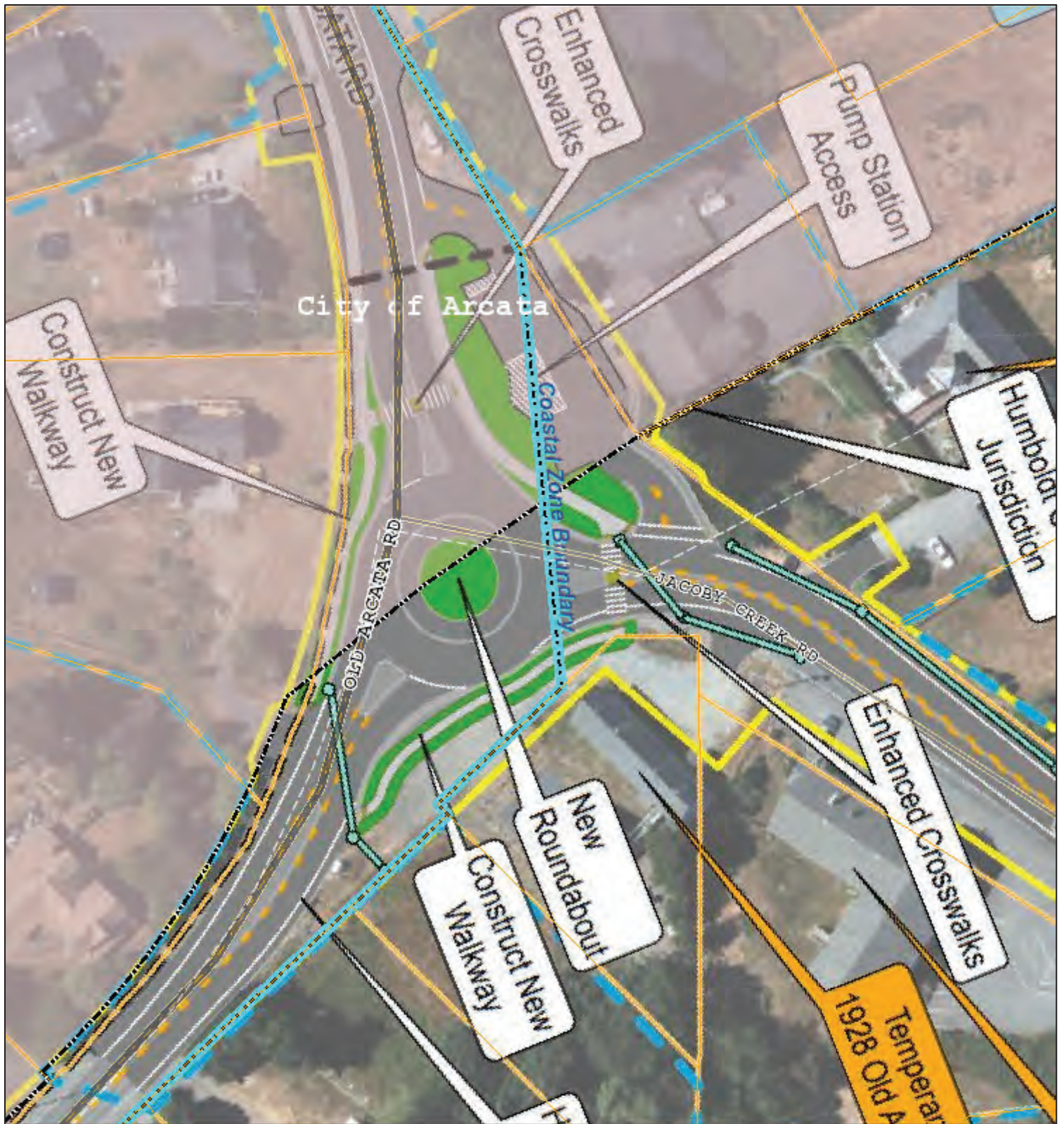
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-  Biological Study Area
-  California Coastal Zone

Old Arcata Road Improvements
Humboldt County, California

Figure 2
Project Biological
Study Area





Humboldt County WebGIS Map

Humboldt County Planning and Building Department

- | | | |
|---------------------------|---------------------------|-------------------------------|
| Highways and Roads | — Private or Unclassified | — Intermittent |
| Principal Arterials | — Major River or Stream | — Subsurface |
| Minor Arterials | Blue Line Streams | — Counties |
| Major Collectors | — Perennial 1-3 | — Parcels (Owners, no labels) |
| Minor Collectors | — Perennial >4 | — Coastal Zone Boundary |
| Local Roads | — Arcata City Limits v14 | |

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Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Humboldt County GIS, Esri, HER GIS user community, Associates

Exhibit 2
A-1-ARC-22-0010 (City of Arcata)
Jurisdictional Boundary Map

2. Project Description

The Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements Project (Project) would improve motorized and non-motorized transportation and user safety in Bayside, California (Figure 2-1). The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile.

2.1 Project Background

In 2016, City Staff identified the need to address the lack of adequate bicycle and pedestrian facilities along Old Arcata Road within city limits (SHN and Omni Means 2017). The need for improvements was later substantiated during a City-led community design charrette process, which included the identification of deficiencies and potential improvements of the roadway. The results of the community design charrette led to the development of a Project Study Report (PSR) (City of Arcata 2017), and City Council selection of a preferred alternative in November 2017. In 2018 the City secured partial funding for Project development and construction through State Transportation Improvement Program (STIP).

The City first prepared an Initial Study/Proposed Mitigated Negative Declaration (ISMND) to comply with CEQA's environmental analysis and disclosure requirements. The ISMND was circulated between January 20, 2021, and February 22, 2021. The ISMND identified the likely environmental consequences associated with the Project, and recommended mitigation measures to reduce potentially significant impacts. See Appendix E for the Final ISMND and Response to Comments.

The Notice of Completion and ISMND were filed with the Office of Planning and Research State Clearinghouse on January 15, 2021, and the ISMND was made available for public review on January 20, 2021. The Notice of Intent was submitted to the Humboldt County Clerk-Recorder January 19, 2021 and was published in the Mad River Union on January 20, 2021. The review period ended at 5:00 pm on February 22, 2021. The document was made available for review at the City of Arcata website at <https://www.cityofarcata.org/720/Old-Arcata-Road-Design-Project>. The ISMND was distributed to local, State, and federal responsible and trustee agencies, and a notice of availability was distributed to regional tribal governments.

Written and voicemail comments were received from 39 individuals, agencies, or organizations. As described in Section 1.8 – Areas of Controversy and Key Issues to be Resolved, comments included statements for and against the Project, including the proposed roundabout at the intersection of Jacoby Creek Road and Old Arcata Road. Given the fair argument raised regarding disagreement with the ISMND's findings specific to potential impacts to historic resources and Bayside's potential standing as a historic district despite the ISMND's finding of no significant impacts to historical or other resources, the City decided to prepare an EIR for the Project.

The Draft EIR was initially made available for a 45-day public review on August 9, 2021. The review period ended at 5:00 pm on September 27, 2021. The City received numerous comments and prepared responses to all comments received during the public circulation period in the Final EIR. The Final EIR was issued and publicly posted on November 23, 2021. Following posting of the Final EIR, the inadvertent omission of wetland impacts was discovered on December 1, 2021, and the City Council's planned certification of the EIR was subsequently postponed, pending the completion of the recirculation process as outlined in Section 15088.5 of the CEQA Guidelines, reflected herein.

2.2 Purpose and Need

The purpose of the Project is to improve connectivity and safety on an existing roadway for non-motorized and motorized travelers in Bayside, California and increase the use of active modes of transportation. The Project is intended and designed to serve current City population. The Project was initially developed during a community-driven design charrette process for preliminary design concepts (SHN and Omni Means 2017). Project benefits include heightened driver awareness, particularly at the intersection of Jacoby Creek and Old Arcata Roads, and filling the gap for non-motorized travel between the Jacoby Creek School and Jacoby Creek Road. The Project would also reconstruct or rehabilitate the existing roadway pavement in order to extend its useful life.

Many of the existing walkways, driveways and curb ramps within the Project corridor are non-compliant with current accessibility codes and standards and create a barrier to pedestrian mobility. In addition, there is a lack of pedestrian facilities and connectivity between Hyland Street and Jacoby Creek Road, and a lack of pedestrian facilities on Hyland Street (sidewalks).

The existing roadway pavement (travel lanes and bike lanes) is extremely deteriorated and considered to be in "poor" condition with an average pavement condition index (PCI) of 61.6 (NCE 2017). Old Arcata Road is the primary backbone for the Bayside (southern Arcata) transportation network and pavement failure would result in significant social and economic impacts to the community, including residents and businesses. Old Arcata Road acts as an alternative route and oversized load route for Highway 101, provides access to important facilities such as the Sunnybrae Middle School, Jacoby Creek Elementary School, and the Bayside Post Office, provides access to unincorporated areas, and may serve as a future Humboldt Transit Authority bus route for public transportation.

The 2016 Caltrans EIR for the Eureka-Arcata Route 101 Corridor Improvement Project evaluated Level of Service for the Jacoby Creek Road and Old Arcata Road intersection for both 2013 and 2041. Level of Service is a standard to measure operating level (e.g., wait time for turning and maneuverability) and does not evaluate other safety conditions, such as speed, collisions, or pedestrian safety and access. While the 2013 Level of Service meets current standards, the 2041 Level of Service, especially for turning left onto Old Arcata Road from Jacoby Creek, was found to be very poor (Level of Service C for AM Peak Hours and Level of Service F for PM Peak Hours). Additionally, the Caltrans EIR noted that in 2008, a roundabout was installed at Indianola Cutoff and Old Arcata Road, which effectively and substantially reduced traffic speeds in the vicinity of this intersection (Caltrans 2016).

2.3 Goals and Objectives

The goal of the Project is to link critical activity centers within the Bayside community, including schools, neighborhood facilities, and residential areas. The Project seeks to accommodate the expected volume and diversity of users, which includes a range of ages, experience levels, speeds, trip purposes, and mobility modes. The Project includes the following objectives:

- Rehabilitate and reconstruct the roadway pavement, and improve traffic striping and signage
- Improve intersection safety at the intersection of Old Arcata and Jacoby Creek Roads, as well as other intersections within the Project corridor
- Extend pedestrian connectivity from Jacoby Creek Road intersection to Buttermilk Road intersection, and provide for safer routes to schools for students and families
- Increase multimodal transit use by improving bicycle and pedestrian facilities via shared use pathways, re-stripped bicycle lanes, improved and extended sidewalks, and enhanced cross walks
- Decrease speed, calm traffic, improve traffic operations, and increase safety at the intersection of Jacoby Creek and Old Arcata Road, an area identified by the Bayside community as unsafe particularly for pedestrians and bicyclists due to speeding vehicles and an uncontrolled intersection
- Create a "gateway" at the southern entrance to Arcata

- Improve subsurface storm drainage infrastructure and accommodate additional City underground utility improvements as needed (water and sewer)
- Maintain consistency with City policies in the Transportation Element of the General Plan and the Bicycle and Pedestrian Master Plan for alternative transportation, and recommendations provided by the Transportation Safety Committee
- Improve traffic operations and pedestrian safety at Hyland Street near Jacoby Creek School
- Implement a project that does not require permanent right of way acquisitions
- Minimize potential environmental impacts to the extent feasible, particularly in the Coastal Zone
- Apply accepted traffic engineering standards to guide selected roadway and safety improvements

2.4 Project Location

The Project is primarily located within the limits of the City of Arcata (Figure 2-1). The proposed roundabout and other roadway improvements at the Jacoby Creek Road intersection, along with its eastern and southern approaches (on Jacoby Creek Road, and Old Arcata Road, respectively) are located within the jurisdiction of Humboldt County. The Coastal Zone boundary is located on the eastern edge of Old Arcata Road (Figure 2-2). The primary permitting jurisdiction resides with the Local Coastal Programs of both the City of Arcata and Humboldt County for their respective portions of the Project. Work would generally occur within the existing City of Arcata or Humboldt County right of ways. Necessary permissions will be received for any work outside existing right of ways.

The Project corridor along Old Arcata Road and Hyland Street is primarily bound by private residences, including medium-high density residential, rural residential, and low density residential housing. The Jacoby Creek Elementary School and Mistwood Education Center are located along the Project corridor, as are small businesses (zoned Commercial Mixed), a U.S. Post Office, and the Bayside Community Hall. The area between Highway 101 and Old Arcata Road includes Agricultural-Exclusive properties within the City of Arcata, in the Gannon Slough and Jacoby Creek bottomlands. Several small Public-Facility parcels are located adjacent to the Project corridor, including community gardens.

2.5 Project Components

The Project includes intersection and pedestrian safety improvements along Old Arcata Road. As described in more detail below, the Project includes road resurfacing, a paved walkway, sidewalks and curb ramps, crosswalks, speed humps, lighting, signage, a retaining wall, and stormwater drainage and infrastructure improvements. New pavement would extend into residential and commercial driveways along Old Arcata Road to ensure smooth transition between existing and new pavement elevations. Construction of a new sidewalk along approximately 375 feet of Hyland Street is also included in the Project. Particular constraints within the Project alignment may warrant adjustments to the standards to address site specific issues. Refer to Figure 2-3 through Figure 2-6 for an overview of key Project components. Briefly, the Project includes the following components:

- Repaving along Old Arcata Road and Adjacent Bike Lanes
- New and Replacement Pedestrian Walkways
- Crosswalks and Speed Humps
- Improvements Near Jacoby Creek Elementary School
- Jacoby Creek Road Roundabout
- Landscaping
- Lighting
- Utility Improvements

The Project would terminate approximately 300 feet south of the proposed Jacoby Creek Roundabout along Old Arcata Road. The Jacoby Creek Road pavement improvements would terminate approximately 400 feet east of the proposed roundabout. Drainage improvements on Jacoby Creek Road would terminate approximately 650 feet east of the roundabout.

The Project is being designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, 7th Edition (2018). In addition, the Project would be designed in accordance to other specific applicable standards, including the California Manual on Uniform Traffic Control Devices (MUTCD; CA MUTCD 202`); the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design; the 2019 California Building Code and portions of the Caltrans Highway Design Manual, 7th Edition (2020). The design for the proposed roundabout geometrics, including bike ramps, follows the National Cooperative Highway Research Program (NCHRP) design standards (FHWA 2010). Design standards applied to proposed Pedestrian-Actuated Rectangular Rapid-Flashing Beacons (RRFB) follows the MUTCD Interim Approval for Optional Use of Pedestrian-Actuated Rectangular Rapid-Flashing Beacons at Uncontrolled Marked Crosswalks (IA-21).

As part of the Project design process, the City would conduct a design-level geotechnical and pavement investigation for the Project. The City will finalize 100% designs in accordance with the recommendations made in the Project's geotechnical and pavement investigation report.

2.5.1 Repaving Along Old Arcata Road and Adjacent Bike Lanes

Old Arcata Road would be repaved between the approximately 600 feet south of the Buttermilk Road to the proposed new roundabout at the Jacoby Creek Road intersection. Repaving would extend approximately 300 feet beyond the new roundabout along both Jacoby Creek Road and Old Arcata Road. The existing roadway width, alignment, and footprint would generally remain the same between the Buttermilk Road Roundabout and Hyland Street, including 10-foot wide travel lanes and adjacent five-foot wide bikes lanes. A left hand turn lane for northbound traffic is proposed at the Jacoby Creek School parking lot at the Hyland Street intersection. South of Hyland Street, the existing roadway alignment would be shifted east up to five feet to accommodate a new six-foot wide walkway, described below.

