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F8b

A-1-HUM-22-0026 (City of Arcata)

November 18, 2022

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November 10, 2022

VIA E-MAIL

Coastal Commission,
North Coast District Office
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**Re: Comments by Bayside Cares Concerning Appeal No.: A-1-HUM-22-0026
(City of Arcata, Humboldt County), Agenda Item F8b at Coastal Commission
Meeting, November 18, 2022, Commencing at 9:00 a.m.**

Dear Members of the California Coastal Commission:

“Substantial Issues” are raised by the above-referenced Appeal by Bayside Cares of the Coastal Development Permit issued to the County of Humboldt.

SUBSTANTIAL ISSUE #1. The Project Does Not Protect Public Safety.

Chapter 3, page 1 of the Local Coastal Program, states: “the Coastal Act requires that **all development be subject to standards designed** to protect natural and cultural resources, as well as **to protect public safety.**”

The Project will potentially create hazards of serious injury or death to pedestrians and bicyclists, in violation of the Local Coastal Program, with no standards designed to avoid these safety hazards. **This is documented in the letter from traffic engineer, Daniel T. Smith, which was attached as Exhibit “C” to Bayside Cares’ Appeal and is attached as Attachment “A” to these comments.**

There is no contrary evidence to what Daniel T. Smith states, either in the EIR or in the Staff Report. The Staff Report only notes that the City “intended” the Project to improve safety, calm traffic and to accommodate bicyclists and pedestrians, and that it would be designed to meet ADA standards—which is not the same as being designed to protect public safety, and to avoid the dangers described in Mr. Smith’s letter. What the City “intends” is not evidence that safety will be improved, not decreased, or that the roundabout design will not create potentially great risks of collisions between bicyclists, pedestrians and motor vehicles.

Nothing in the EIR or in the Staff Report discloses the potential safety hazards and substantial potential for increased collisions between motor vehicles, bicyclists and pedestrians which are identified by traffic engineer, Daniel T. Smith. No measures to mitigate these safety concerns are set forth in the EIR or Staff Report.

A. Danger of Collisions between Bicyclists, Pedestrians and Motorists Created by the Roundabout

As traffic engineer, Daniel T. Smith, Jr., states in **his letter attached as Attachment “A”**, (which letter was attached as Exhibit “C” to Bayside Cares’ Appeal), the roundabout portion of the Project creates dangers of collisions between bicycles and pedestrians, by putting bicycles and pedestrians together on a narrow, shared path.

As traffic engineer, Daniel T. Smith, Jr., states in his letter attached as **Attachment “A”**, (which letter was attached as Exhibit “C” to Bayside Cares’ Appeal), the roundabout portion of the Project also creates dangers of collisions between motor vehicles and bicycles by mixing bicyclists with motor vehicles in the roundabout, particularly because motorists will be focused on negotiating the roundabout, rather than on looking out for bicycles. There is the potential for collisions between bicyclists and pedestrians because they will be sharing the same narrow path.

The danger of collisions between which dangers were disclosed or analyzed in the EIR, and there are no mitigation measures against these dangers.

The existing intersection, without the roundabout, is safer for bicyclists than the roundabout, and the safety of the existing intersection could be improved with only minor work. As stated by traffic engineer, Daniel T. Smith, in his letter February 3, 2022 letter (attached as **Attachment “A”**, which was attached as Exhibit “C” to the Appeal):

“In the existing situation, clear bikeable shoulders extend up to the intersection in the northbound direction of Old Arcata with a clear path outside the Old Arcata northbound traffic lane across it ahead of the STOP line on westbound Jacoby Creek. In the southbound direction of Old Arcata, bicyclists have a bikeable shoulder clear through the intersection. On Jacoby Creek, which has defined bikeable shoulders farther east, on the last 200 feet to the intersection in both directions, the shoulder limit is undefined and there is poor pavement quality. This condition could be improved without building the roundabout.”

The traffic engineer describes a particular danger to bicyclists of collisions with motor vehicles and with pedestrians, created by the choices they must make, because of this particular roundabout design:

“In the proposed roundabout design, northbound bicyclists have an undesirable choice. They must merge (perhaps abruptly if unfamiliar with the route) from the bikeable shoulder into the northbound traffic lane on Old Arcata, through the roundabout in mixed and crossing traffic before regaining the bikeable shoulder at the intersection with the branch of Old Arcata serving the Post Office and the pump station.”

“Or, they can go up a ramp, making an abrupt reverse S turn to a path shared by pedestrians and bicyclists that leads circuitously around the east side of the roundabout.”

“On the way around it, they cross Jacoby Creek Road on a crosswalk that is roughly halfway between the roundabout and the branch of Old Arcata serving the Post Office. For a bicyclist deciding whether to enter the crosswalk, there will be uncertainty whether a motorist approaching westbound on Jacoby Creek and signaling for a right turn is turning into the Post Office segment and hence not a threat or is turning into the roundabout and is one.”

“This same dilemma faces pedestrians headed southbound into the crosswalk. Southbound cyclists who currently have a clear bikeable shoulder through the intersection will have to make a choice whether to ride through the roundabout in mixed traffic or ride around the west side of it on a shared path with pedestrians. Although the transition from the shoulder to the traffic lane is less abrupt than in the northbound direction, the narrowness of the lane as it continues southward means that the cyclist will have to fully occupy the traffic lane instead of traveling to the right of motor vehicle paths. If the cyclist chooses to use the shared path, the transition is via abrupt reverse S curve at the last private driveway north of the roundabout or an even more abrupt reverse S curve at the ramp closer to the roundabout itself. On the whole, it seems more likely than not that the roundabout will be more detrimental to cyclists than the existing situation.”

B. Increased Points of Potential Conflict Increase the Potential for Collisions.

The roundabout design creates potential for collisions between bicyclists, motor vehicles and pedestrians, because it includes a number of potential conflict points between them. Immediately adjacent to the roundabout as designed, there are two private driveways, ingress/egress to the Post Office and ingress/egress to the Bayside Community Hall (grange) parking area.