The existing asphalt roadway would be rehabilitated by overlaying the existing surface and/or grinding-out and replacing the existing surface. Excavation would not extend into the native subgrade, except in isolated areas where deeper excavations may be required to remediate poor soil/subgrade conditions. The pavement overlay will be three to six inches thick.

Portions of most existing driveways, including the Bayside Post Office driveway, would also be repaved throughout the Project Area.

2.5.2 Striping, Signage and Vehicle Control

The repaved Old Arcata Road and Jacoby Creek Road segments would include required striping and signage in order to comply with California Manual on Uniform Traffic Control Devices (MUTCD) requirements.

2.5.3 New and Replacement Pedestrian Walkways

The existing walkway between the Buttermilk Road Roundabout and Hyland Street would be replaced to a width of approximately six feet.

South of Hyland Street, the existing roadway alignment would be shifted east up to five feet to accommodate a new six feet wide walkway. The six feet wide walkway would be separated from the roadway by a five feet wide vegetated strip that would also be designed to convey stormwater where practical. Areas of new asphalt roadway would be constructed over 12 to 16 inches of base material and a similar depth of excavation.

2.5.4 Crosswalks and Speed Humps

Existing cross walks and speed humps would be upgraded coincident with repaving. New **Replacement of existing** speed humps would be located north of the Hyland Street intersection and south of Jacoby Creek School to improve safety and provide vehicular speed control. A raised crosswalk in front of Jacoby Creek School at the Hyland Street intersection would remain. Crosswalks would also be integrated into the new Jacoby Creek Road Roundabout, discussed below. All crosswalks across Old Arcata Road and Jacoby Creek Road are proposed to include user activated warning lights (e.g., LED enhanced signs or rectangular rapid-flashing beacons[RRFB]). **The crosswalks would also include detectable warning surfaces, which will be cast in wet concrete during construction and secured with anchors.**

2.5.5 Improvements Near Jacoby Creek Elementary School

In front of Jacoby Creek School, a new six feet wide sidewalk is proposed on the west side of the road in addition to a left hand turn lane for northbound Old Arcata Road. The on-street diagonal parking would be eliminated to accommodate the sidewalk and turn lane. Some minor modifications to the school parking lot are also proposed, including replacing a portion of the raised landscape island with paved parking stalls. Construction of a new sidewalk along approximately 375 feet of Hyland Street is also included in the Project. Where necessary, curb ramps and gutters would be integrated into the sidewalk design. A new retaining wall would be constructed near the Jacoby Creek Road roundabout.

New concrete for the retaining wall, sidewalks, and walkways will be colorized to improve visual connectivity to maintain consistency with the existing rural setting of the community. Stamped and colored concrete will be applied to roadway dividing medians. The retaining wall near the Jacoby Creek intersection would be approximately one foot above the road grade. Depending on the final design grade, a fence (approximately four feet tall) would be attached to the top of the retaining wall for edge protection. The fence would be transparent, most likely coated black chain link. A fence of similar style would also be installed on the opposite side of Old Arcata Road in front of the City pump station. The retaining wall and fencing would not impede views within or adjacent to the Project corridor or otherwise diminish the visual character of the vicinity.

The five paved diagonal parking spaces on Old Arcata Road in front of Jacoby Creek Elementary School would be eliminated in order to accommodate the proposed improvements.

2.5.6 Jacoby Creek Road Roundabout

A new roundabout is proposed for the intersection at Jacoby Creek Road and Old Arcata Road to improve traffic flow and user safety. Crosswalks, signage, lighting, and paved walkways would be integrated into the roundabout. A new retaining wall would extend along the west side of Old Arcata Road adjacent to the roundabout. The total length of the wall would be 200 feet. Modifications and repaving of the roadway that serves the Bayside Post Office may also be required.

The roundabout would be configured to be within existing City and County right of way with no permanent encroachments onto private property (easements may be required for temporary construction, but the Project has been designed to avoid all permanent acquisition of private property). Excavation to accommodate the roundabout and roadway approaches is expected to be approximately two to four feet, although some isolated deeper excavations may be required to remediate poor soil/subgrade conditions.

Concrete improvements associated with the roundabout, including the roundabout apron, sidewalk, and walkways would include integral color to darken the concrete and provide a weathered look, designed to blend into the existing community aesthetic and character and avoiding a stark visual alteration. If desired by community members, sculptural pieces may also be installed in the roundabout center, in coordination with the City and other stakeholders.

2.5.7 Landscaping

Trees removed during construction will be replaced in other nearby locations. Tree removal would be limited to one or two locations near the roundabout at the intersection of Jacoby Creek Road and Old Arcata Road. Tree removal would not occur on any private property. All tree plantings associated with the Project will include appropriate tree species designed to blend into surrounding mature vegetation.

The center of the roundabout will be mounded to a height of approximately three to five feet above grade and landscaped with appropriate vegetation species. Plantings would be consistent with other City roundabouts and public right of ways. The City anticipates using grasses and/or other drought tolerant species. All new plantings would be designed to maximize connectivity with existing landscaping and mature trees.

2.5.8 Lighting

The Project would include streetlight installation in conjunction with the new Jacoby Creek Road roundabout. Lighting would be designed to protect wildlife and nighttime views, including views of the night sky. The Project will be designed to be consistent with the City's design guidelines, Section 9.30.070 (Outdoor Lighting) of the Arcata Land Use Code, and the recommendations of the International Dark-Sky Association, which includes standards for fixtures, shielding, wattage, placement, height, and illumination levels. To comply with these requirements, lighting for the Project will be the minimum lumens necessary, directed downward, shielded, and pedestrian level when feasible. This will ensure lighting is contained within the site and does not cause significant lighting and glare impacts for surrounding land uses and sensitive habitat areas.

2.5.9 Utility Improvements

Utility improvements would include storm drain, sanitary sewer, and water infrastructure improvements. The Project includes improvements to the underground storm drain infrastructure that extends along the length of planned improvements in discrete locations. Improvements include new and upgraded storm drain catch basins, storm drain piping, and storm drain junction boxes. Excavation and trenching depths for storm drain systems will be approximately four feet to six feet max. Work would also include the installation of shallow swales to convey stormwater runoff.

Existing sanitary sewer laterals in the public right of way may be replaced with new cleanouts placed at the edge of the right of way if they are found defective upon inspection during the course of road resurfacing. Depth of excavation/trenching for sewer lateral replaced would be approximately three feet (six feet max).

Water service connections in the public right of way may be updated, along with resetting and/or installation of water meters within City/Public right of way if they are found defective upon inspection during the course of road resurfacing.

2.5.10 Wetland Establishment

If impacts to wetlands are unavoidable, the Project would include onsite wetland creation within the City's right-of-way between Old Arcata Road and Bayside Road at the compensatory ratios to be required by jurisdictional permitting agencies (Figure 2-2). Groundwater data would be obtained by the City and used to inform wetland design grading depths to ensure wetland hydrology criteria are met. The criteria for meeting wetland hydrology as defined by the U.S. Army Corps of Engineers (USACE) is flooding or ponding, or a water table within 12 inches of the soil surface for 14 or more consecutive days five out of ten years (50 percent of the time) (USACE 2010) Wetlands would be established by excavating to a target elevation.

2.6 Project Construction

Construction of the Project would involve construction staging, establishing site access, hauling, dewatering, and traffic control. A Temporary Traffic Control Plan would be developed by the contractor and approved by the City prior to Project implementation to ensure flow of traffic along the Project corridor.

Following construction, the contractor would demobilize and remove equipment, supplies, and construction wastes. The disturbed areas along the Project alignment would be restored to pre-construction conditions or stabilized with a combination of grass seed (broadcast or hydroseed), straw mulch, rolled erosion control fabric, rock, and other plantings/vegetation. Construction would primarily include trimming and/or removal of trees and vegetation, excavation and grading, concrete and asphalt paving, replacement of sanitary sewer laterals, and trenching and excavation to install new sanitary sewer laterals and storm drainage systems (inlets, pipes, and/or culverts). Construction would also include installation of new lighting, new and upgraded crosswalks and speed bumps, a retaining wall, and signage along the Project alignment. All construction activities would be accompanied by both temporary erosion and sediment control best management practices (BMPs) typically applied to all City projects.

It is not anticipated that any temporary utility extensions, such as electric power or water, would be required for construction.

2.6.1 Construction Time, Duration, and Hours

Construction would begin as soon as late 2022, extending into 2023. Construction is anticipated to occur over a six to eight month construction window. If feasible, vegetation clearing would occur during the non-bird nesting season, between August 31st and February 1st. Work near wetlands would only occur during the dry season between May and October. Compliance with the requirements contained in the Arcata General Plan Noise Element (Policies N-5d and N-5e) and the Arcata Land Use Code (Section 9.30.050[D][2]), will minimize potential noise impacts from short-term construction activities. These requirements place limitations on the days and hours of construction activities to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities. Hours of construction would be limited to 8:00 a.m. to 7:00 p.m. on Monday through Friday and from 9:00 a.m. to 7:00 p.m. on Saturdays. Heavy-equipment related construction activities are not allowed on Sundays. Construction on Sunday or legal and county holidays is not currently anticipated except for emergencies or with prior approval from the City of Arcata. All stationary and construction equipment are required to be maintained in good working order and fitted with factory approved muffler systems.

2.6.2 Construction Equipment

A variety of construction equipment would be used to build the Project. This would include, but not necessarily be limited to, excavators, backhoes, front end loaders, scrapers, graders, concrete saws, jackhammers, chainsaws, rollers, asphalt pavers, compactors, air compressors, generators, and pneumatic tools. A variety of trucks including concrete mixers, haul trucks, and water trucks would also be required. Site preparation, including demolition, clearing and grading of the Project site as necessary would require the removal and off-haul of materials. This would include, but not necessarily be limited to, vegetation, concrete, asphalt and fill, and certain existing utilities that would be removed and replaced.

2.6.3 Construction Staging Areas

Construction staging areas would be identified during the design phase of work and are expected to occur within the Project footprint, or within paved, graveled or designated, previously disturbed areas. For impact analysis purposes, two staging areas were preliminarily identified—one at the southern end of the Project corridor and the other at the northern end of the Project corridor. Spoils or construction materials would be stored on site within

previously designated staging areas only. Excess spoils would ultimately be hauled off-site for disposal and reuse by the contractor.

2.6.4 Construction Dewatering

If needed, temporary groundwater dewatering would be conducted to provide a dry work area. Dewatering would involve pumping water out of a trench or excavation. Groundwater would typically be pumped to Baker tanks (or other similar type of settling tank) or into a dewatering bag. Following the settling process provided by a tank or filter, the water would be used for dust control and compaction. Discharge water from Baker tanks would not be discharged into wetlands or any water bodies.

2.7 Operation and Maintenance

Following construction, general operation and maintenance activities associated with the proposed Project would be limited to typical roadway maintenance, including annual inspections, trash/debris removal, vegetation management, repaving, and painting.

2.8 Environmental Protection Actions Incorporated into the Project

The following actions are included as part of the Project to reduce or avoid potential adverse effects that could result from construction or operation of the Project. Additional mitigation measures are presented in the following analysis sections in Chapter 3, Environmental Analysis. Environmental protection actions and mitigation measures, together, would be included in a Mitigation Monitoring Program at the time that the Project is considered for approval.

2.8.1 Environmental Protection Action 1 – Stormwater Pollution Prevention Plan (SWPPP)

The Project will seek coverage under State Water Resources Control Board (Water Board) Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. The City will submit permit registration documents (notice of intent, risk assessment, site maps, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and certifications) to the Water Board. The SWPPP will address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP will include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner will oversee implementation of the Project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.

2.9 Required Agency Approvals

The following permits and approvals are likely to be required prior to construction.

- CEQA compliance
- NEPA compliance
- City of Arcata Coastal Development Permit
- Humboldt County Coastal Development Permit
- Humboldt County Grading Permit
- Humboldt County Encroachment Permit

- North Coast Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification
- USACE Clean Water Action Section 404 permit

2.10 AB 52 Consultation

The CEQA requires lead agencies to determine if a proposed Project would have a significant effect on tribal cultural resources. The CEQA Guidelines define tribal cultural resources as: (1) a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in PRC Section 5020.1(k); or (2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in PRC Section 5024.1(c), and considering the significance of the resource to a California Native American tribe.

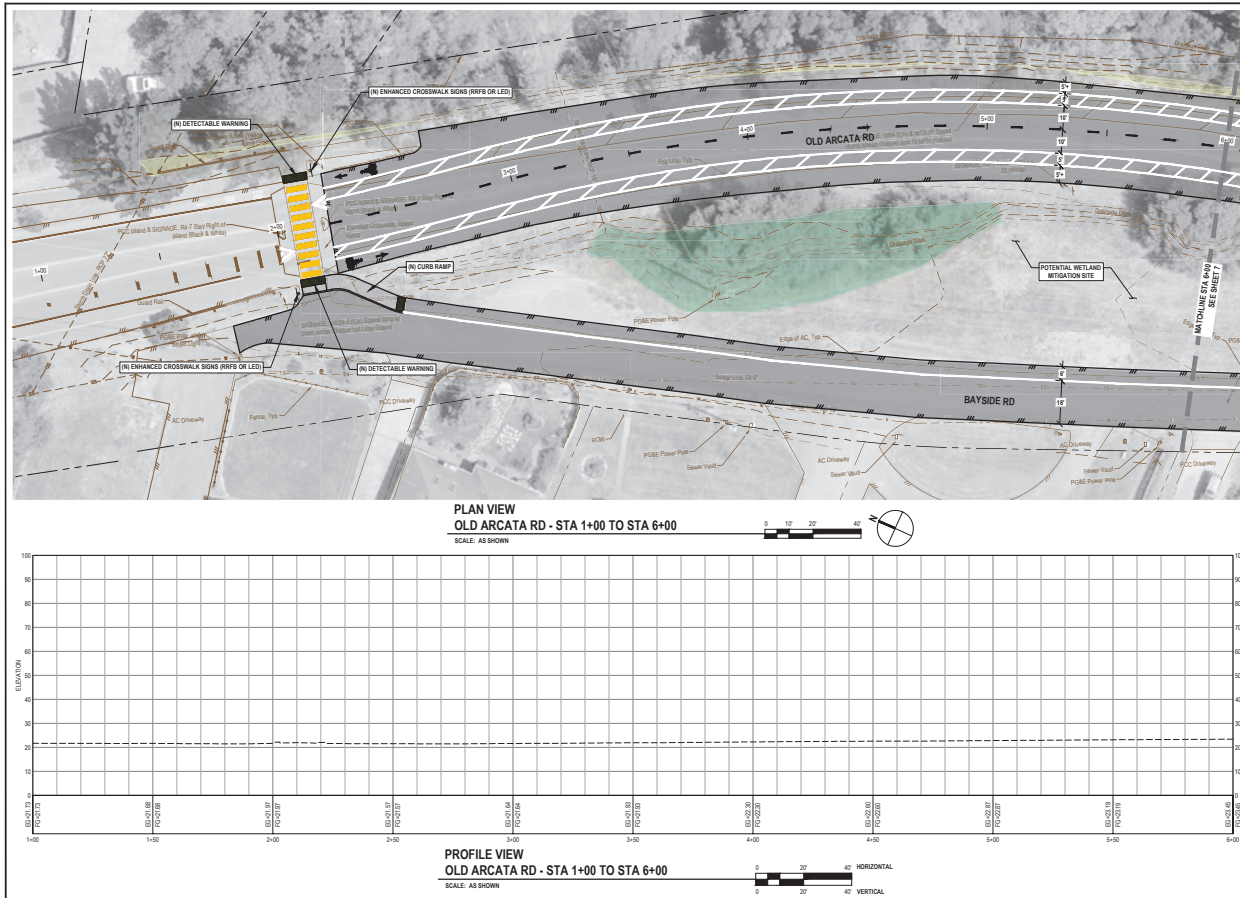
The City had previously engaged with tribal representative through the AB 52 process during the ISMND prepared for the Project. Coordination with the tribes remains active and ongoing. To complete AB 52 required for this EIR, the City again sent notification letters to the Wiyot Tribe, Blue Lake Rancheria, and Bear River Rancheria on June 11, 2021. The three tribes responded, noting tribal cultural resourced had not been identified in the Area of Potential Effect at this time and that the EIR need not address AB 52 specifically. In their responses, the tribes recommended a tribal monitor be present during archaeological testing and data recovery in locations known to be sensitive. This request has been integrated into the Project (see Section 3.4 – Cultural Resources, Mitigation Measure CR-1). The City sent the three tribes an AB 52 closure letter on July 27, 2021.

2.10.1 Project Site Assessment and Special Studies

Table 2-1 below depicts studies completed, study topic and study author for the proposed Project. Given Caltrans has funding and National Environmental Policy Act (NEPA) responsibilities for the Project, all reports included in Table 2-1 have also been reviewed and approved by Caltrans.

Table 2-1 Project Site Special Studies Summary

Name of Study	Topic of Study	Study Author
Preliminary Environmental Study	Environmental Analysis Required for the Project	GHD
Historic Properties Survey Report for the Old Arcata Road Improvements Project	Historic and Archeological Resources	Pacific Legacy, William Rich and Associates, and JRP Historical Consulting
Archaeology Survey Report for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy and William Rich and Associates
Historic Resources Evaluation Report for the Old Arcata Road Improvements Project	Historic Resources	JRP Historical Consulting
Old Arcata Road Historic Resources Report	Historic Resources	JRP Historical Consulting
Post-Review Discovery and Monitoring Plan for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy
Environmentally Sensitive Area Action Plan for Cultural Resources for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy
Phased Identification and Evaluation Plan for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy
Final Special Status Plant Survey and ESHA Evaluation for the Old Arcata Road Improvement Project	Special Status Plants and Environmentally Sensitive Habitat Areas (ESHA)	GHD
Old Arcata Road Wetland Delineation Report	Wetlands	GHD
Natural Environment Study – Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements	Natural Resources	Northstar Environmental
Initial Site Assessment – Old Arcata Road Improvements Project	Hazards	GHD
Visual Resources Technical Memorandum for the Old Arcata Road Improvement Project	Visual Resources/Aesthetics	GHD
Vertical Area of Potential Effect (APE) – Old Arcata Road Improvement Project	Design	GHD



BEING DEVELOPED

SHEET KEYNOTES

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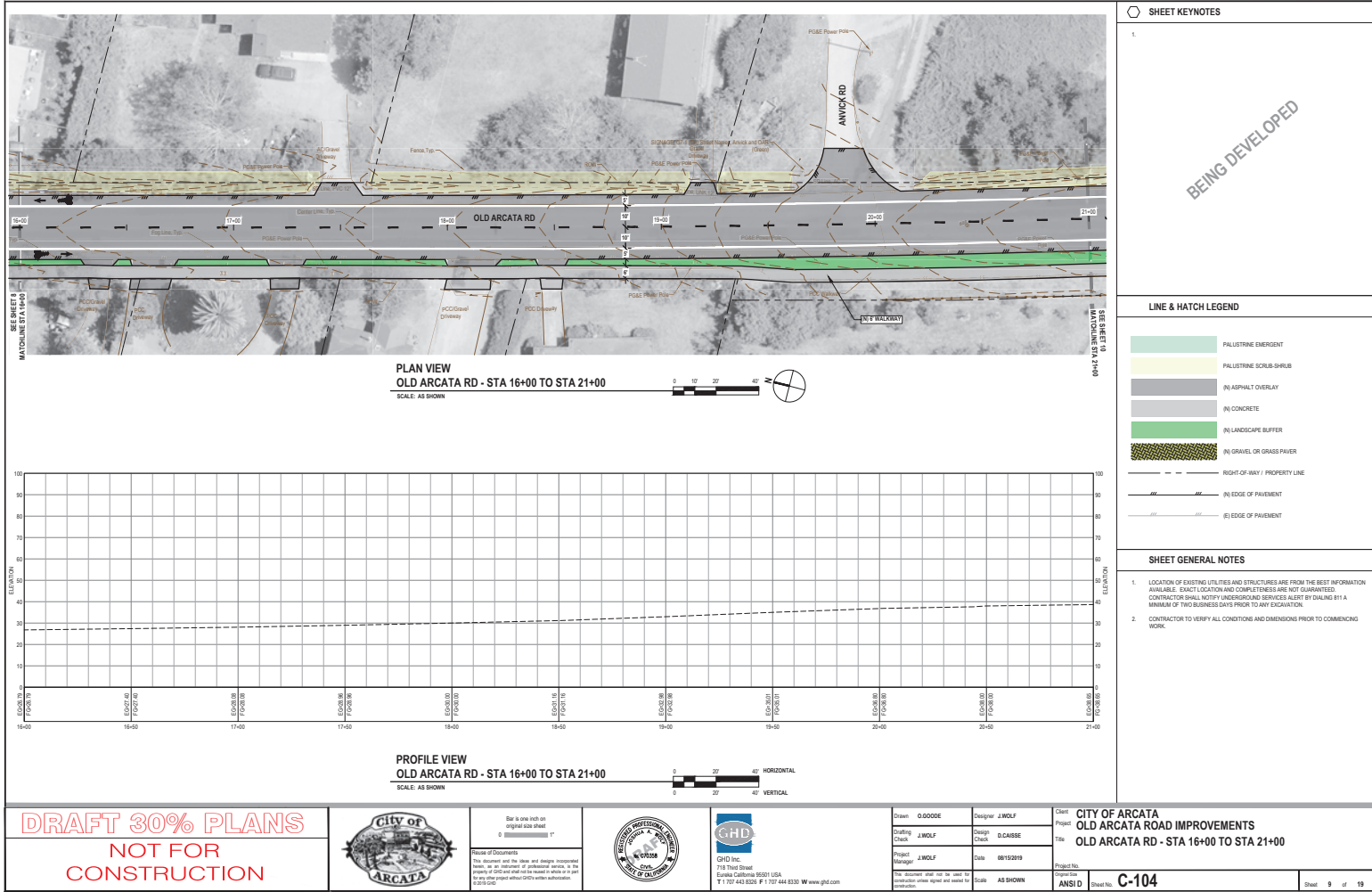
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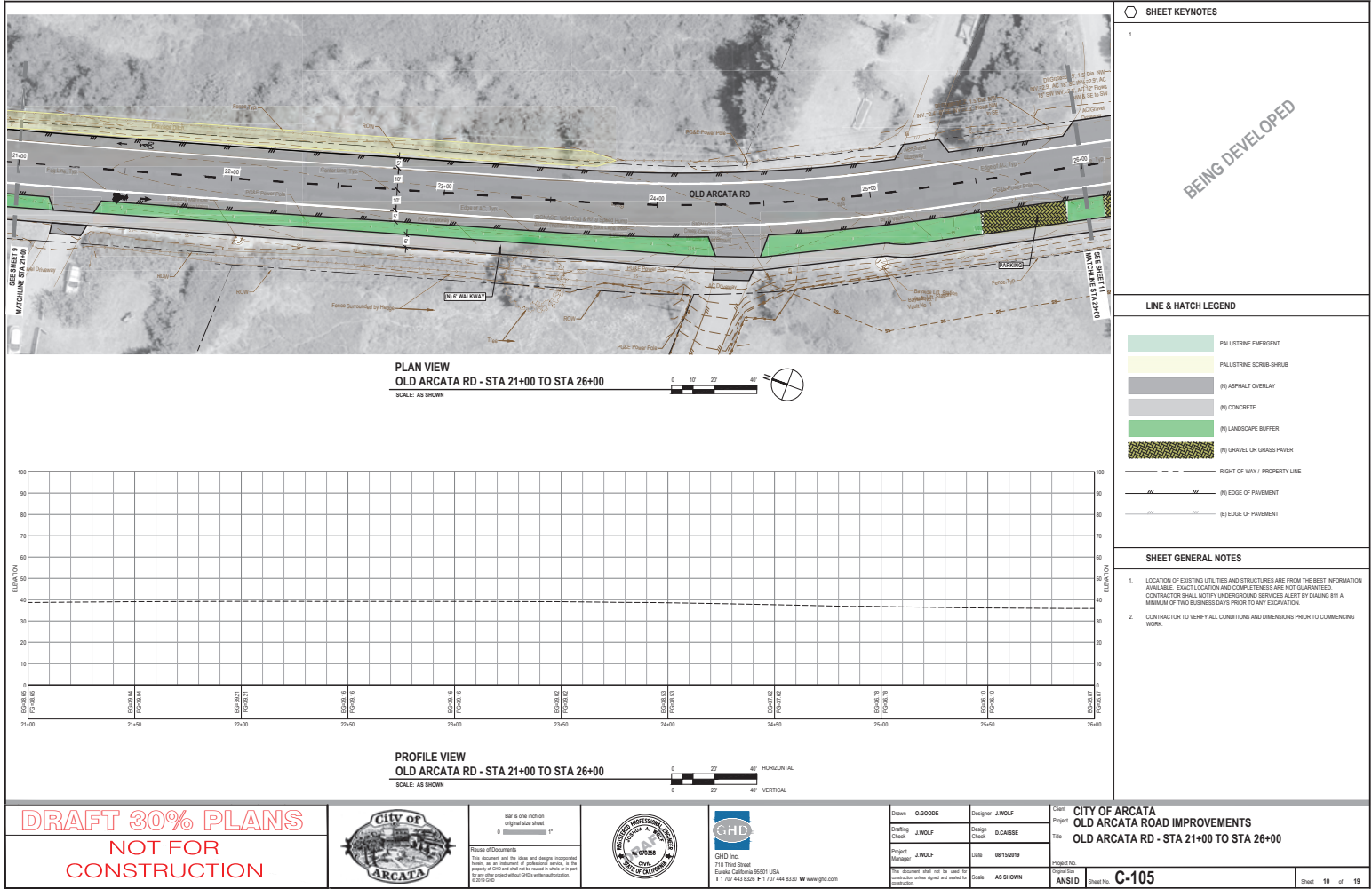
- PALUSTRINE EMERGENT
- PALUSTRINE SCRUB-SHRUB
- (N) ASPHALT OVERLAY
- (N) CONCRETE
- (N) LANDSCAPE BUFFER
- (N) GRAVEL OR GRASS PAVEMENT
- RIGHT-OF-WAY / PROPERTY LINE
- (N) EDGE OF PAVEMENT
- (E) EDGE OF PAVEMENT