As traffic engineer, Daniel T. Smith, Jr., states in his letter attached as **Attachment “A”**, (which letter was attached as Exhibit “C” to Bayside Cares’ Appeal):

“Another part of the improved safety claim is that roundabouts decrease conflict points. But in this case, there are two private driveways on the west side of Old Arcata, one in the stripped portion of the north separator island, one that causes the raised portion of the south separator island to be split with a stripped section in between. There is the Post Office access portion of Old Arcata, one end of which intersects within the stripped opening of the north separator island; the other of which intersects Jacoby Creek just to the east of the raised portion. Two private driveways intersect Jacoby Creek near the roundabout within the stripped portion of the easterly separator, one of which is commercial, island and also a lengthy portion of the Bayside Community Hall parking area that has continuous mountable curb access along the stripped portion of the easterly separator island.”

“If, as it appears, the intent is to continue to have full movements access/egress at all of these points, they constitute additional conflict points that would constitute additional conflict points that compound operational and safety issues associated with the roundabout. If the intent is to limit some or all of these points to right turn in/right turn out, this could trigger severance damage payments, which is akin to a taking of right of way.”

Daniel T. Smith, Jr. notes **in his second letter, attached as Attachment “B”**, which was attached as Attachment “D” to the Appeal, that recently there were three injury or fatality collisions at or in the close proximity of roundabouts in the Arcata vicinity involving motor vehicles with bicyclists or pedestrians, two along Old Arcata Road itself and another near the roundabout at the intersection of Spear Avenue, St. Louis Road and West End Road. While the causation analysis of these accidents has not yet been completed, their occurrence makes obvious that the lack of analysis of the history, causation and severity at the intersection of Old Arcata Road and Jacoby Creek Road is a major flaw in the justification of the roundabout feature of the Project.

C. The City’s Emergency Response Vehicle Will Not Be Able to Negotiate the Roundabout.

The Staff Report states that “The proposed lanes are standard widths, which can accommodate emergency vehicles.”

This is not true. It will not accommodate the City of Arcata’s primary emergency vehicle, which does not have dimensions of a standard emergency vehicle. Traffic engineer Daniel T. Smith, Jr. also notes **in his second letter, attached as Attachment “B”**, which was attached as Attachment “D” to the Appeal, that the Arcata Fire Department’s Critical Emergency Response Vehicle, a quint, will not be able to negotiate the roundabout, further endangering public safety.

As explained in his letter based on the latest photo of the entire vehicle fleet operated by the Arcata Fire District posted on the District’s web site, the District operates a unique type of fire vehicle known generically as a “quint”. A quint combines the functions of an aerial ladder truck and an engine (“pumper”) truck. The vehicle operated by the Arcata Fire District is a 2001 American LaFrance 3-axle quint with an overall width of 10.25 feet (instead of the 8.5 feet width of a normal design truck), a relatively short wheelbase of 21.5 feet but large overhangs front and rear. The front overhang is 8.5 feet to the front bumper and about 12.5 feet counting the overhang to the ladder platform. The rear overhang from the center of the rear axles is 16 feet. Its maximum steering angle is 39.3 degrees. Traffic engineer, Daniel T. Smith, Jr., states, that “these unique dimensions make this fire apparatus a design vehicle of particular concern at any roundabout.”

There is no analysis in the Environmental Impact Report whether this critical emergency response vehicle can negotiate the proposed roundabout successfully and at satisfactory emergency response speed. There is no analysis of the potential adverse effects on both public safety and traffic flow, if the quint cannot negotiate the proposed roundabout, or if the quint can

only negotiate the proposed roundabout at extremely slow speeds, backing up traffic and other emergency response vehicles such as ambulances and other fire fighting vehicles.

D. Logging Equipment and Other Oversized Vehicles Will Not Be Able to Negotiate the Traffic Circle.

The Staff Report does not address whether the proposed roundabout will accommodate oversized vehicles, including oversized logging equipment. There is to be logging by the City of Arcata on Jacoby Creek Road, necessarily using the intersection where the roundabout is proposed. Attached hereto **as Attachment “C”** is the notice sent by the City of Arcata’s forester concerning the City of Arcata’s plans to log an area on Jacoby Creek Road. Loaders and other over sized equipment are necessary in logging operations.

Traffic engineer Daniel T. Smith states in his February 3, 2022 letter that the roundabout, as designed, will not accommodate oversized vehicles, but all the other roundabouts on Old Arcata Road can accommodate oversized vehicles. So--if an oversized vehicles comes onto Old Arcata Road, it will be blocked once it encounters the roundabout, leading to traffic backups and creating a risk to public safety, particularly emergency vehicle access to the Project area.

E. The City Provided No Evidence that the Roundabout Will Improve Public Safety.

As traffic engineer, Daniel T. Smith, Jr., notes in his attached letter:

“The environmental documents contain no formal analysis of documented accident experience and causation justifying provision of a roundabout. Claimed need is purely anecdotal reports and hypothetical conjecture that building a roundabout here would improve safety when there is no evidence that there is a safety problem that would justify such a drastic measure.”

“Nowhere does any version of the EIR or related documents, such as the Project Study Report, establish that there is a fundamental need for the roundabout feature by operational analysis (level-of-service), nor is adequacy of the roundabout as proposed, demonstrated through this form of analysis.”

The City has not demonstrated that the roundabout as proposed would have adequate capacity to serve year 2041 volumes, or that it would even be adequate to serve current traffic volumes. The City makes a prediction that the current intersection would not have capacity to serve year 2041 volumes. Yet it makes no prediction that the roundabout would have capacity to serve 2041 volumes, or even present volumes.

Daniel T. Smith, Jr. notes **in his second letter, attached as Attachment “B”**, which was attached as Attachment “D” to the Appeal, states:

“In the EIR, in the “Purpose and Need” section of the Project Description states as follows:

“The Project is intended and designed to serve current City population.”

Yet curiously and inconsistently, within the same Purpose and Need section, it attempts to justify the roundabout by citing a very poor Level-of-Service (“LOS”) prediction for the current Jacoby Creek/Old Arcata intersection configuration and control based upon a Caltrans study *estimated volumes for Year 2041*.”

“--Yet nowhere, not even in the related Project Study Report, does the Project documentation ever demonstrate that the roundabout as proposed would have adequate capacity to service Year 2041 volumes or even current year volumes.”

“The EIR documents are also inconsistent in dismissing alternatives that involve adding improved traffic control (3-way STOP or Traffic Signal) to the current intersection alignment, stating that all-way STOP and Signal warrants are not met. However, there is no evidence that the EIR considered the 2041 volumes predicted by Caltrans in making these warrant assessments. The City could obviously add all-way STOP control as soon as traffic growth results in these warrants being met.”

The Local Coastal Program prohibits the approval of any Project which does not comply with the Local Coastal Program. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 1 of the Local Coastal Program states: “the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources, **as well as to protect public safety.**” [Emphasis added.]

There are no standards in this Project to protect public safety. Public safety is endangered by this Project, as described in detail above, and in the attached letters from traffic engineer, Daniel T. Smith, Jr. There also is no evidence-based justification for the roundabout feature of the project, which will cause such a radical modification of the intersection and area.

SIGNIFICANT FACT #2: The Project Will Have Adverse Effects on Historical Resources Which Are Not Mitigated.

Section 3.18 of the Local Coastal Program requires mitigation measures if historic resources are adversely affected by the Project. (Chapter 3, pg. 26, section 3.18)

The Project adversely affects historic resources and, in violation of the Local Coastal Program, the Project includes no mitigation measures.

The Staff Report analysis assumes as true facts which are untrue. The Staff Report also does not consider the factors which must be considered, when considering the effect of a project on the historic integrity of historic properties.

First, the Staff Report claims that the Project will have a less than significant impact on historic resources because the Project activities will be confined to the public right of way with no encroachment onto any private parcels.

This exhibits a fundamental misunderstanding of the meaning of a public right of way—as well as a fundamental misunderstanding of the elements which are required to be considered when evaluation the effect on a historic property.

A public right of way is simply an *easement*--- which is the right to use part of a private parcel of land for a public use. By definition, the public right of way encroaches on private parcels. (*Parks v. Gates* (1921) 186 Cal.151, 154.)

The public right of way runs over the private parcels on which many historic structures are located. In other words, the private right of way shares parcels of land with the historic structures.

As stated in Bayside Cares' appeal, there are a large number of historic structures on the parcels over which the public right of way runs or in the vicinity of where the public right of way runs. Even the report of historic resources obtained by the City of Arcata and referenced in the EIR acknowledges that there are properties in the vicinity of the Project which are either in the National Register or eligible to be listed in the National Register. Bayside Cares' appeal lists with specificity a large number of properties eligible for the National Register and/or the California Registry of Historic Places.

As set forth on pages 45 through 49 of the National Register Bulletin, which is lengthy, and found at the following link, https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf, a historic structure is no longer a historic structure unless its "Integrity", and "Integrity" means that it must maintain its Setting, Feeling and Association. As stated in the National Register Bulletin:

"The physical features that constitute the setting of a historic property can be either natural or manmade, ... including such elements as:

"Relationships between building and other physical features and open space."

"These features and their relationship should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*."

The huge, urban roundabout with 5 overhead lights and blinking pedestrian lights and signs, bike lanes and sidewalks, will greatly modify and modernize the Setting of all the historic structures in its vicinity, removing the over 75-year old present intersection and adjacent open space with features very much not historic, and will destroy the historic Setting of this large number of historic structures.

Likewise, the Feeling of the area surrounding these many historic structures will be radically modified and modernized.

The National Register Bulletin states:

“Feeling” is a property’s expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property’s historic character. For example, a rural historic district retaining original design, materials, workmanship and setting will relate the feeling of agricultural life in the 19th century.” (p. 45)

Again, the huge, urban roundabout with 5 overhead lights and blinking pedestrian lights and signs, bike lanes and sidewalks, will greatly modify and modernize the Setting of all the historic structures in its vicinity, removing the over 75-year old present intersection and adjacent open space with features very much not historic, and will destroy the historic Setting of this large number of historic structures, and will likewise destroy the historic Feeling of the historic structures.

This is particularly the case with the Old Jacoby Schoolhouse, which is immediately adjacent to where the huge, urban roundabout with 5 overhead lights, blinking pedestrian lights, bike lanes and sidewalks is planned.

In the immediate vicinity of the intersection of Old Arcata Road and Jacoby Creek Road, where the Project would construct a huge, urban roundabout with 5 overhead lights, there are two (2) buildings listed in the National Register and four (4) properties, including the 1882 Temperance Hall, which are eligible to be listed in the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of these six (6) historic structures, nor does the Project mitigate these adverse effects in any manner.

The roundabout is proposed to be constructed directly in front of the Old Jacoby Creek Schoolhouse, which is listed in the National Register as well as in the California Registry of Historic Places. The EIR does not disclose or consider the adverse effects on the historic setting and historic feeling of the Old Jacoby Creek School House, nor does the EIR propose to mitigate these adverse effects in any manner.

The huge, urban roundabout, with its 5 overhead lights, is also to be constructed next to the Old Grange, a California Registered Landmark found eligible for the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Old Grange, nor does the Project mitigate these adverse effects in any manner.

The huge, urban roundabout, with its 5 overhead lights, is also to be constructed next to the Temperance Hall, which has been found eligible for the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Temperance Hall, nor does the Project mitigate these adverse effects in any manner.

The huge, urban roundabout, with its 5 overhead lights, is also to be constructed in close vicinity to the Orr House at 2332 Jacoby Creek Road, which is listed in the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Orr House, nor does the Project mitigate these adverse effects in any manner.

On the parcels of real property over which the public right-of-way easement runs, which will be in close proximity to the sidewalks and bike paths to be constructed as part of the Project and in close proximity to the roundabout to be constructed as part of the Project, there are eight (8) 19th century and early 20th century properties that were determined by historian, Susie Van Kirk, in 1974, to be eligible for the National Register: 1750, 1752, 1734, 1703, 1428 and 1171 Old Arcata Road, 12146 Anvick Road, and the 3 C's Barn in the Bayview Conservation Area. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of these eight (8) historic structures, nor does the Project mitigate these adverse effects in any manner.

Also on the parcels of real property over which the public right of way runs, which will be immediately adjacent to the sidewalks and bike paths to be constructed as part of the Project and in close proximity to the roundabout to be constructed as part of the Project, there are twenty-six (26) more structures that historian, Kathleen Stanton, found to be of sufficient age to be considered for the National Historic Register: 1775, 1766, 1696, 1570, 1560, 1550, 1546, 1500, 1440, 1420, 935, 945, 963, 971, 991, 1149, 1129, 1215, 1230, 1285, 1641, 1651, 1671, 1727, 1759 and 1785 Old Arcata Road. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of these twenty-six (26) historic structures, nor does the Project mitigate these adverse effects in any manner.