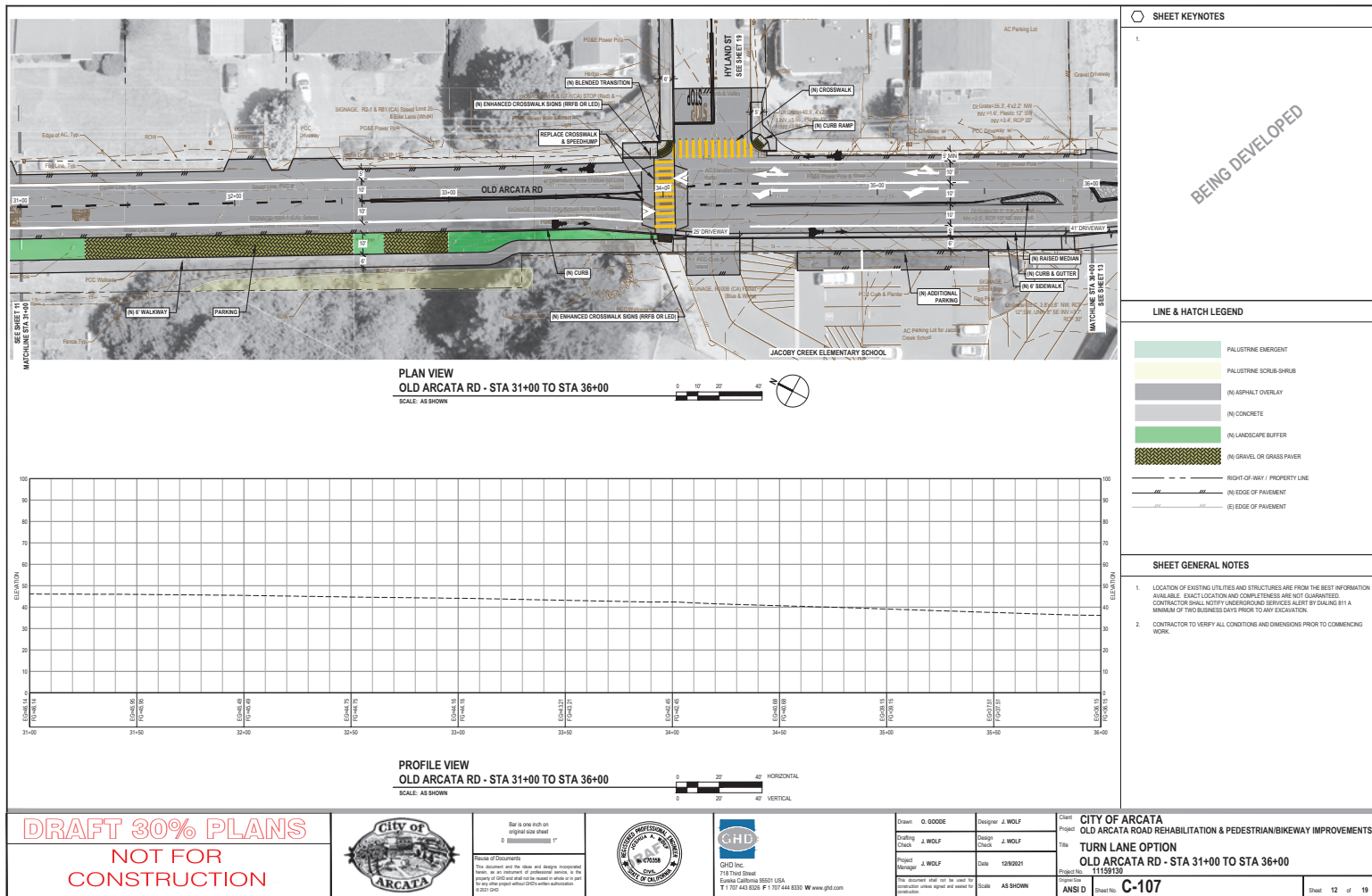
SHEET GENERAL NOTES

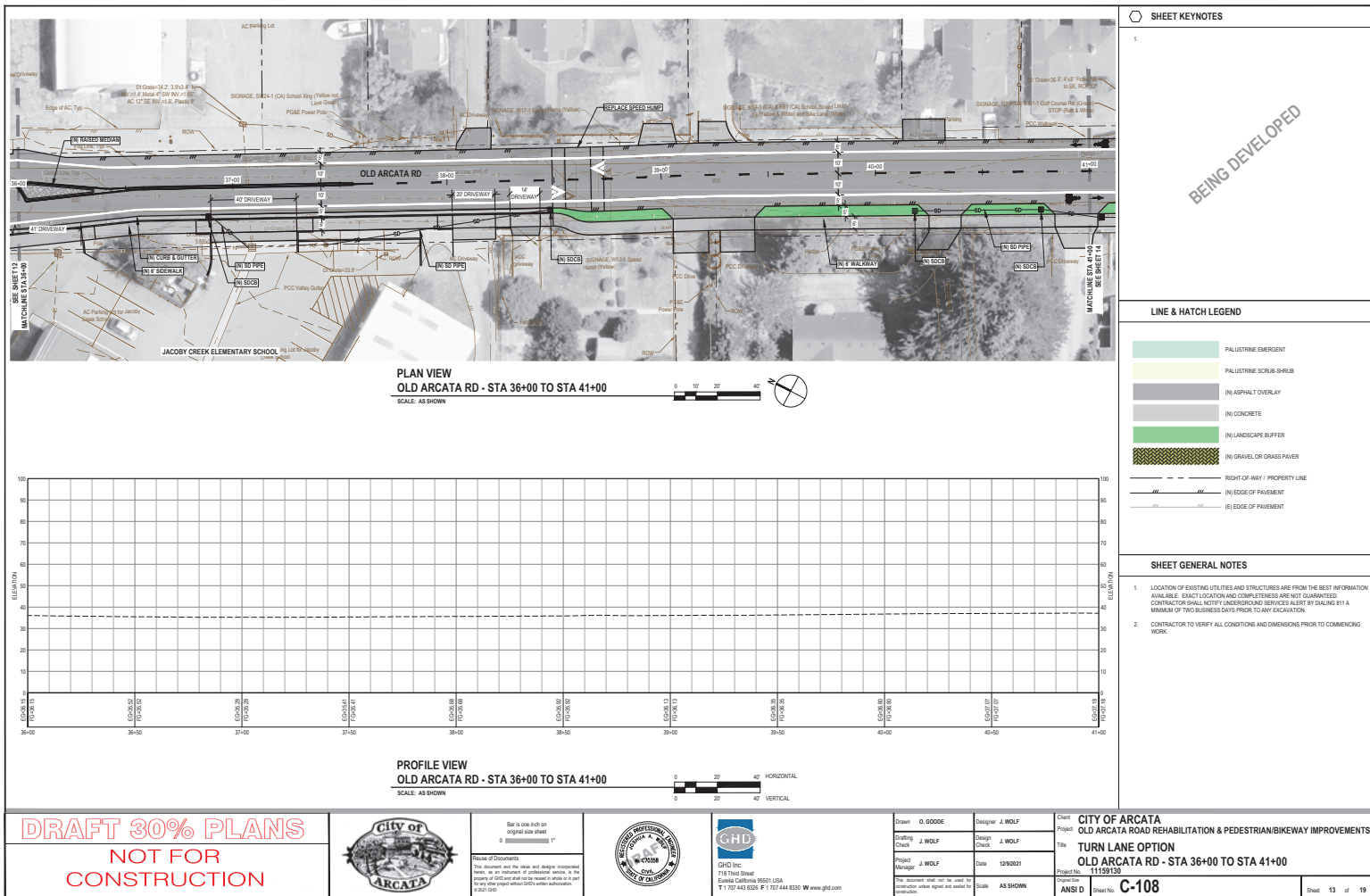
- LOCATION OF EXISTING UTILITIES AND STRUCTURES ARE FROM THE BEST INFORMATION AVAILABLE. EXACT LOCATION AND COMPLETENESS ARE NOT GUARANTEED. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICES ALERT BY DIALING 811 A MINIMUM OF TWO BUSINESS DAYS PRIOR TO ANY EXCAVATION.
- CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK.

DRAFT 30% PLANS		 City of Arcata	 State of California	 GHD Inc. 718 Third Street Emeryville, California 94601 USA T 1 707 442 8326 F 1 707 444 8330 W www.ghd.com	Drawn: O. SOODKE Drafting: J. WOLF Project Manager: J. WOLF	Designer: J. WOLF Design Check: J. WOLF Date: 12/20/21 Scale: AS SHOWN	Client: CITY OF ARCATA Project: OLD ARCATA ROAD REHABILITATION & PEDESTRIAN/BIKEWAY IMPROVEMENTS Title: OLD ARCATA RD - STA 1+00 TO STA 6+00 Project No.: 11159130 Revision: ANS1-D Sheet No.: C-101	Sheet 6 of 19
NOT FOR CONSTRUCTION					Bar is one inch on original size sheet. (1" = 100')			









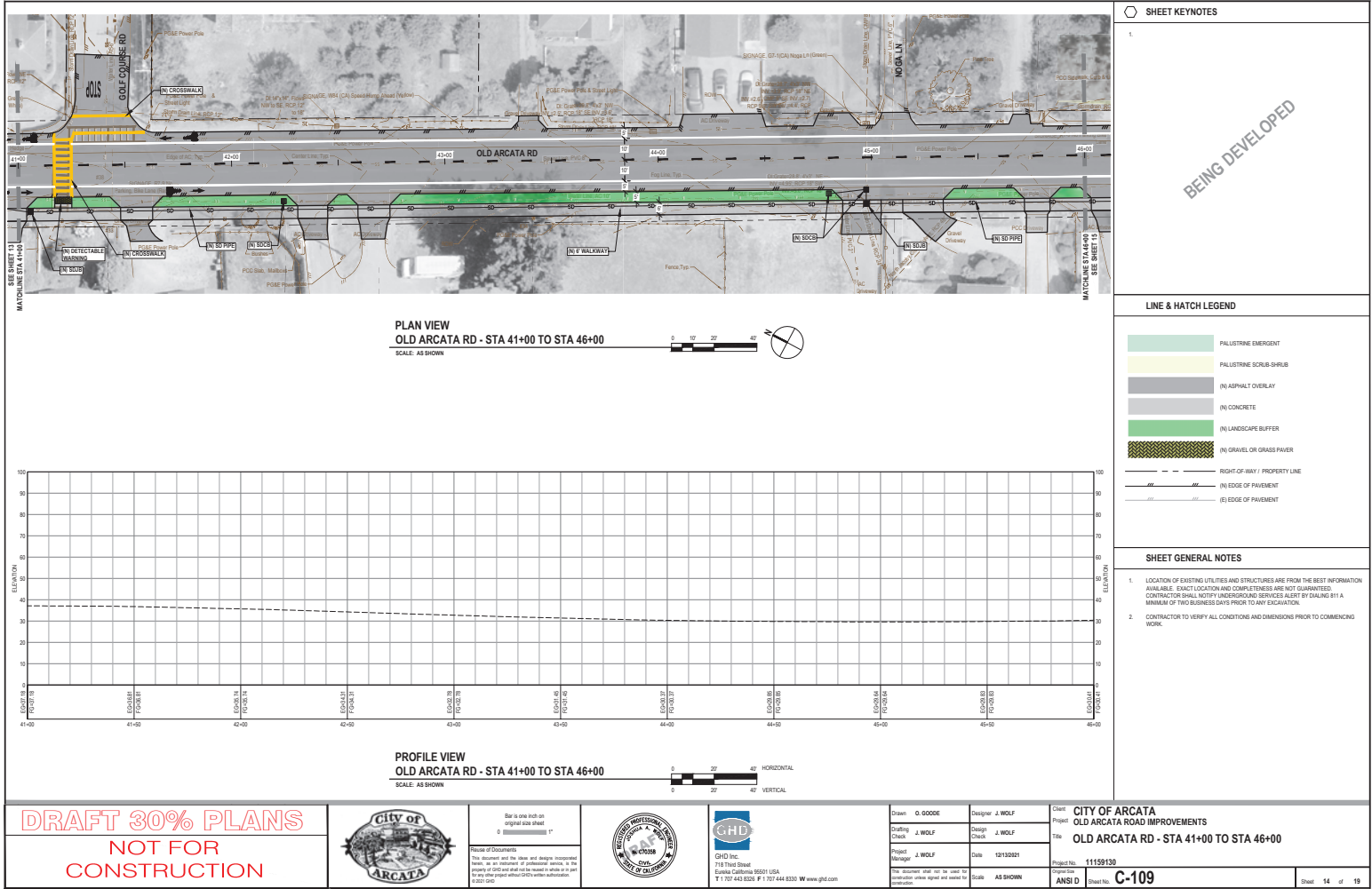
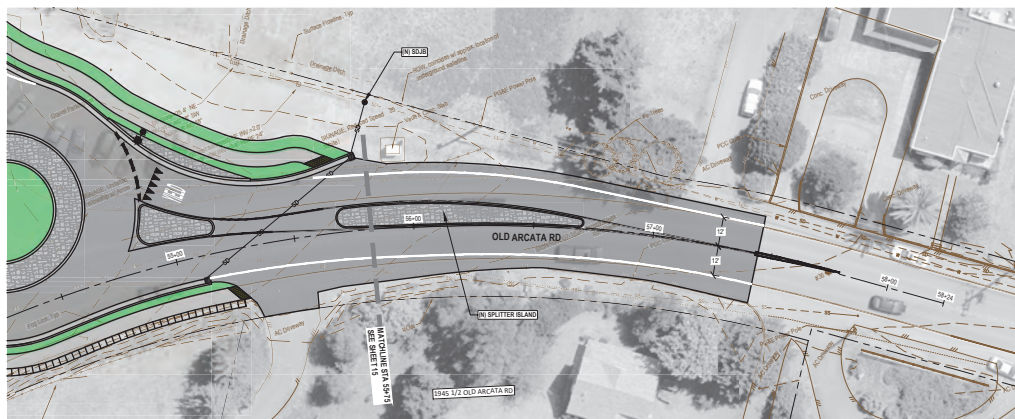


Exhibit 4
A-1-ARC-22-0010 (City of Arcata)
Project Plans with Wetlands (pg. 9 of 14)





ROUNDABOUT
OLD ARCATA RD - STA 55+75 TO END
SCALE: AS SHOWN



PROFILE VIEW
OLD ARCATA RD - STA 55+75 TO END
SCALE: AS SHOWN



DRAFT 30% PLANS
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CONSTRUCTION



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Drafting Check	J.WOLF	Design Check	J.WOLF
Project Manager	J.WOLF	Date	08/15/2010
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Client	CITY OF ARCATA
Project	OLD ARCATA ROAD IMPROVEMENTS
Title	OLD ARCATA RD - STA 55+75 TO END

Project No.	
Original Size	C-112
ANSI D	Sheet No.

Sheet 17 of 19

 SHEET KEYNOTES

BEING DEVELOPED

LINE & HATCH LEGEND

PALUSTRINE EMERGENT

PALUSTRINE SCRUB-SHRUB

(N) ASPHALT OVERLAY

(N) CONCRETE

(N) LANDSCAPE BUFFER

(N) GRAVEL OR GRASS PAVEMENT

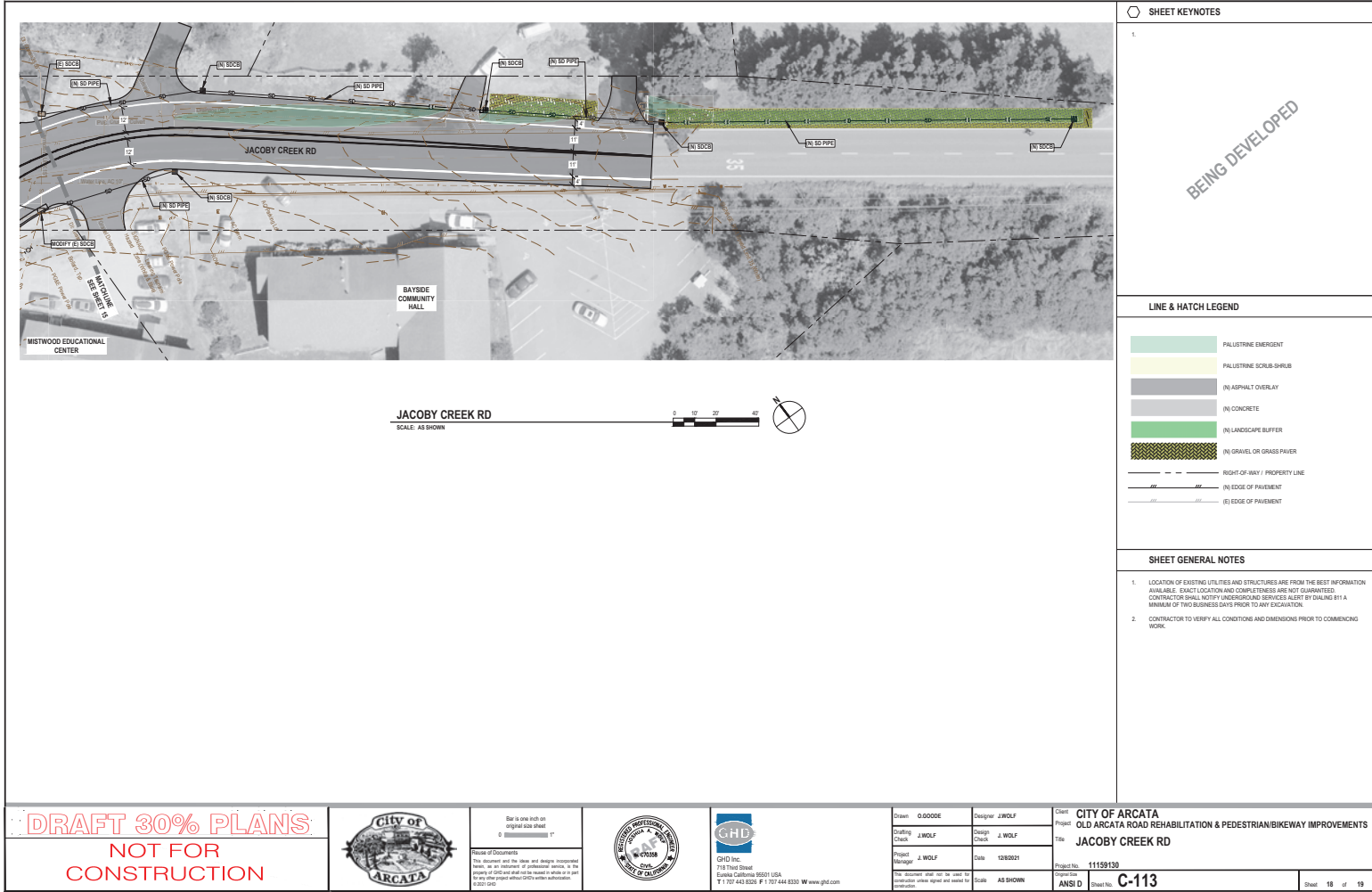
RIGHT-OF-WAY / PROPERTY LINE

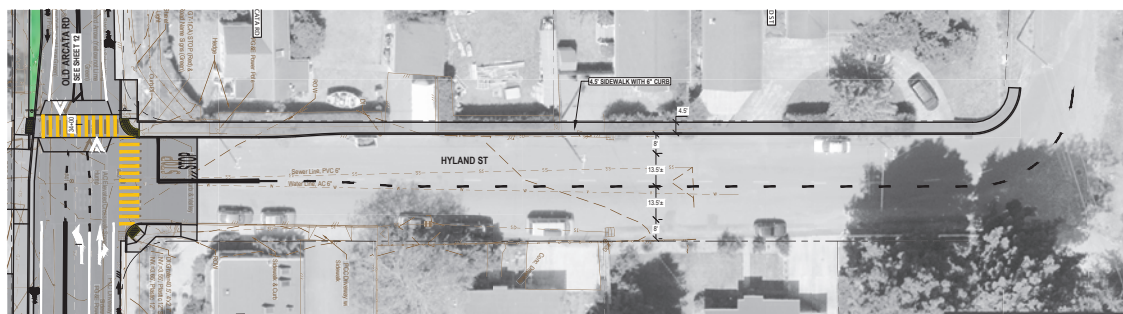
EDGE OF PAVEMENT

EDGE OF PAVEMENT

SHEET GENERAL NOTES

1. LOCATION OF EXISTING UTILITIES AND STRUCTURES ARE FROM THE BEST INFORMATION AVAILABLE. EXACT LOCATION AND COMPLETENESS ARE NOT GUARANTEED. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICES ALERT BY DIALING 811 A MINIMUM OF TWO BUSINESS DAYS PRIOR TO ANY EXCAVATION.
2. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK.