The Project is proposed to be constructed in the area historically known as "Bayside Corners", where Old Arcata Road and Jacoby Creek Road meet, roads and an intersection which are themselves rich in local history. The U.S. Secretary of the Interior's Standards recognize roads, streets, circulation systems and open space as critical landscape features in a historic setting. **This is a 75-year old intersection, not a "modern intersection". It was built in 1946. The intersection is itself historic, having been built immediately after WWII, as part of the historic logging and housing boom in Humboldt County.**

The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the historic roads and intersection historically known as "Bayside Corners," nor does the Project mitigate these adverse effects in any manner. There is such a high density of historic structures in the vicinity of the Project that it is worthy or preservation as a historic district, as is stated by historian, Kathleen Stanton.

The roundabout is a large, modern feature that is an intrusive element to the historic environment by its sheer size and accompanying features which include five street lights, medians, numerous signs and directional arrows, blinking lights for pedestrians, and a massive amount of concrete. It will cause the high beams of Northbound traffic in the roundabout to glare into the windows of the historic structures. **It will displace the existing intersection of Jacoby Creek Road and Old Arcata Road, which has had its present configuration since 1946, and which is a critical landscape feature in a historic setting, under U.S. Secretary of the**

Interior's Standards. It will eliminate open space, and bring motor vehicle traffic much closer to these historic structures, with its attendant sounds and smells.

The Project eliminates much open space and brings traffic to within 35 feet of the Temperance Hall structure itself, and within 79 feet of the Old Jacoby Creek School House structure itself, and bringing traffic over the very lots of land on which these two historic structures are situated.

The Project destroys the historic setting, context and significance of these historic structures, including construction of the large, urban roundabout with 5 overhead lights, the elimination of existing open space near these structures, bringing traffic over the parcels on which these structures are situated, as well as light pollution.

Second, the Staff Report claims that the Project will have a less than significant impact on historic resources because the Project will not entail removal of any physical feature of any historical resource or potential historic resource considered character defining or necessary for the resource to convey its historical significance.

Again, this displays Staff's fundamental misunderstanding of how to judge potential adverse effects of a Project on historic properties, which must include an assessment of the Project's potential effect on Setting and Feeling, as discussed above. As also discussed above, "Setting" and "Feeling" includes physical features including open space, the existing intersection, the distance between the historic buildings and the intersection known historically as "Bayside Corners."

The existing open space, as well as the existing rural intersection constructed in 1946, are to be removed and replaced with a large, modern roundabout that is an intrusive element to the historic environment by its sheer size and accompanying features which include five street lights, medians, numerous signs and directional arrows, blinking lights for pedestrians, and a massive amount of concrete. The roundabout will bring traffic much closer to the historic structures, removing much of the existing space between the road and the structures, and further modernizing the Setting and Feeling of the historic properties.

Third, the Staff Report claims that the Project will have a less than significant impact on historic resources because the Project will have no effect on view of Arcata Bay or the forested foothills.

Arcata Bay and the forested foothills do not constitute the Setting or create the Feeling around the historic structures. The 75-year-old rural and historic intersection, and open space, particularly between the historic properties and road, create the historic Setting and historic Feeling around the historic properties. The visual character of the area---the historic Setting and historic Feeling-- will be destroyed when a large, modern roundabout with its accompanying features, including include five street lights, medians, numerous signs and directional arrows, blinking lights for pedestrians, and a massive amount of concrete, is constructed. The roundabout will also bring traffic much closer to the historic structures, removing much of the existing space between the road and the structures, and further modernizing the Setting and Feeling of the historic properties.

The Staff Report itself admits: "...the proposed roundabout and other improvements will affect the visual character of the area to some degree."

The Staff Report quotes the EIR as saying that the historic setting has already changed because, "In 1946, the historic Old Arcata Road/Jacoby Creek Road intersection was reconfigured into a modern, sweeping curve through Bayside Corners. The Project, therefore, is not proposing to replace the original, historic, intersection, but rather a modern intersection reflecting modern highway and design the does not contribute to the significance of the three historic resources."

The intersection built in 1946 is over 75 years old and is itself, historic, built right after World War II, during the lumber boom and housing boom in Humboldt County. Many historic structures built around 1946 are in the vicinity of the roundabout and the rest of the Project. And the intersection is intrinsic to the historic setting and feeling of all of these historic structures. There are far more than 3 historic structures, and structures which are 75 years old were built during an important time to Humboldt County history and are themselves historic.

The Staff Report also quotes the EIR as saying that many late 19th and 20th century buildings have already been lost and new buildings constructed within the last 30 years. This correctly portrays the area as mostly new buildings, which it is not. As set forth above, there are such a large number of historic properties in the area of the Project, that it is eligible to become a Historic District.

Fourth, the Staff Report claims that the Project will have a less than significant impact on historic resources because "the proposed roundabout includes the smallest feasible footprint, and the revegetation of the roundabout's center island will soften the visual effect of the hardscape feature.

This is not true. The City constructed the largest roundabout it could, which is still within the public right of way. It is larger than all other roundabouts on Old Arcata Road.

The center island of the roundabout cannot be planted with vegetation because it will be constantly run over by oversized vehicles, including logging trucks. Vegetation would also further impair visibility of motorists, bicyclists and pedestrians to avoid collisions with each other.

Fifth, the Staff Report claims that the Project will have a less than significant impact on historic resources because EIR states the lighting will be designed to meet city standards, which limit maximum wattage/lumens and require shielding to protect wildlife and nighttime views.

The mere presence of the five large overhead lights and several flashing pedestrian lights will still potentially detrimentally affect the historic Setting and historic Feeling of the historic properties.

SUBSTANTIAL ISSUE #3: There Was No Consultation with Fish & Wildlife After the City Disclosed the Presence of Three Parameter Wetlands, and After the City Disclosed that the Project Would Fill These Three-Parameter Wetlands, in the City's Partially Recirculated DEIR.

The original DEIR did not disclose the presence of three-parameter wetlands next to Jacoby Creek Road, and did not disclose that the Project would involve filling approximately 2,650 square feet of these three-parameter wetlands.

The original DEIR stated that no wetlands would be filled. (Please see excerpt of Partially Recirculated DEIR, attached as **Attachment "D"**, particularly underlined portions.)

The City did not disclose the presence of three-parameter wetlands next to Jacoby Creek Road, and that the Project would involve filling approximately 2,650 square feet of these three-parameter wetlands, until December 10, 2021 in the City's Partially Recirculated DEIR.

The City did not consult with the Department of Fish & Wildlife after it disclosed the presence of three-parameter wetlands next to Jacoby Creek Road, or after it disclosed that the Project would involve filling approximately 2,650 square feet of these three-parameter wetlands, which it did not disclose until December 10, 2021 in the City's Partially Recirculated DEIR.

The City only consulted with the Department of Fish & Wildlife when the original DEIR incorrectly stated that *no* wetlands would be filled and that there were *no* three-parameter wetlands along Jacoby Creek Road.

The Department of Fish & Wildlife submitted its comments on the original DEIR on August 31, 2021, four (4) months before the City disclosed that there are three-parameter wetlands next to Jacoby Creek Road, and four (4) months before the City disclosed that the Project would involve filling approximately 2,650 square feet of these three-parameter wetlands.

Chapter 3, page 43, Section 1(b) of the Local Coastal Program states: "The review of these sensitive habitat areas and the identification of appropriate land uses and/or **mitigation measures shall be in cooperation with the Department of Fish and Game.**" [Now called the Department of Fish and Wildlife.]

Since the City did not consult with the Department of Fish & Wildlife after 12/10/21, when it finally disclosed the presence of three-parameter wetlands next to Jacoby Creek Road and that the Project would be filling them, which disclosure occurred in the City's Partially Recirculated DEIR, there is a "Substantial Issue" as to the Coastal Development Permits issued to the County of Humboldt and to the City of Arcata, as the Local Coastal Plans were violated.

SUBSTANTIAL ISSUE #4: Increased Road Runoff from an Additional Mile of Impervious Surface Potentially Adversely Effects Coastal Wetlands.

The Project adds approximately one mile of impervious surfaces, including a 180' diameter roundabout, sidewalks and bike paths. More impervious surface means more surface runoff water. The water will be running off a roundabout and roads traveled by motorized

vehicles, so it will be contaminated with petrochemical components. The Project does not involve construction of a new storm drain system. The EIR recites that it is using the existing storm drain system, and there is no map or plan of the current storm drain system.

As is apparent from the numerous comments in the administrative records, the area immediately adjacent to the APE floods every year, because the existing storm drain system is plugged up or otherwise inadequate to handle even the runoff water it receives, before the additional of a mile of additional impervious surfaces.

As revised by the Partially Recirculated DEIR, the Project involves filling three-parameter wetlands at the side of Jacoby Creek Road with a culvert and covering them to create a parking area. The water from these wetlands, together with the new, increased runoff water from the roundabout, then goes into the existing storm drain system, across the road, and into the Coastal Wetlands at the West side of Old Arcata Road.

The EIR does not disclose that the contaminated runoff water from the roundabout, which will be much greater in quantity because of all the added impervious surfaces, will run into the Coastal Wetlands.

The City did not consult with the Department of Fish & Wildlife concerning this potential adverse effect on the Coastal Wetlands, as required by the LCP. It did not consult with Fish & Wildlife on this potentially adverse effect and did not even disclose this potential adverse effect.

The amount of runoff water going into the Coastal Wetlands will be greatly increased when the area floods, as it yearly does. With a mile of more impervious surfaces, the flooding can be expected to be even more severe.

In addition, the Arcata City Code requires homeowners to bear the entire cost of replacing defective sewer laterals themselves. As set forth in the administrative record, the cost can exceed \$25,000. If the homeowners do not pay this considerable sum for replacing their sewer laterals, sewage will be added to the road runoff water going into the Coastal Wetlands.

Because the Project will be filling wetlands, and because the filling of wetlands and insertion of a culvert in the wetlands next to Jacoby Creek Road as part of the Project, **directly sends contaminated road runoff water to Coastal Wetlands and to the Humboldt Bay**, and also occurs in an area the FEIR acknowledges contains endangered red legged frogs and special status plants, the City and CALTRANS were required to consult with the Coastal Commission and with the Department of Fish & Wildlife concerning the wetland filling, the contaminated road runoff water going into the Coastal Wetlands and Humboldt Bay and mitigation of these adverse effects. (*See, e.g., Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936.)

The Local Coastal Program requires mitigation of adverse effects on wetlands to be “in cooperation with the Department of Fish and Game” (now called the Department of Fish & Wildlife), so this Project violates the Local Coastal Program, as well as the CEQA. (*Public Resources Code* § 21003; CEQA Guidelines, § 15080.)

CONCLUSION.

On the basis of the foregoing, together with the administrative record, Substantial Issues exist as to Bayside Cares' appeal of the Coastal Development Permit issued to the County of Humboldt.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

Chris Johnson Hamer

By: _____
Chris Johnson Hamer

CJH/ja
Attachments:

Attachment A: Letter from Daniel T. Smith, Jr., Traffic Engineer
Attachment B: Letter from Daniel T. Smith, Jr., Traffic Engineer
Attachment C: Logging Notice from City of Arcata Forester
Attachment D: Excepts from Partially Recirculated DEIR

ATTACHMENT “A”



SMITH ENGINEERING & MANAGEMENT

February 3, 2022

Mr Chris Johnson Hamer
Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521

**Subject: Old Arcata Road Rehabilitation and Pedestrian/Bikeway
Improvements** P22001

Dear Mr. Hamer:

Per your request, I reviewed the Final Environmental Impact Report (the "FEIR"), the Partially Recirculated Draft Environmental Impact Report (the "RDEIR"), and the original Draft Environmental Impact Report (the "DEIR"), including the 30% Design Plans appended thereto for the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Project (the "Project") in the City of Arcata (the "City"). My review is focused on the roundabout component of the Project proposed for the intersection of Old Arcata Road and Jacoby Creek Road.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California, over 50 years professional consulting practice in these fields. My professional resume is attached herewith.

Overview

The above referenced documents do not provide any quantitative justification for including the roundabout in the Project, do not provide any quantitative assessment of its performance, do not provide a comparison of its features to design standards and operational performance criteria or assess what design vehicles it is capable of serving. There is no assessment of some of the complicating operational considerations that exist at this intersection. The only assessments of the roundabout are in qualitative platitudes. In short, the situation is as if someone decided it would be nice to have a roundabout at this location, drew the largest one that could be squeezed into the public right-of-way

and said, "This is perfection." Such an approach does not meet the requirements of the good faith effort to disclose impact that CEQA demands.