PLAN VIEW
HYLAND ST
SCALE: AS SHOWN



 SHEET KEYNOTES

BEING DEVELOPED

LINE & HATCH LEGEND

PALUSTRINE EMERGENT

PALUSTRINE SCRUB-SHRUB

(N) ASPHALT OVERLAY

(N) CONCRETE

(N) LANDSCAPE BUFFER

(N) GRAVEL OR GRASS PAVEMENT

RIGHT-OF-WAY / PROPERTY LINE

EDGE OF PAVEMENT

EDGE OF FAVEMENT

SHEET GENERAL NOTES

1. LOCATION OF EXISTING UTILITIES AND STRUCTURES ARE FROM THE BEST INFORMATION AVAILABLE. EXACT LOCATION AND COMPLETENESS ARE NOT GUARANTEED. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICES ALERT BY DIALING 811 A MINIMUM OF TWO BUSINESS DAYS PRIOR TO ANY EXCAVATION.
2. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK.

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Drawn	O.GOODIE	Designer	J.WOLF
Drafting Check	J.WOLF	Design Check	D.CAISSE
Project Manager	J.WOLF	Date	08/15/2010
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Client	CITY OF ARCATA
Project	OLD ARCATA ROAD IMPROVEMENTS
Title	HYLAND ST

Project No.		
Original Size	ANSI D	Sheet No. C-114

Sheet 19 of 19

Mitigation, Monitoring, and Reporting Program

Old Arcata Road Improvement Project

SCH No. 2021010176

Table A-1 Mitigation Monitoring and Reporting Program

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
Environmental Protection Action						
EPA-Stormwater Pollution Prevention Plan (SWPPP) The Project will seek coverage under State Water Resources Control Board (Water Board) Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. The City will submit permit registration documents (notice of intent, risk assessment, site maps, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and certifications) to the Water Board. The SWPPP will address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP will include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner will oversee implementation of the Project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.	City of Arcata's Contractor	SWPPP Practitioner	Project construction	During Project construction activities, including during non-work times.	State standards	City of Arcata
Mitigation Monitoring						
3.1 Aesthetics						
MM AES-1 Minimize Temporary Visual Impacts The City shall avoid or substantially lessen impacts by reducing construction disturbance. Measures shall include:	City of Arcata	City of Arcata	Project construction	During Project construction	City standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)		Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>The size of construction zones and staging areas shall be the minimum operable size. The location of such zones shall be adjusted to minimize the visual impacts.</p> <p>To the extent feasible, alignments and locations of facilities shall be adjusted to avoid visually sensitive features and conditions that would result in major landform alteration or mature landscape removal.</p> <p>The City shall restore or revegetate staging areas disturbed by construction activities, including restoring pre-Project topographic features and reseeding with species comparable to those removed or disturbed during construction.</p>							
3.3	Biological Resources						
MM BIO-1 Avoidance and Minimization Measures for Red-Legged Frogs		City of Arcata's biologist	City of Arcata	If impacts are unavoidable: Prior to the initiation of Project construction	Once, prior to Project construction	Federal and state standards	City of Arcata
<p>Although Northern Red-legged Frog breeding is not documented in the project area, measures for this species are included because individual frogs may disperse for considerable distances and could enter construction areas Mitigation Measure BIO-1 is proposed to minimize potential impacts to Northern Red-legged Frogs:</p> <p>The City shall retain a qualified biologist to perform a pre-construction survey for the Northern Red-legged Frog within 24 hours prior to commencement of ground disturbance within 50 feet of suitable Northern Red-legged Frog habitat. Suitable habitat will be determined by the City's qualified biologist. The biologist will relocate any specimens that occur within the work-impact zone to nearby suitable habitat.</p> <p>In the event that a Northern Red-legged Frog is observed in an active construction zone, the contractor shall halt construction activities in the area and the frog shall be moved to a safe location in similar habitat outside of the construction zone</p>							

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
MM BIO-2 Protection of Special Status Plants Pre-construction surveys: Seasonally appropriate pre-construction surveys for special status plant species shall occur prior to construction within the planned area of disturbance along Jacoby Creek Road between 2266 Jacoby Creek Road and 2332 Jacoby Creek Road during the appropriate blooming time (spring or summer) for the target species. Survey methods shall comply with CDFW rare plant survey protocols, and shall be performed by a qualified field botanist. Surveys shall be modified to include detection of juvenile (pre-flowering) colonies of perennial species when necessary. Any populations of special status plant species that are detected shall be mapped. Populations shall be flagged if avoidance is feasible and if populations are located adjacent to construction areas. The locations of any special status plant populations to be avoided shall be clearly identified in the contract documents (plans and specifications). If special status plant populations are detected where construction would have unavoidable impacts, the shoulder widening will be eliminated from the project at that location to avoid impacts to special status species.	City of Arcata's biologist	City of Arcata	Prior to Project construction	Prior to Project construction	State standards	City of Arcata
MM BIO-3 Avoidance and Minimization Measures for Waters of the United States and Waters of the State The City shall implement the following avoidance and protection measures for Waters of the United States and Waters of the State: 1. The City shall attempt to avoid or minimize impacts to wetlands/waters to the greatest extent feasible in the final design plans. 2. Areas where wetlands are to be filled shall be clearly identified in the construction documents and reviewed by the City prior to issuing for bid. 3. ESA exclusion fencing shall be installed prior to construction to protect juxtaposed wetlands from inadvertent construction-related	City of Arcata's biologist	City of Arcata	If surveys necessary: Prior to Project construction	Prior to and during Project construction	State standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
impacts. The locations of the ESA fencing shall be included on the final 100% design plan set for construction.						
MM BIO-4 Compensatory Mitigation for Wetland Impacts The City shall compensate for wetlands impacts through restoration, rehabilitation, and/or creation of wetland at a ratio of no less than 1:1.2 and to the satisfaction of the City and permitting agencies. A Wetlands Mitigation and Monitoring Plan shall be prepared in coordination with jurisdictional permitting agencies. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with and to the satisfaction of jurisdictional permitting agencies. Temporarily impacted wetlands shall be restored in place by the City following the close of construction. The Plan shall be acceptable to jurisdictional permitting agencies and include the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; plant storage; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by the City.	City of Arcata	City of Arcata	48 hours prior to construction	During Project construction	State standards	City of Arcata
MM BIO-5 Remove Vegetation Outside of Nesting Bird Season The City would attempt to remove trees and other vegetation that could potentially contain nesting birds outside the bird nesting season (August 31st and February 1st).	City of Arcata's biologist	City of Arcata	If surveys necessary: Prior to Project construction	Prior to and during Project construction	State standards	City of Arcata
MM BIO-6 Conduct Nest Survey and Establish Buffers If vegetation removal or ground disturbance cannot be confined to work outside of the nesting season, a qualified ornithologist shall conduct pre-construction surveys within the vicinity of the Project Area, to check for nesting activity of native birds and to evaluate the site for presence of raptors and special-status bird species. The ornithologist shall conduct a minimum of one day pre-construction survey within the 7-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance	City of Arcata	City of Arcata	Pre-construction	Pre-construction and possibly during Project construction (should construction	Federal and State standards	City of Arcata

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4

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Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>and vegetation removal work lapses for seven days or longer during the breeding season, a qualified biologist shall conduct a supplemental avian pre-construction survey before project work is reinitiated.</p> <p>If active nests are detected within the construction footprint or within the construction buffer established by the Project biologist, the biologist shall flag a buffer around each nest. Construction activities shall avoid nest sites until the biologist determines that the young have fledged or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within construction buffer, nest buffers would be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the California Department of Fish and Wildlife (CDFW). Buffer sizes would take into account factors such as (1) roadway and other ambient noise levels, (2) distance from the nest to the roadway and distance from the nest to the active construction area, (3) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;(4) distance and amount of vegetation or other screening between the construction site and the nest; and (5) sensitivity of individual nesting species and behaviors of the nesting birds.</p> <p>If active nests are detected during the survey, the qualified ornithologist shall monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified ornithologist, disturb nesting activities (e.g., excessive noise), shall be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified ornithologist shall immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed, placement of visual screens or sound dampening structures between the nest and construction activity, queuing trucks to distribute idling noise,</p>				activities lapse for seven days)		

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
locating vehicle access points and loading away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.						
3.4 Cultural Resources						
MM CR-1 Develop and Implement an MOU with Consulting Tribes The City shall develop a MOU with consulting tribes to that will include: When and where tribal and or archaeological monitors will be needed. Potential Preconstruction guided investigation needs that would occur prior to construction. Inadvertent discovery protocols and plans. The MOU shall be developed prior to construction and implemented throughout the duration of project construction.	City of Arcata t	City of Arcata	Pre-construction	Once, prior to Project construction	County standards	City of Arcata
3.6 Geology and Soils						
MM GEO-1 Inadvertent Discovery of Paleontological Resources If potential or paleontological resources are encountered during Project subsurface construction activities or geotechnical testing, all work within 50 feet of the find shall be stopped, and a qualified archaeologist funded by the City and approved by the City shall be contacted to evaluate the find, determine its significance, and identify any required mitigation. The applicant shall be responsible for implementing the mitigation prior to construction activities being re-started at the discovery site.	City of Arcata's Contractor	City of Arcata	Project construction	During Project construction	County standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)		Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
3.8	Hazards and Hazardous Materials						
MM HAZ-1 Evaluate and Manage Potential Contamination from “Roger’s Garage”							
<p>Historical records of previous borings would be reviewed (if available) to mitigate duplicate boring efforts. If existing data is insufficient to evaluate potential contamination of soils to be excavated with the Project Area, additional pre-construction borings would occur. If sampled soil is found to be impacted by ADL, petroleum hydrocarbons, or other regulated contaminants, a Construction Soil Groundwater Monitoring Plan (SGMP) would be prepared prior to any construction activities. During construction, the SGMP would be implemented.</p>		City of Arcata	City of Arcata	Pre-construction	Duration of project construction	City and County Standards	City of Arcata
MM HAZ-2 Evaluate and Managed Aerially Deposited Lead							
<p>In areas of ground disturbance, pre-construction soil borings shall characterize lead concentrations in soil and groundwater in anticipation of construction activities. Once the areas of ground disturbance and potential dewatering are confirmed, a Preliminary Site Investigation (PSI) workplan shall identify location and number of borings necessary for pre-characterization and depth for sample collection. Historic soil boring information (if available) shall be reviewed to further define boring locations and mitigate duplicative borings.</p> <p>Laboratory analytical results of soil samples collected from the borings shall be utilized to ascertain whether health and safety concerns are present for construction workers and determine the potential for ADL impacted groundwater, and soil and/or groundwater handling and disposal options. Proposed soil borings and/or grab groundwater sample locations shall be determined following identification of the areas and depths of soil excavation and dewatering activities. If pre-construction TTLC soil characterization sampling indicates that concentrations of lead are elevated above 1,000 ppm, or if STLC analytical results are greater than 5 mg/l, then such data may indicate potential ADL impacts to groundwater.</p>		City of Arcata	City of Arcata	Pre-construction	Duration of project construction	City and County Standards	City of Arcata

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7

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Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>If construction activities include dewatering, and if laboratory analysis of pre-construction soil borings indicate elevated total and STLC concentrations of 1,000 ppm and 5 mg/L, respectively, then pre-construction groundwater characterization shall occur. If lead impacted soil or groundwater is identified during pre-construction characterization, then a SGMP shall be developed to identify protocols that should be utilized to proactively manage potentially impacted soil and groundwater within the Project alignment and reduce exposure to site workers.</p> <p>If pre-construction characterization indicates ADL impacts above STLC levels to soil and/or groundwater, site workers involved in excavation activities be trained in accordance with the Hazardous Waste Operations and Emergency Response (HAZWOPER) certification (Occupational Safety and Health Administration [OSHA] 1910.120).</p>						
3.9 Hydrology and Water Quality						
MM HWQ-1 Water Quality Control Measures During Excavation <p>In instances where excavation occurs within the vicinity of stream channels, flowing ditches, or wetted waters of the U.S. or State, erosion and sediment control measures shall be implemented. These measures shall include installation and maintenance of silt-fence along channel banks or wetted waters as specified in Project designs, and development of erosion control plans to prevent inadvertent sediment delivery</p>	City of Arcata's Contractor	City of Arcata	Project construction	Duration of Project construction	City and County standards	City of Arcata
3.11 Transportation						
MM TR-1 Maintain Emergency Access and Notify Emergency Responders <p>The City shall require contractors to provide adequate emergency access to all properties along the corridor during the construction process. At locations where the access to a nearby property is temporarily blocked, the contractor shall be required to have ready the means necessary to accommodate access by emergency</p>	City of Arcata's Contractor	City of Arcata	Project construction	Duration of Project construction	City and County standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
vehicles to such properties, such as plating over excavations. As construction progresses, emergency providers shall be notified in advance of the timing, location, and duration of construction activities and the locations and durations of any temporary lane closures.						

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From: [O'connell, Gregory](#) [REDACTED]
To: [Delo Freitas](#); [David Loya](#)
Cc: [Andrea Hilton](#); [Netra Khatri](#)
Subject: RE: OAR EIR Wetland Synopsis
Date: Monday, August 30, 2021 6:50:22 AM
Attachments: [image003.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Delo. This is super helpful. If not already included in the project description, I would recommend some level on native landscaping where it will not interfere with safety, line-of-site, etc. I think this may be better suited as a condition of approval rather than a mitigation measure (if not already part of the project). Thanks again, Greg

17-1

From: Delo Freitas <dfreitas@cityofarcata.org>
Sent: Friday, August 27, 2021 4:32 PM
To: David Loya <dloya@cityofarcata.org>; O'connell, Gregory [REDACTED]
Cc: Andrea Hilton [REDACTED]; Netra Khatri <nkhatri@cityofarcata.org>
Subject: RE: OAR EIR Wetland Synopsis

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Greg:

Happy Friday! Here is a brief summary of wetland impacts:

- The evaluation of potential impacts to biological resources is based on results from the NES completed for the Project, which includes by appendix a wetland delineation, rare plant evaluation, and ESHA evaluation (Northstar Environmental 2019; Appendix D – Natural Environment Study). A wetland delineation update completed on June 23, 2021 focused on a small area near the intersection of Old Arcata Road and Jacoby Creek Road where a small wetland had been delineated in 2018, located outside the Coastal Zone. The area is commonly used for parking and is highly impacted by ongoing roadside use. The updated 2021 delineation concluded the evaluated area did not meet three-parameter wetland criteria, and an updated Preliminary Jurisdictional Determination (PJD) and the updated GHD (2021) report was submitted to the USACE for review. The USACE concurred and issued a jurisdictional determination (USACE 2021). (DEIR pg 3.3-23)
- The BSA consists of two types of identified U.S. Army Corp of Engineers (USACE) jurisdictional wetlands that were classified using Cowardin nomenclature from Classification of Wetlands and Deepwater Habitats of the United States (Federal Geographic Data Committee 2013 cited in GHD 2021), Palustrine Emergent Persistent Wetlands and Palustrine Broad-leaved Deciduous Scrub-Shrub Wetlands. The Palustrine Emergent Persistent Wetland consisted

primarily of an herbaceous layer and the Palustrine Scrub-Shrub, Broad leaved Deciduous Wetlands consisted of tree, shrub, and herbaceous vegetation layers. Willow species (*Salix* spp.) were the dominant trees in the shrub-scrub wetlands often occurring with Himalayan blackberry (*Rubus armeniacus*) and California blackberry (*Rubus ursinus*) in the shrub layer. The BSA also contains one-parameter wetlands meeting Coastal Commission requirements based only on wetland (FAC or wetter) vegetation (lack of hydric soils and wetlands hydrology). No two-parameter wetlands were identified. (DEIR pg 3.3-26)

- Reflective of the 2021 wetland delineation update, approximately 0.16 acres of three-parameter Palustrine Emergent Persistent Wetlands, 0.24 acres of three-parameter Palustrine Broad-leaved Deciduous Scrub-Shrub Wetlands, and 0.08 acres of one-parameter Willow Series were identified within the BSA (not including the area where the willow canopy dripline extended over pavement). These wetlands were entirely omitted from the construction boundary to avoid potential impacts. Wetland impacts would not occur. (DEIR pg 3.3-27)

I've enclosed the preliminary jurisdictional determination from USACOE and associated maps, as well as the draft Bio Resources section for your review.

Please let me know if you have additional questions.

Delo Freitas | Senior Planner
City of Arcata Community Development Department
Planning | Housing | Economic Development
p. 707.825.2213 e. dfreitas@cityofarcata.org

Due to COVID 19, the City has implemented measures to limit in-person contact. We still strive to provide the full range of city services by phone, email, and web-based services. Since this is an evolving situation, [please visit the City's COVID-19 website for updates.](#)



From: David Loya <dloya@cityofarcata.org>

Sent: Thursday, August 26, 2021 4:58 PM

To: O'connell, Gregory [REDACTED] Delo Freitas
<dfreitas@cityofarcata.org>

Cc: Andrea Hilton [REDACTED] Netra Khatri <nkhatri@cityofarcata.org>

Subject: OAR EIR Wetland Synopsis

Delo,

Can you provide Greg a synopsis of the EIR analysis on wetland impacts and any mitigations necessary? Please provide relevant sections of the EIR, the delineation, and the ACOE jurisdictional determination.

Thank you.

David Loya (him)
Community Development Director
City of Arcata
p. 707-825-2045
www.cityofarcata.org

City Hall is open for business between 11 and 5. Starting July 1, we will be open 9 to 5.

Visitors to City Hall are required to wear a mask inside regardless of vaccination status. Thank you for complying with this local practice.

Some services, such as water bills and police services, are available on-call. Please check our website www.cityofarcata.org for the latest information on accessing City services.

Since this is an evolving situation, [please visit the City's COVID-19 website for updates.](#)



Letter 17 – Response to Comments

Response to Comment 17-1

Incorporation of native landscaping

The California Department of Fish and Wildlife (CDFW) recommends incorporation of native landscaping where it will not interfere with safety as a condition of project approval. The City will incorporate native plant species in all landscape areas as practicable as possible.

From: [Jenny Auwarter](#)
To: NorthCoast@Coastal
Cc: [Chris Hamer](#)
Subject: Appeal of Arcata CDP to Coastal Commission / Bayside Cares *PLEASE SEE THIS VERSION**
Date: Tuesday, March 8, 2022 10:45:11 AM
Attachments: [CDP-AppealForm-nc \(SIGNED\) 3-8-2022.pdf](#)
[CDP-AppealForm-nc \(HARD SIGNATURE COPY\) 3-8-2022.pdf](#)
[Attachment to Appeal Form of Arcata CDP to the CC.pdf](#)
[INTERESTED PERSONS.pdf](#)
[Wear roundabout drainage 1.26.22 w email attachments.pdf](#)

Good Morning once again,

My apologies. Please disregard the attachments to the two previous emails from me this morning. This email contains the correct attachments.

Attached please find an appeal of the Arcata CDP on behalf of Bayside Cares, an unincorporated association. Specifically included here are two copies of the appeal (a digitally signed copy and a hard signature copy), plus an attachment to the appeal, a list of interested people, and related correspondence from Kyle Wear dated 1/26/22.

Kindly confirm your receipt of these documents.

Thank you,

Jenny Auwarter
Legal Assistant to Chris Johnson Hamer
Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road, Suite A
Arcata, California 95521
707.822.1771 phone
707.822.1901 fax

In response to the COVID-19 pandemic and due to the current emergency Shelter In Place Order, our office has suspended in-office visits, limiting appointments to telephonic communications and digital correspondence only, for the duration of the Order. Thank you for your patience and understanding during this unprecedented time.

The information contained in this transmission is confidential and contains privileged attorney-client information or work product. This e-mail is intended only for the use of the intended recipient. Any use, review, transmission, dissemination, copying or other use of, or taking of any action in reliance upon, this information by person or persons or entities other than the intended recipient is prohibited. If you have received this communication inadvertently, please do not read, copy or disseminate it in any manner. Please immediately notify the sender via return e-mail or telephone (707-822-1771) and delete it from your computer, destroy the original transmission and its attachments without reading them or saving them. Thank you.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: North Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): Bayside Cares, an unincorporated association

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is NorthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Bayside Cares, an unincorporated association
Mailing address: Attn: Chris Hamer, 381 Bayside Rd., Ste. A, Arcata, CA 95521
Phone number: 707-822-1771
Email address: chris@shkklaw.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other

Describe: Our comment letters can be accessed through GoogleDrive, at the following link:

https://drive.google.com/drive/folders/1Y2TqLRYp_LnDqBdQ3W7hedEkKa36pB5L?usp=sharing

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: This was a decision by the Arcata City Council. There is no other administrative appeal available.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Page 3

2. Local CDP decision being appealed²

Local government name:	Arcata City Council
Local government approval body:	Arcata City Council
Local government CDP application number:	1-ARC-21-1139
Local government CDP decision:	<input checked="" type="checkbox"/> CDP approval <input type="checkbox"/> CDP denial ³
Date of local government CDP decision:	February 16, 2022

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

The City of Arcata proposes to complete improvements to an existing roadway in Bayside neighborhood. The project would repave Old Arcata Road, enhance bicycle lanes of both sides of the roadway alignment, improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. Sidewalks and cross walks throughout the project corridor would also be improved, including a new sidewalk on Hyland Street. The project includes a new roundabout at the intersection of Old Arcata Road and Jacoby Creek Road. The project total length is approximately one mile.

2 Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

3 Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

City of Arcata

Applicant Address:

730 F Street

Arcata, CA 95521

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See attached

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

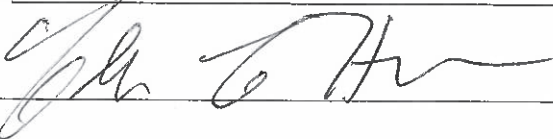
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Chris Hamer, Attorney for Bayside Cares

Signature 

Date of Signature 3/8/2022

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Bayside Cares

CDP Application or Appeal Number 1-ARC-21-1139

Lead Representative

Name Chris Hamer
 Title Attorney for Bayside Cares
 Street Address 381 Bayside Road, Ste. A
 City Arcata
 State, Zip CA 95521
 Email Address chris@shkklaw.com
 Daytime Phone 707-822-1771

Your Signature [Signature]

Date of Signature 3/08/22

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature Chris Hamer

Digitally signed by Chris Hamer
DN: cn=Chris Hamer, o=Baker Hamer Kirk & Eads, ou, email=chris@bhamer.com, c=US
Date: 2022.05.04 19:22:34 -0500

Date of Signature _____

4. Grounds for Appeal

The proposed development is in an area identified as wetland or riparian corridor on the adopted Coastal Wetlands Map.

1. As set forth in the letter and emails from botanical consultant, Kyle Wear, the potential runoff from the proposed project, (which includes construction of a roundabout), will drain into coastal wetlands, the Cannon Slough and Humboldt Bay. The City of Arcata will cause the runoff from the proposed project to drain into coastal wetlands, the Cannon Slough and Humboldt Bay, by inserting a culvert in a wetland near the intersection of Jacoby Creek Road and Old Arcata Road, which will catch the runoff from the new roundabout, and direct the runoff through the existing storm drain system to the coastal wetlands, Cannon Slough and Humboldt Bay.
- a. Because the proposed project includes coastal wetlands because runoff from the project will drain into the coastal wetlands, City of Arcata Municipal Code Title IX, Chapter 2, Coastal Land Use and Development Guide, (the Local Certified Coastal Plan, hereinafter referred to as the "LCP"), required the City to do the following, none of which it did:
 - (1) Section 1-0409.2 of the LCP required the City of Arcata to provide a topographic base map, an inundation map, a vegetation map, a soils map, and supplemental information including: (a) the present extent of the habitat; (b) previous and existing ecological conditions; (c) present and potential adverse physical and biological impacts on the ecosystem; (d) alternatives to the proposed development, including different projects and off-site alternatives; and (e) mitigation measures and proposed buffer area. **The City of Arcata provided none of the foregoing, and did not even disclose the fact that potential runoff from the project, including the new roundabout to be built as part of the project, would be into coastal wetlands, Cannon Slough or the Humboldt Bay, all in the Coastal Zone.**
- b. Because the proposed project will direct runoff from the project into coastal wetlands, which are close to Old Arcata Road, the proposed project includes a Wetland Buffer Area, as defined in Section 1-0410.5 of the LCP. Pursuant to Section 1-410.2 of the LCP, the Coastal Wetland Buffer Areas Development Standards apply to the proposed project because the project includes a Wetland Buffer Area. Because the proposed project is in a Wetland Buffer Area, the LCP required the City of Arcata to do the following, which it did not do:
 - (1) Pursuant to Section 1-0410.4 of the LCP, the City of Arcata was required to consult with the Department of Fish and Game, (now known as the Department of Fish and Wildlife), to review development plans proposed within the wetland buffer areas, and to recommend, within 10 days of the request, measures to mitigate disturbances of habitat;
 - (2) Pursuant to Section 1-0410.6(2), the proposed project was required to comply with the Required Mitigations listed in Section 1-0410.8, which it does not do. The Required Mitigations listed in Section 1-0410.8 are that: (a) the release rate of stormwater runoff not exceed the natural rate of stormwater runoff for a 50-year storm of 10-minute duration; and (b) stormwater outfalls, culverts, gutters and the like be dissipated and where feasible,

screened. The proposed project does not state that it complies, or comply, with the Required Mitigations listed in Section 1-0410.8.

- (3) Pursuant to Section 1-0313.4(c), runoff from new development shall not adversely affect the water quality or habitat value of the Wetland Buffer Area. The City of Arcata has done nothing to ensure that the petroleum-contaminated runoff from the new traffic roundabout and newly widened and elevated roads in the project do not adversely affect the water quality or habitat value of the Wetland Buffer Area, where the project runoff goes into the coastal wetlands and the buffer area adjacent to the coastal wetlands.
- c. Because the proposed project requires homeowners to replace their failing lateral sewer connections, because City of Arcata Ordinance No. 1512 amended Arcata Code Section 7433(c)(3) to require property owners to pay fees and bear all expenses of replace failing sewer laterals, because landowners may not be able to pay the cost of replacing their sewer laterals, because the City of Arcata will not permit landowners to continue to use failing sewer laterals, this may result in effluent being deposited untreated on the ground, contaminating runoff from the properties adjoining the project onto the project area, contaminating the runoff from the project, the groundwater and the coastal wetlands. This violates Section 1-0313.4(c), which states that runoff from new development shall not adversely affect the water quality or habitat value of the Wetland Buffer Area.

INTERESTED PERSONS

ROBERT MCPHERSON
1666 Old Arcata Road
Arcata, CA 95521

SUSAN MCPHERSON
1666 Old Arcata Road
Arcata, CA 95521

KIRIKI DELANY
2212 Jacoby Creek Road
Bayside, CA 95524



Kyle S. Wear
Botanical Consultant
(707) 601-1725
kyle_wear@suddenlink.net

January 26, 2022

Re: Roundabout and Wetland Drainage for the Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements Project (SCH # 2021010176)

To whom it may concern:

At the request of local citizens, I have evaluated the connection between Jacoby Creek and other aquatic resources and the wetlands impacted within the drainage ditch along Jacoby Creek Road and potential runoff from a new roundabout. The evaluation was based on observations of the storm drain system along the road and evaluation of aerial imagery and Lidar contours.

The wetland ditch and area where the new roundabout is proposed drain into a storm drain that flows to the southwest along the east side of Old Arcata Road. The storm drain also drains wetlands and other ditches east of the road. Approximately 1,275 feet southwest of the intersection of Old Arcata Road and Jacoby Creek Road, the storm drain flows west under Old Arcata Road into a drainage ditch. Water also flows northeast away from Jacoby Creek into the drain inlet at this location. From Old Arcata Road, the drainage ditch flows northwest and appears to drain into an old slough channel and emergent wetland and likely eventually into Cannon Slough along Highway 101. The surface drainage does not appear to flow into Jacoby Creek before it enters Humboldt Bay based on aerial images and Lidar contours. Because the wetland ditch to be filled along Jacoby Creek Road has a direct connection to wetlands and Humboldt Bay, it is potentially an Army Corps of Engineers jurisdictional feature.

Maps showing the presumed drainage and a National Wetlands Inventory Map of the area are attached.