There Is No Evidence of Actual Collision Experience Justifying The Proposed Roundabout

The environmental documents have provided no formal analysis of documented accident experience and causation justifying provision of a roundabout. Claimed need is purely anecdotal reports and hypothetical conjecture that building a roundabout here would improve safety when there is no evidence that there is a safety problem that would justify such a drastic measure. The EIR or design study should have done a formal study of accident records and causation at this location and compared the incidence to statewide records of accidents per million vehicles at intersections of this type. The EIR is deficient not having done so.

Nowhere Does Any Version of the EIR or Related Document Such As the Project Study Report Establish Fundamental Need for the Roundabout Feature By Operational Analysis (Level-of-Service) Nor Is Adequacy of the Roundabout As Proposed Demonstrated Through This Form of Analysis

The RDEIR, in the Purpose and Need section of the Project Description states as follows:

*"The Project is intended and designed to serve current City population."*¹

Yet curiously and inconsistently, within the same Purpose and Need section, it attempts to justify the roundabout by citing a very poor Level-of-Service ("LOS") prediction for the current Jacoby Creek/Old Arcata intersection configuration and control based upon a Caltrans study *estimated volumes for Year 2041*.² Yet nowhere, not even in the related Project Study Report, does the Project documentation ever demonstrate that the roundabout as proposed would have adequate capacity to service Year 2041 volumes or even current year volumes. While the City and its consultants may argue that LOS is no longer a CEQA criterion for transportation impacts, it is a recognized and necessary criterion for adequacy of design and the EIR must disclose to the public whether or not the design meets conventional adequacy tests.

The EIR documents are also inconsistent in dismissing alternatives that involve adding improved traffic control (3-way STOP or Traffic Signal) to the current intersection alignment, stating that all-way STOP and Signal warrants are not met. However, there is no evidence that the EIR considered the 2041 volumes predicted by Caltrans in making these warrant assessments. The City could obviously add all-way STOP control as soon as traffic growth results in these warrants being met.

¹ RDEIR, page 2-2.

² Eureka-Arcata Route 101 Corridor Improvement Project EIR, Caltrans, Dec. 2016, Table 3-13, p 166.

The Extent to which the Roundabout Would Reduce Traffic Speeds Is Undisclosed

The EIR claims the roundabout would engender safety by reducing vehicle speeds through the intersection. This claim is solely based on generalizations in guidance literature. The EIR and its supporting documentation have not produced any computations of entry speeds and speeds of various movements through the roundabout. These can be computed using methods detailed in Sections 6.7.1 through 6.7.2 of NCHRP Research Report 672: Roundabouts, An Informational Guide, Second Edition, a document that the EIR claims to have relied on. The Project documentation contains no data on observed existing speed distribution and critical speed through the intersection.

Creation of a Roundabout at the Intersection of Old Arcata and Jacoby Creek Roads Existing Public Right of Way Results in a Design Inconsistent With Standards and Fundamental Needs

For single lane roundabouts in rural areas, FHWA guidance³ recommends the WB-67 tractor-trailer truck (STAA truck) as the design vehicle. Caltrans most recent edition of the California Highway Design Manual⁴ recommends an inscribed Roundabout diameter of 130 to 180 feet to accommodate WB-67 trucks and an inscribed diameter of 105 to 130 feet to accommodate WB-50 (California Legal) trucks. At an inscribed diameter of only 107 feet, the proposed roundabout is far too small for the WB-67 design vehicle and barely meets the minimum for the WB-50 truck⁵.

It is noteworthy that the proposed roundabout is considerably smaller than roundabouts to the north and south on Old Arcata Road at Buttermilk Lane and at Indianola Cut. We summarize the differences below.

	Old Arcata/Jacoby Creek	Old Arcata/Buttermilk	Old Arcata/Indianola Cut
Inscribed Circle Diameter	107 ft.	140 ft.	140 ft.
Central Island Radius	33 ft.	50 ft.	50ft.
Paved Apron in Island Radius	12 ft.	15 ft.	20 ft.
Circulation Lane	20-21 ft.	20 ft.	22-25 ft.

³ *Roundabouts, An Informational Guide*, U.S. Department of Transportation, Federal Highway Administration, June 2000.

⁴ Dated July 1, 2020. See Topic 405.10 (3).

⁵ The WB-50's ability to successfully negotiate the proposed roundabout may be compromised by its slightly asymmetric shape.

Both the Buttermilk and Indianola Cut roundabouts would accommodate the WB-67 design vehicle. It is unusual and contrary to principles of alignment consistency for the middle roundabout in a series of 3 within a distance of about 3.5 miles on the same rural arterial to fail to accommodate the same design vehicle as those flanking it.

The environmental documents and the 30 Percent Design drawings give no indication what design vehicles can successfully negotiate the proposed roundabout or the speeds at which they can do so. The documents should present scale drawings of the swept path of design vehicles turning around the roundabout. Caltrans advises that to accurately simulate the design vehicle swept path traveling through a roundabout, the minimum speed of the design vehicle used in computer simulation software (e.g., Auto Turn) should be 10 miles per hour through the roundabout.⁶ Caltrans Highway Design Manual also advises that the design vehicle is to navigate the roundabout with the front tractor wheels off the truck apron [that is, remaining entirely within the circulatory roadway]. Caltrans also advises that transit vehicles, fire apparatus and single unit delivery vehicles must be able to navigate the roundabout without using the truck apron.⁷

Unless the public is provided with accurate illustrations of what vehicles can successfully negotiate the proposed roundabout, the environmental documentation is deficient.

Oversized Vehicles Are An Important Consideration

The Purpose and Need section of the RDEIR states at page 2-2:

"Old Arcata Road acts as an alternative route and oversized load route for Highway 101".

Caltrans Highway Design Manual and NCHRP 672 give somewhat conflicting guidance with regard to accommodating oversized vehicles. Caltrans HDM Topic 405.10(2) states "Roundabouts should not be oversized for the occasional permit vehicle" while NCHRP 672 at pages 6-13 and 6-14 states "In rural environments, farming or mining equipment may govern design vehicle needs" and "Oversized vehicles (sometimes referred to as "superloads") are another potential design vehicle that may require consideration in some locations, particularly in rural areas and at freeway interchanges". Given the implication of the purpose and need statement that Caltrans regularly directs oversized loads that it calls permit loads to Old Arcata Road rather than on Route 101, and the fact that locally there may be significant transport of oversized logging yarders, logging loaders, large bulldozers and backhoes, the NCHRP guidance should be followed. Also, the Arcata Fire District web site indicates that the District operates one vehicle of a type called a "quint", a type of apparatus that is a

⁶ Op. Cit., Topic 405.10 (2).

⁷ Op. Cit., Topic 405.10 (3).

combination of aerial ladder truck and 'pumper'. These vehicles have relatively short wheel bases compared to their overall length, but large overhangs at the front and rear and a wider overall width than typical over-the-road trucks (about 10.5 feet versus 8.5 feet for conventional WB-50 and WB-67 trucks). Consequently, they have a large 'swept area' on the exterior side of the curve. The EIR should obtain this vehicle's turning templates from the Fire District or the vehicle's manufacturer and assure that it can be satisfactorily accommodated at the proposed roundabout. Also, turning characteristics of vehicles that move large logging loaders and yarders as well as bulldozers and backhoes through the intersection should be considered. The EIR should not be certified until these considerations are addressed.

It Is Unlikely That the Roundabout Would Improve Conditions for Bicyclists

In the existing situation, clear bikeable shoulders extend up to the intersection in the northbound direction of Old Arcata with a clear path outside the Old Arcata northbound traffic lane across it ahead of the STOP line on westbound Jacoby Creek. In the southbound direction of Old Arcata, bicyclists have a bikeable shoulder clear through the intersection. On Jacoby Creek, which has defined bikeable shoulders farther east, on the last 200 feet to the intersection in both directions, the shoulder limit is undefined and there is poor pavement quality. This condition could be improved without building the roundabout.

In the proposed roundabout design, northbound bicyclists have an undesirable choice. They must merge (perhaps abruptly if unfamiliar with the route) from the bikeable shoulder into the northbound traffic lane on Old Arcata, through the roundabout in mixed and crossing traffic before regaining the bikeable shoulder at the intersection with the branch of Old Arcata serving the Post Office and the pump station. Or, they can go up a ramp, making an abrupt reverse S turn to a path shared by pedestrians and bicyclists that leads circuitously around the east side of the roundabout. On the way around it, they cross Jacoby Creek Road on a crosswalk that is roughly halfway between the roundabout and the branch of Old Arcata serving the Post Office. For a bicyclist deciding whether to enter the crosswalk, there will be uncertainty whether a motorist approaching westbound on Jacoby Creek and signaling for a right turn is turning into the Post Office segment and hence not a threat or is turning into the roundabout and is one. This same dilemma faces pedestrians headed southbound into the crosswalk. Southbound cyclists who currently have a clear bikeable shoulder through the intersection will have to make a choice whether to ride through the roundabout in mixed traffic or ride around the west side of it on a shared path with pedestrians. Although the transition from the shoulder to the traffic lane is less abrupt than in the northbound direction, the narrowness of the lane as it continues southward means that the cyclist will have to fully occupy the traffic lane instead of traveling to the right of motor vehicle paths. If the cyclist chooses to use the shared path,

the transition is via abrupt reverse S curve at the last private driveway north of the roundabout or an even more abrupt reverse S curve at the ramp closer to the roundabout itself. On the whole, it seems more likely than not that the roundabout will be more detrimental to cyclists than the existing situation.

Intersections and Driveways Close to the Roundabout Compound the Difficulty of Driver Decisions In and Near the Roundabout and May Result In Decreased, not Increased Safety

Another part of the improved safety claim is that roundabouts decrease conflict points. But in this case, there are two private driveways on the west side of Old Arcata, one in the stripped portion of the north separator island, one that causes the raised portion of the south separator island to be split with a stripped section in between. There is the Post Office access portion of Old Arcata, one end of which intersects within the stripped opening of the north separator island; the other of which intersects Jacoby Creek just to the east of the raised portion. Two private driveways intersect Jacoby Creek near the roundabout within the stripped portion of the easterly separator, one of which is commercial, island and also a lengthy portion of the Bayside Community Hall parking area that has continuous mountable curb access along the stripped portion of the easterly separator island. If, as it appears, the intent is to continue to have full movements access/egress at all of these points, they constitute additional conflict points that would constitute additional conflict points that compound operational and safety issues associated with the roundabout. If the intent is to limit some or all of these points to right turn in/right turn out, this could trigger severance damage payments, which is akin to a taking of right of way.

The List of Projects Considered in Cumulative Analysis Is Incomplete

The list of projects on DEIR Table 3-1 totals only three, each of which would generate temporary construction traffic but no long term traffic growth. There are other development projects that would generate significant long term traffic growth through the entire Project area and particularly through the intersection of Old Arcata Road with Jacoby Creek Road. One such project is the Arcata Gateway Plan which involves major development in the center of Arcata. Although the draft of this plan was not released until December 1, 2021, that draft reveals at page 7 that the plan has been under community discussion since "late 2020", well before the Notice of Preparation for the Old Arcata Road Project was issued on March 14, 2021. A second is the designation of California State University Humboldt as a Polytechnic University, with a prospective significant increase in enrollment. The North Coast Journal article of November 24, 2020 indicates this change was in the works for a few days prior to that date, again well prior to the Old Arcata Road Project's NOP date of March 14, 2020. Furthermore, in 2019 the City filed an Amendment to its Timber Harvest Plan, indicating its intent to log a large acreage of parcels it owns that are accessed of

Jacoby Creek Road. Again, this is well prior to the Old Arcata Road Project's NOP date of March 14, 2020. The timber harvesting is significant in that it indicates continuing need for oversize vehicles carrying yarders, log loaders and large bulldozers and backhoes to pass through the intersection of Old Arcata Road with Jacoby Creek Road. Without identifying these cumulative projects and considering them in the EIR analysis, the EIR is fatally flawed.

The DEIR's Asserting of Environmentally Preferred Equivalency of the Roundabout Element to the Alternative of Making Improvements on the Existing Alignment of the Old Arcata Road/Jacoby Creek Road Is Biased

For all the above stated reasons, the claimed performance benefits of the Improvement Project with the roundabout are in doubt. In addition, the possible improvement with the existing alignment is understated. Reasonable enhancements not made to the alternative on the existing alignment include:

- Using raised crosswalks on all crosswalks. This would reduce vehicle speeds in the intersection area.
- Providing a split raised island with mountable curbs protecting the crosswalk across Jacoby Creek Road. Jacoby Creek Road at this location is just as wide as the crosswalk across Old Arcata Road just north of the Post Office access where a similar island is provided.
- Note that this alternative can be readily converted to All Way Stop or Signal Control once warranted.
- Recognize that this alternative enables continued parking in the public right of way but outside the traveled way and sidewalk at the southeast corner of Old Arcata and Jacoby Creek Roads.