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

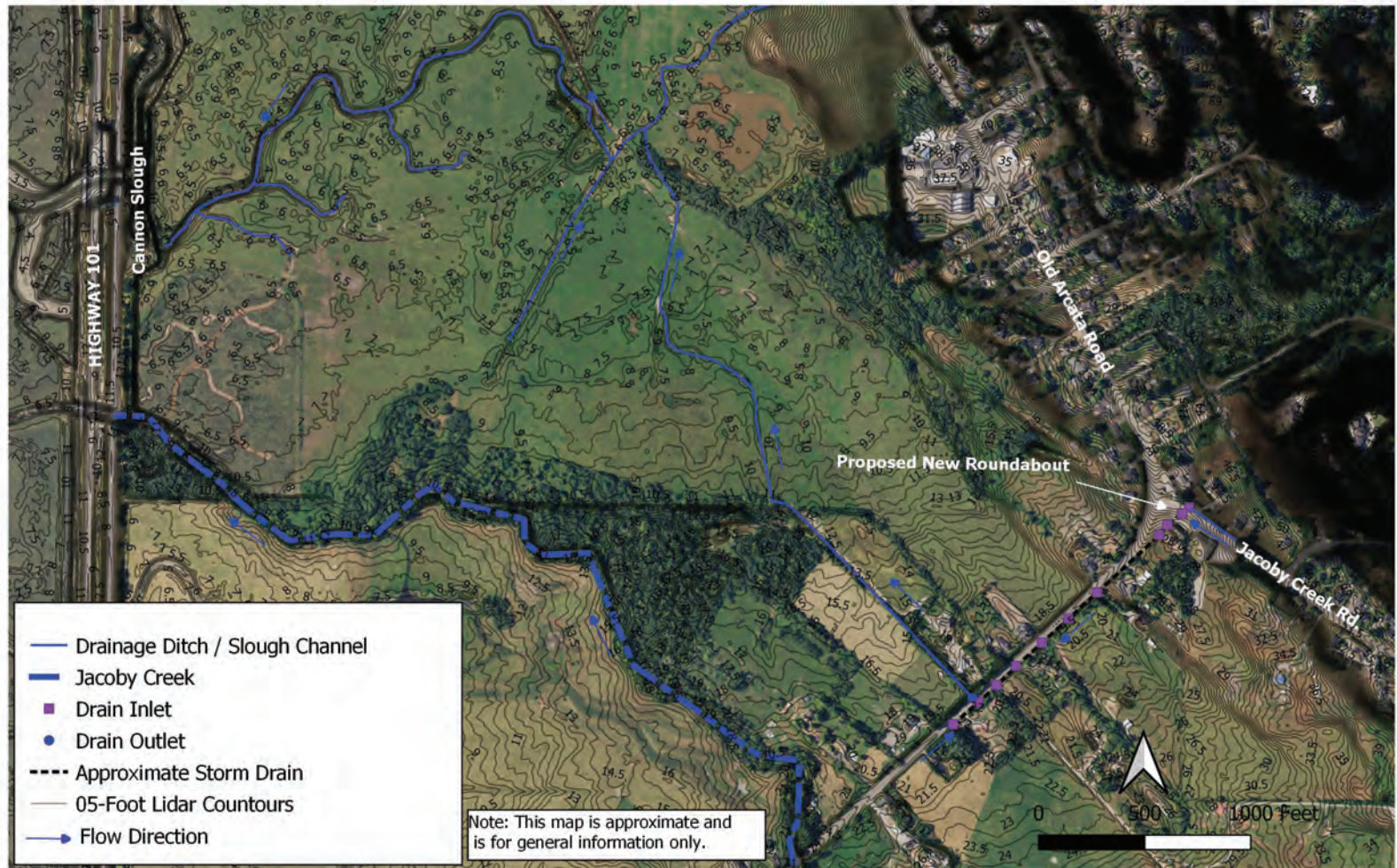
Sincerely,

Kyle Wear

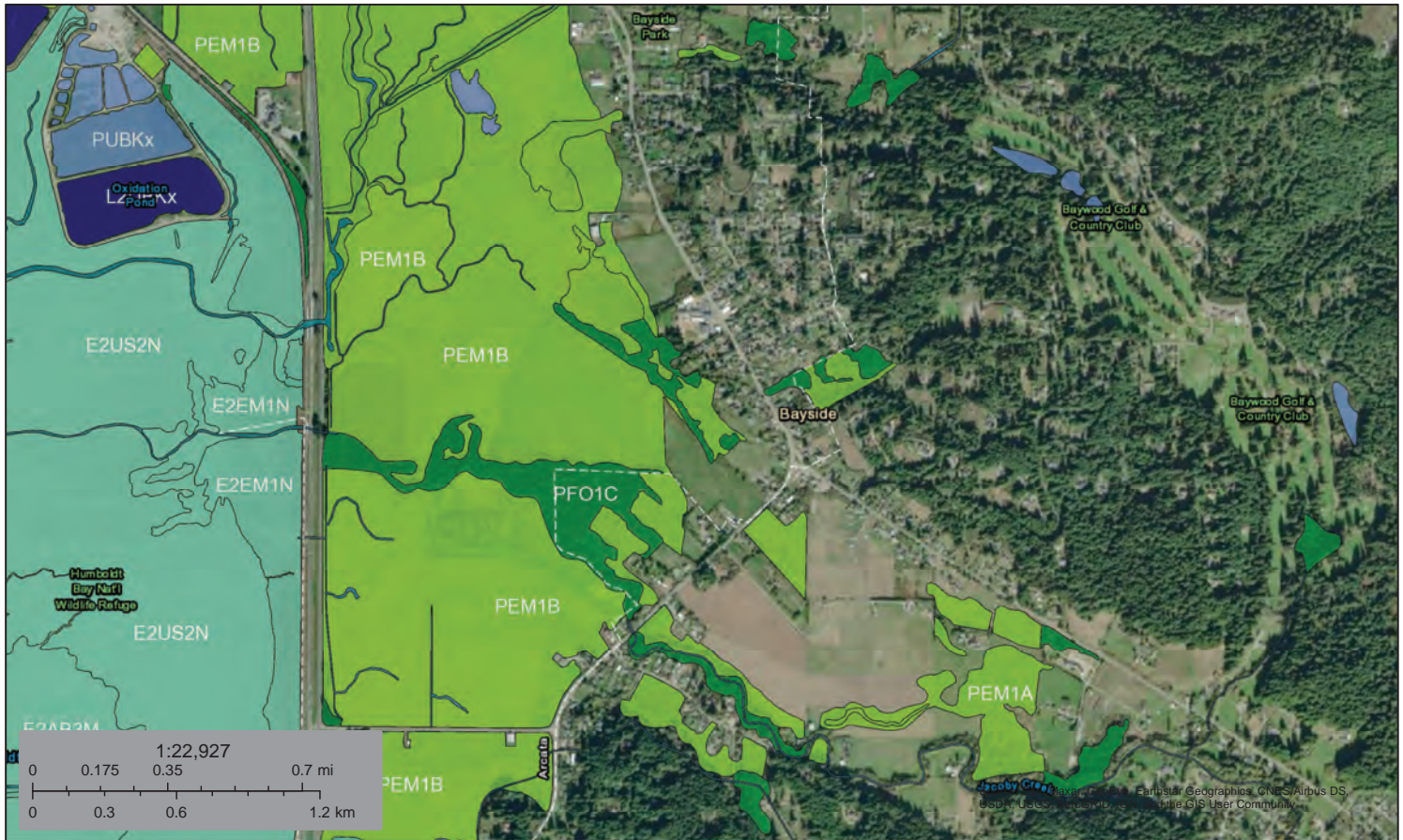
Attachments:

- A. Drainage Map
- B. National Wetlands Inventory Map

Attachment A. Roundabout Drainage Map.











Wetlands



January 26, 2022

Wetlands

- | | | | | | |
|--|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

From: [Marc Delany](#)
To: NorthCoast@Coastal
Subject: Appeal of the City of Arcata CDP application
Date: Thursday, March 10, 2022 3:44:40 PM
Attachments: [Coastal Commission Appeal Form filled.pdf](#)

I am appealing as an affected individual residing in the APE

“Looks like what drives me crazy
Don't have no effect on you --
But I'm gonna keep on at it
Till it drives you crazy, too.” — Langston Hughes

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: North Coast

Appeal Number: A-1-ARC-22-0010

Date Filed: 03/10/2022

Appellant Name(s): Marc Delany

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is NorthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Marc Delany

Mailing address: 2212 Jacoby Creek Road, Bayside CA 95524

Phone number: 928 899-8531

Email address: MLDelany@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☐ Testified at hearing ☒ Other

Describe:

Myself and other residents of Humboldt County, but not residents of the City of Arcata participated or tried to participate in various steps of the scoping and public process, largely unsuccessfully.

Comments made were either ignored, unheard, or abbreviated due to an incomplete or flawed description of the project and the Area of Potential Effect (APE)

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

We were not properly noticed as residents outside of the City of Arcata because the City of Arcata misidentified the APE, the boundaries of the City of Arcata and the Coastal Zone boundaries.

The inaccurate information regarding the boundaries was brought to the public's attention as a question on March 3 Humboldt County Planning Commission meeting.

Action is scheduled for some time in the future. Additionally the project identified two lead agencies, Caltrans and the City of Arcata. Under CEQA and NEPA 1 lead agency is responsible to "lead", in this case neither agency was

At this date Caltrans is the lead agency identified to carry out NEPA, NHPA and Section 106 responsibilities while the City of Arcata only reviewed the project under CEQA. The Caltrans public process has not been concluded, or

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe:

The City of Arcata has not followed proper CDP notice as of this date. Caltrans has not followed proper CDP notice. The county of Humboldt has not followed any CDP notice requirements.

A significant portion of the proposed 8-10 million dollar project is located exclusively outside the City of Arcata boundaries. This fact was only just made public.

Numerous attempts were made by many individuals and community groups to notify the City of Arcata and Caltrans along with the county of a variety of deficiencies and defects, all of which were ignored to date.

The City of Arcata had to approve the project before the project could be appealed. That allows this appeal to be submitted. However, due to defects in the basic procedures not identifying the actual APE or even the jurisdiction,

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name:

The City of Arcata

Local government approval body:

City Council of the City of Arcata, Humboldt County, Caltrans

Local government CDP application number:

201-024-CDP

Local government CDP decision:



CDP approval



CDP denial³

Date of local government CDP decision:

Tuesday March 2nd, 2022 6-7 p.m.

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

This is an inaccurate description of the project, jurisdictions, and APE, but it is the description the City of Arcata used:

The City of Arcata proposes to complete improvements to an existing roadway in Bayside neighborhood.

The project includes a new roundabout at the intersection of Old Arcata Road and Jacoby Creek Road. The total project length is approximately one mile.

The project would repave Old Arcata Road, enhance bicycle lanes on both sides of the roadway alignment, improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet

Sidewalks and cross walks throughout the project corridor would also be improved, including a new sidewalk on Hyland Street.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

City of Arcata

Humboldt California

Applicant Address:

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: All project require an accurate description and the correct jurisdictions.

All projects require the actual APE be used

All CDP require the public to be notified of the project location.

None of the required environmental review or analysis can be accurate, without the basic information, location and jurisdiction be properly identified and known.

Caltrans and the Humboldt County government have not made an application for this project.

The City of Arcata recognizes the inaccurate APE but has not effectively addressed a correction at this date.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐

Interested persons identified and provided on a separate attached sheet

6. Appellant certification⁵

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Marc Delany

Marc Delany, (e- signing)

Signature

Date of Signature 03/10/2022

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



736 F Street
Arcata CA 95521

City Manager
707-822-5953

Community Development
707-822-5955

Environmental Services
Streets/Utilities
707-822-5957

Police
707-822-2428

Finance
707-822-5951

Environmental Services
Community Services
707-822-8184

Recreation
707-822-7091

Transportation
707-822-3775

Building & Engineering
707-825-2128

Bente Jansen
California Coastal Commission
1385 8th Street, Suite 130
Arcata, CA 95521

RECEIVED

FEB 24 2022

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

Dear Bente,

Please find the City's Notice of Final Action enclosed. This transmittal includes the following documents:

1. Coastal Development Permit Action with Findings, Conditions of Approval, and Appeal procedures;
2. Arcata City Council Resolution 212-44, certifying the project Environmental Impact Report; and
3. The project's CEQA Notice of Determination (NOD) filed with the Office of Planning and Research.

Please confirm receipt of this submittal and send a Notice of Appeal Period to myself and my Director, David Loya, at dfreitas@cityofarcata.org and dloya@cityofarcata.org.

I'm available to answer any questions at (707) 825-2213 or at the email provided above at any time.

Respectfully,

Delo Freitas
Senior Planner
City of Arcata Community Development Department

ACTION OF THE CITY COUNCIL

ACTION: Following a public hearing conducted on February 16, 2022, the City Council adopted Resolution 212-44 certifying the project EIR, then subsequently adopted this Action, which is based on the attached Findings for Approval (Exhibit 1); the attached Conditions of Approval (Exhibit 2); and the 30% design (Final EIR, Appendix A), and the whole of the record. This Action approves the Old Arcata Road Rehabilitation and Pedestrian and Bikeway Improvements Project and associated Coastal Development Permit.

Project: The City of Arcata proposes to complete improvements to an existing roadway in Bayside neighborhood. The project will repave Old Arcata Road, enhance bicycle lanes on both sides of the roadway alignment, improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. Sidewalks and cross walks throughout the project corridor would also be improved, including a new sidewalk on Hyland Street. The project includes a new roundabout at the intersection of Old Arcata Road and Jacoby Creek Road. The total project length is approximately one mile. The project is described in greater detail in the project EIR, which incorporated herein by reference, as the Project.

Application Type: Coastal Development Permit (CDP)

Location: West side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet south and west of the Jacoby Creek Road intersection. A portion of the affected roadway east of the Bayside cutoff is outside of City limits and lies within Humboldt County jurisdiction. Roadway has no assigned Assessor's Parcel Number or address.

Property Owner / Applicant: The City of Arcata and County of Humboldt hold both ownership over sections of the associated affected roadway. City of Arcata is the Lead Agency for this project.

File Number: 201-024-CDP

Zoning: No Zoning/Land Use Designation-public roadway

General Plan: No Zoning/Land Use Designation-public roadway

Coastal Zone: A portion of the proposed Project is located within the Coastal Zone (City and County jurisdiction). The majority of the Old Arcata Road roadway is within the coastal zone boundary and the City of Arcata. A portion of the project area at the intersection of Old Arcata Road and Jacoby Creek Road is within the County jurisdiction. The project area is not within the Coastal Commission's permit or appeal jurisdiction. The City of Arcata and the County of Humboldt are individually responsible for processing coastal development permits in their respective jurisdictions, and the decisions are appealable to the Coastal Commission as a "major public works project".

Environmental: The Final EIR (SCH# 2021010176) was certified by City Council Resolution 212-44, based on the whole of the record, and is incorporated here by reference. The Project was approved with CEQA Guidelines findings under Sections 15090-15092, Public Resources Code Section 21081.6, and Sections 9.78.140 and 9.78.170 of the Arcata

Land Use Code.

Permit Expiration and Activation. This permit shall not expire.

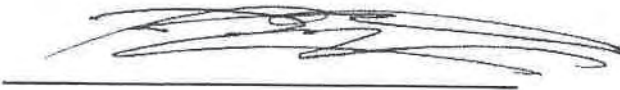
Appeals. The Council's decision on the Coastal Development Permit is appealable to the Coastal Commission. The grounds for an appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program and the public access policies set forth in the public access policies of the Coastal Act. The appeal period shall last ten working days upon the Coastal Commission's receipt of the Action per §1-0410 (d) of the Coastal Land Use and Development Guide.

Further, pursuant to §1094.5 of the California Code of Civil Procedure, *"If you challenge City action on a proposed project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the hearing body at, or prior to, the public hearing(s)."*

Effective Date: This permit becomes effective on the next working day after the appeal period.

Date Approved: February 16, 2022

ATTEST:



David Loya, Zoning Administrator

Exhibit 1

FINDINGS FOR APPROVAL

The following findings are made in approving the Old Arcata Road Improvements Project Coastal Development Permit, File Number 201-024-CDP. The following findings are based on the Arcata Land Use Code (Code) and the Arcata Local Coastal Program (LCP).

The Draft and Final EIR (SCH# 2021010176) undertaken for the Project were approved with CEQA Guidelines findings under Sections 15090-15092, Public Resources Code Section 21081.6, and Section 9.78.140 of the Arcata Land Use Code via City Council Resolution 212-44 and are herein incorporated by reference.

I. REQUIRED COASTAL DEVELOPMENT PERMIT (CDP) FINDINGS OF APPROVAL – ARCATA LAND USE AND DEVELOPMENT GUIDE (LUDG) §1-0408.4:

- A. *The proposed development conforms to the certified Coastal Land Use Element of the General Plan.*

As proposed, the Old Arcata Road Pedestrian and Bikeways Improvement Project conforms to the City's Coastal Land Use Element. The subject area does not have existing coastal access on or adjacent to the project. The following sections analyze the proposed Project against each policy section of the Coastal Land Use Plan.

1. Urban Services Boundary (USB)

Based on the discussion below, the Old Arcata Road Roadway Improvements Project does not conflict with any of the Urban Services Boundary policies I 1-4. The proposed project is located both in Arcata City limits and within the County of Humboldt, and as such, the project is both within and outside of the City's Urban Services Boundary. However, the project will not involve additional development or result in future development or water/sewer services, but is limited to maintenance to an existing public roadway. As the infrastructure in question is pre-existing, will not result in new development or new users associated with that development, and will not require expansion of City community services, the project is in conformance with applicable Urban Services Boundary policies I-1 through I-4.

2. Coastal Land Use Map

Based on the discussion below, the Old Arcata Road Roadway Improvements Project does not conflict with any of the Coastal Land Use Map policy II-1. The proposed project does not conflict with the Coastal Land Use Map policies II-1 as the project is located on unzoned property in the Public Right-of-Way planned for use as a public roadway. No further development or change of use is proposed at this time.

3. Environmental Constraints

Based on the discussion below, the Old Arcata Road Roadway Improvements Project does not conflict with any of the Environmental Constraints policies III-1. – III-11. Environmental constraints are natural hazards such as soil and geologic conditions, flooding, and also include the protection of environmentally sensitive coastal habitat areas.

such as wetlands, creeks and tidelands.

The project does not include any new land uses or development, including development considered a "critical facility" (i.e., power plant, hospital, fire station, etc.). The property is located in a mapped moderate liquefaction area, but is a pre-existing roadway with small likelihood of liquefaction danger. In addition, as noted in the project EIR, the project corridor is generally flat as sloping, and steep slopes and hillslopes are not present within the Project corridor. Landslides within or near the project corridor are unlikely to occur and furthermore the potential for landslide occurrence is not increased by the project. The subject property is outside mapped hazards areas associated with the catastrophic failure of the Matthews Dam (Ruth Lake). The project will not impact the tidelands or water areas of Humboldt Bay or associated aquaculture uses or the ongoing operations of the City's wastewater treatment plant based on the project location and biological analysis.

Policy III-6 Riparian Habitats and Erosion Runoff.

To protect riparian habitat, minimize erosion runoff, and interference with surface water flow, the City is responsible for establishing and maintaining Riparian Buffer Areas along all streams in the Coastal Zone. Redevelopments shall maintain riparian vegetation within a 100-foot buffer along Jacoby Creek and a 25-foot buffer along Beith Creek. The proposed project will encroach within the designated vegetation buffers for these two resources, but no new construction or expansion to the existing roadway prism will occur in the vicinity of these riparian buffer zones.

The Environmental Impact Report (EIR) prepared for the project analyzed the effects of the project on Biological Resources, including wetlands. A Natural Environment Study was prepared for the project. It was determined the project would not have a significant adverse effect on any riparian habitat or other sensitive natural community identified in local plans or by the State or Federal Departments of Fish and Wildlife. No sensitive coastal vegetation alliances, including coastal riparian, were identified in the study area based on the California Department of Fish and Wildlife's *Hierarchical List of Natural Communities* (CDFW 2018b).

The EIR outlines that in instances where excavation occurs within the vicinity of stream channels, flowing ditches, or wetted waters of the U.S. or State, erosion and sediment control measures shall be implemented. These measures shall include installation and maintenance of silt-fence along channel banks or wetted waters as specified in Project designs, and development of erosion control plans to prevent inadvertent sediment delivery. Additionally, the project shall implement recommendations from the drainage study prepared for the project to document the facility is designed in accordance with City and County standards. The drainage study would include:

- Delineation of contributing watershed subbasins;
- Calculation of peak runoff rates in accordance to City and County requirements; and
- Capacity analysis of post-project drainage facilities.

In addition, the Project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction and required by the North Coast Regional Water Quality Control Board. Measures to protect water quality, waters, and wetlands within or near the

Project footprint would include:

- Within 10 days of completion of construction in those areas where subsequent ground disturbance would not occur for 10 calendar days or more, disturbed areas shall be temporarily stabilized to reduce the potential for short-term erosion. Prior to a rain event or when there is a greater than 50 percent possibility of rain within the next 24 hours, as forecasted by the National Weather Service, appropriate Best Management Practices would be installed upon completion of the day's activities to control erosion and prevent sediment laden stormwater from leaving the construction area.
- Suitable perimeter control Best Management Practices, such as silt fences, or straw wattles shall be placed below all construction activities at the edge of surface water features to intercept sediment before it reaches the waterway. These Best Management Practices shall be installed prior to any clearing or grading activities.
- Spoil and stockpile sites shall be located such that they do not drain directly into a surface water feature, if possible. If a spoil site drains into a surface water feature, swales shall be constructed to intercept sediment before it reaches the feature. Spoil sites shall be graded and vegetated to reduce the potential for erosion.
- Sediment control measures shall be in place prior to the onset of the rainy season and would be monitored and maintained in good working condition until disturbed areas have been revegetated.
- A site-specific spill prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.
- Equipment and hazardous materials shall be stored 50 feet away from surface water features. Fueling of equipment shall take place greater than 75 feet from any surface water feature.

Based on these facts, the project as proposed does not conflict with Policy III-6 of the Coastal Land Use Element.

4. Development Constraints

Based on the discussion below, the Old Arcata Road Roadway Improvements Project does not conflict with any of the Development Constraints policies IV-1. – IV-19. Other than the minor expansions to the existing road prism to increase roadway access for bicyclists and pedestrians, no new development is proposed at this time. As the subject parcel does not have existing or proposed access to the shoreline, the proposed project will not restrict shoreline access. The proposed project will not affect agricultural lands or include industrial uses. The project will not fill coastal wetlands, create dredge spoils, or alter shoreline structures. The proposed project does not involve divisions of land, involve new billboards, or impact access to or views from Highway 101.

Policy IV-3 Wetlands Map and Wetlands Buffer Area.

Wetlands in the vicinity of the project area were mapped in the project's wetland delineation report conducted by Northstar Environmental in January 2019. The project does not physically impact coastal wetlands. No coastal wetlands will be filled as a result of this project. The project does not physically impact any wetland delineated on the City's most recent Coastal Wetlands Map. The project is in compliance with the coastal wetlands development standards of the Coastal Land Use and Development Guide. The wetland buffer for this project is set at the default maximum of 100 feet in the absence of a project-specific reduced buffer determination prepared by a qualified professional. There are identified wetlands and wetland creek protection zones within the identified environmental buffer area of 100 feet. However, the "minor modification of existing, serviceable structures" is an allowed use/activity in an identified Environmental Buffer Area per §1-0228 (d) and 1-0228.5.(b) (1). The EIR prepared for the project analyzed the effects of the project on Biological Resources, including wetlands. A Natural Environment Study was prepared for the project. It was determined the project would not significantly impact existing coastal wetlands direct removal, filling, hydrological interruption, or by other means. Based on these facts, the project as proposed does not conflict with Policy IV-3 of the Coastal Land Use Element.

Policies IV-14, 14, and 16-Coastal Scenic Areas/Scenic Routes.

Policy IV-4 designates portions of Old Arcata Road as a Coastal Scenic Area (defined as "*All Land between Highway 101 and Old Arcata Road designated Agriculture-Exclusive on the Land Use Map*"). Policy IV-16 designates the project area as a scenic route (defined as "*Old Arcata Road from the 7th Street overcrossing to Crescent Drive; Samoa Boulevard (State Highway 255) from Sunny Brae to Manila*"). However, the modifications to the existing roadway and minor expansions to the roadway to accommodate bicyclists and pedestrian safety will not block viewsheds from any direction or modify or otherwise physically impact the identified Coastal Scenic Area or Scenic Route. The EIR prepared for the proposed project analyzed the effects of the project on visual resources. A Visual Resources technical memo was prepared for the project by a licensed landscape architect. It was determined the project would not significantly impact existing visual resources, and would not significantly block views from existing public thoroughfares to the Bay. Based on these facts, the project as proposed does not conflict with Policies IV-14, 15, and 16 of the Coastal Land Use Element.

5. Urban Development

The Old Arcata Road Roadway Improvements Project does not conflict with any of the Urban Development policies V-1. – V-6. The project site is located on lands planned for roadway circulation and associated development, and there is no plan to use the project area for urban development at any point in the future. The lands are unzoned and as such there is no need to deviate from zone district development standards, e.g. yard setbacks, site coverage, etc. The project site is not designated as a Public Access Corridor and has no entry to Humboldt Bay requiring signage or special treatment.

6. Public Facilities

The Old Arcata Road Roadway Improvements Project does not conflict with any of the Public Facilities policies VI-1 – VI-10. These public facility policies mainly focus on the recreational uses of the Arcata Marsh and Wildlife Sanctuary and other coastal access areas.

As noted previously the project site is located on lands planned for roadway circulation and associated development, and there is no plan to use the project area for other uses at any point in the future. Thus, the proposed residential subdivision will not conflict with any of the City's Coastal Land Use Public facility policies.

- B.** *For development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, the development is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act.*

The Old Arcata Road Roadway Improvements Project is not located between the nearest public road and the sea. This section is not applicable to the proposed project.

Exhibit 2
CONDITIONS OF APPROVAL

A. AUTHORIZED DEVELOPMENT: Approval is granted for:

The rehabilitation of Old Arcata Road as described in the "project description" of the Environmental Impact Report (EIR) prepared for the proposed project.

The property owner/applicant is responsible for having read and understood these Conditions of Approval and shall have these conditions attached to all building/grading permits or other contracts associated with the authorized development.

B. PROJECT SPECIFIC CONDITIONS:

BUILDING DEPARTMENT

1. **Pacific Gas & Electric Notification.** At least 72 hours prior to commencement of digging, City Staff shall contact the identified PG&E Gas Supervisor to schedule a PG&E inspector to be onsite as needed.

C. GENERAL PERMIT CONDITIONS:

IMPORTANT INFORMATION REGARDING STANDARD CONDITIONS: The City Engineer is responsible for having read and understood the following information:

1. **Minor Modifications.** Minor deviations from approved plans may be approved by the Director of the Community Development Department.
2. **Mitigation Monitoring and Reporting Program.** The applicant shall be responsible for adhering to the Mitigation Tasks and schedule as outlined in the adopted Mitigation Monitoring and Reporting Program (Resolution 212-44, Exhibit 1).
3. **Construction Hours.** The General Plan *Noise Element* Policy N-5d, limits the operation of tools or equipment used in construction, drilling, repair, alteration or demolition to the hours between 8 a.m. and 7 p.m. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or City observed holidays.
4. **Dust Control during Construction:**
 - Cover trucks hauling soil, sand, and other loose material.
 - Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas.
 - Sweep paved access roads and parking areas daily.
 - Sweep streets daily if visible material is carried onto adjacent public streets.
 - Water all active construction areas twice per day and use erosion control

measures to prevent water runoff containing silt and debris from entering the storm drain system.

5. **Discovery of Prehistoric or Archaeological Resources.** If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist, as well as the Tribal Historic Preservation Officers for the Bear River Band/Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
6. **Expiration and Activation of Permit.** This permit shall not expire.
7. **APPEALS.** The Council's decision is appealable to the Coastal Commission. The grounds for an appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program and the public access policies set forth in the public access policies of the Coastal Act. The appeal period will begin upon the receipt of a physical copy of the Action of the City Council by the Coastal Commission's Northern Branch Office within seven days of the Council Action. The appeal period shall last ten working days upon the receipt of the Action per §1-0410 (d) of the Coastal Land Use and Development Guide.

EFFECTIVE DATE OF THIS ACTION: This permit becomes effective on the next working day after the end of the appeal period.

RESOLUTION NO. 212-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA CERTIFYING THE OLD ARCATA ROAD REHABILITATION AND PEDESTRIAN AND BIKEWAY IMPROVEMENTS PROJECT ENVIRONMENTAL IMPACT REPORT

WHEREAS, the City has identified Old Arcata Road as a significant route within the City in need of safety upgrades to serve a variety of users, including bicyclists and pedestrians; and

WHEREAS, the purpose of the proposed Project is to improve connectivity and safety on an existing roadway for non-motorized and motorized travelers in Bayside, California, as well as to increase the use of active modes of transportation; and

WHEREAS, on April 20, 2016, the City contracted with SHN Consulting Engineers to help prepare a community-driven plan for the Old Arcata Road Improvements project. The consultant participated and assisted City staff in hosting multiple community meetings, and presented design alternatives at those meetings; and

WHEREAS, the project as currently designed incorporates public engagement obtained in multiple venues over the past five years, including pop-up events on site, town hall meetings, design meetings, City Council meetings, and circulation of the Initial Study in early 2021, and circulation of the Draft Environmental Impact Report (EIR) and preparation of a Final EIR; and

WHEREAS, alternative analysis for road sections conceived through a charrette process that involved members of the Bayside and neighboring communities included three alternatives and two alternatives for the improvements at the intersection of Old Arcata Road and Jacoby Creek Road. On December 6, 2017, the City Council selected the project considered for approval in this Resolution, and directed staff to seek funding for the project; and

WHEREAS, the City secured State Transportation Improvement Program (STIP) totaling \$2.4M for the project. In June 2018, City contracted with GHD to assist the City in preparing engineering and environmental documents for the project.; and

WHEREAS, the project was considered for approval on May 19, 2021, with a Mitigated Negative Declaration, but the City received a "fair argument" regarding potential impacts to historic resources and the City Council moved to complete an EIR to fully incorporate and address the conflicting statements or evidence presented; and

WHEREAS, pursuant to the CEQA Guidelines ("Guidelines") CCR §15082, a Notice of Preparation was submitted to the Office of Planning and Research on May 14, 2021; and

WHEREAS, the City Circulated the Draft EIR (SCH # 2021010176) dated August 09, 2021, for a 45- day period and the Partially Recirculated Draft EIR dated December 10, 2021, for a 45-day period ending January 27, 2022, at 5:00 p.m. providing the public, trustee, and responsible

agencies an opportunity to comment on the Draft EIR pursuant to CEQA Guidelines Section 15087; and

WHEREAS, the City is the Lead Agency for the purposes of the California Environmental Quality Act (CEQA), and has Coastal Development Permit jurisdiction within its boundaries. The Old Arcata Road/Jacoby Creek Road intersection is located in Humboldt County and a separate Coastal Development Permit will be processed under Humboldt County authority; and

WHEREAS, pursuant to the CEQA Guidelines Section 15090, the City must certify the Final EIR prior to approving the project;

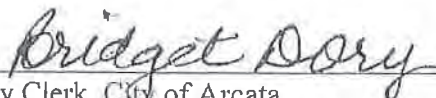
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Arcata:

1. Pursuant to the CEQA Guidelines Secs. 15090 and Land Use Code (LUC) Sec. 9.78.170.A, finds that the Old Arcata Road Pedestrian and Bikeway Improvements Project Updated Final Environmental Impact Report (EIR) dated January 31, 2022, SCH # 2021010176, incorporated herein by reference, based on the whole of the record:
 - a. Has been completed in compliance with the California Environmental Quality Act and Chapter 9.78 (Environmental Impact Assessment) of the Land Use Code; and
 - b. Has been presented to the City Council as the decision making body of the Lead Agency, and that the Council has reviewed and considered the information contained in the Final EIR prior to approving the Project as proposed; and
 - c. Reflects the City's independent judgement and analysis.
2. Pursuant to the CEQA Guidelines Sec. 15091 and LUC Sec. 9.78.170.B, finds that:
 - a. Incorporated alterations to the project provided in the Draft EIR, as incorporated in the Mitigation Monitoring and Reporting Program (MMRP) attached hereto (Exhibit 1), substantially and adequately lessen all identified potentially significant environmental effects to the areas of aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and transportation to a less than significant level; and
 - b. Pursuant to CEQA Guidelines Secs. 15091(b), this finding is supported by substantial evidence in the record; and
 - c. CEQA Guidelines Secs. 15091(d), the MMRP is hereby adopted and shall be enforced through a condition of approval of the project to be incorporated in the City Council Action on the project.
3. Pursuant to the CEQA Guidelines Sec. 15092(b)(1) and LUC Sec 9.78.170.B.2, finds that the Project as approved with incorporated mitigation will not have a significant effect on the environment.

DATED: February 16, 2022

ATTEST:

APPROVED:


City Clerk, City of Arcata


Mayor, City of Arcata

CLERK'S CERTIFICATE

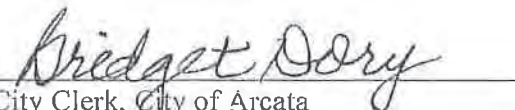
I hereby certify that the foregoing is a true and correct copy of the Resolution No. 212-44 passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 16th day of February, 2022, by the following vote:

AYES: ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER

NOES: NONE

ABSENT: NONE

ABSTENTIONS: WATSON


City Clerk, City of Arcata