Conclusion

This concludes my current comments on the Old Arcata Road Project and EIR. Given all of the foregoing, the document cannot be certified and the Project approved without significant revision.

Sincerely,

Smith Engineering & Management
A California Corporation

Mr. Chris Johnson Hamer
Stokes, Hamer, Kirk and Eads, LLP
February 3, 2022
Page 8



Daniel T. Smith Jr., P.E.
President



SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present, President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Larrw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 103 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 93 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 3 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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Mr. Chris Johnson Hamer
Stokes, Hamer, Kirk and Eads, LLP
February 3, 2022
Page 10

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindbergh.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

ATTACHMENT “B”



SMITH ENGINEERING & MANAGEMENT

February 14, 2022

Ms. Chris Johnson Hamer
Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521

Subject: Old Arcata Road Rehabilitation and Pedestrian/Bikeway Project
P22001

Dear Ms. Hamer:

This supplements my review of the roundabout component of the Project at the intersection of Old Arcata and Jacoby Creek Roads dated February 3, 2022.

Encouraging Bicyclists to Travel Around the Roundabout on a Narrow Sidewalk Path Shared With Pedestrians Is Not an Enhancement to Safety

My letter of February 3 notes the difficulty of maneuvers to the narrow shared paths with pedestrians around the east and west sides of the proposed roundabout. We also note that the literature cited in the Project documentation and repeated anecdotal reports of experienced bicyclists indicate the hazardous conflicts between bicyclists and pedestrians on narrow shared paths such as are proposed in the Project's roundabout design create an undesirable environment for bicyclists and pedestrians alike.

Recent Collision Experience Is Relevant

In the past several days, there have been three injury or fatality collisions at or in the close proximity of roundabouts in the Arcata vicinity involving motor vehicles with bicyclists or pedestrians, two along Old Arcata Road itself and another near the roundabout at the intersection of Spear Avenue, St Louis Road and West End Road. While the causation analysis of these accidents has not yet been completed, their occurrence makes obvious that the lack of analysis of the history, causation and severity at the intersection of Old Arcata Road and Jacoby

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Creek Road is a major flaw in the justification of the roundabout feature of the Project. We also note that 2019 Google Earth Street View photos of the Spear/St. Louis/West End roundabout appear to show settlement and inconsistent maintenance of the truck apron on this roundabout.

Adequacy of Roundabout Dimensions For Transit by a Critical Fire Apparatus Undocumented

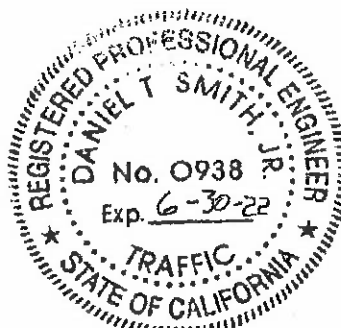
Based on the latest photo of the entire vehicle fleet operated by the Arcata Fire District posted on the District's web site, the District is believed to operate a unique type of fire vehicle known generically as a "quint". Quints combine the functions of an aerial ladder truck and an engine ('pumper') truck. The vehicle operated by the Arcata Fire District is a 2001 American LaFrance 3-axle quint with an overall width of 10.25 feet (instead of the 8.5 foot width of a normal design truck), a relatively short wheelbase of 21.5 feet but large overhangs front and rear. The front overhang is 8.5 feet to the front bumper and about 12.5 feet counting the overhang to the ladder platform. The rear overhang from the center of the rear axles is 16 feet. Its maximum steering angle is 39.3 degrees. These unique dimensions make this fire apparatus a design vehicle of particular concern at any roundabout. The record gives no indication that there has been any check that this critical emergency response vehicle can negotiate the proposed roundabout successfully and at satisfactory emergency response speed.

Conclusion

Thank you for the opportunity to submit these supplementary comments. We trust the City Council will consider these comments in its consideration of the objectionable roundabout feature of the Project.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.





ATTACHMENT “C”



736 F Street, Arcata, CA 95521

City Manager
(707) 822-5953

Community
Development

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

Engineering
& Building
(707) 825-2128

November 19, 2021

Stefanoff Jeffrey W Tdp
6164 Jacoby Creek Rd
Bayside, CA 95524
APN 404-151-011

RE: Request for information on Domestic Water Supplies

This letter is to notify downstream landowners that the City of Arcata amending via Substantial Deviation, 114 acres into an existing Non-industrial Timber Management Plan (NTMP 1-99-NTMP-033 HUM), within 1,000 feet upstream of your ownership. The plan area is located on assessor parcel numbers 404-081-003 & 404-071-005, 4.25 road miles east of Old Arcata Rd. adjacent to the City of Arcata Jacoby Creek Forest in Humboldt County. The location is 3.7 air miles southeast of the Bayside Post Office. The legal description is: Arcata South 7.5" Quadrangle, Portion of the SE ¼ of Section 24, T5N, R1E, HB&M. Watercourses that receive drainage from the plan area include Jacoby Creek and unnamed tributaries to Jacoby Creek east of Jacoby Creek Road. The plan amendment/substantial deviation has not yet been submitted to the State of California.

We are informing all landowners within 1,000 feet downstream of the proposed plan boundary whose ownership adjoins or includes a Class I, II, or IV watercourse which may receive surface drainage from the proposed timber operation. We request any information that you may have concerning surface domestic water use from the watercourses within the plan area or within 1,000 feet downstream of the plan area. If you chose to provide information about domestic water supplies, the regulations require that you be provided 10 days from the receipt of this letter to respond. Please mail your response, if any, to the above address on the letterhead. Information that you furnish will be incorporated into the NTMP and will be evaluated to implement appropriate protection measures that may be necessary to protect identified domestic water sources on your property. Please see attached location map. I am the Registered Professional Forester preparing this plan, and can be reached at the above address and phone number. This may be a duplicate letter to a letter that we sent dated 11-10-2020. This is the same project that was the basis for the prior request for domestic water information that you may have received. Apologies for any confusion regarding the duplicate letters on this matter.

Thank you for your assistance.

Sincerely,

Mark Andre, RPF #2391
707 845-5804 cell

Attachments: Domestic Water Supply Inquiry Map



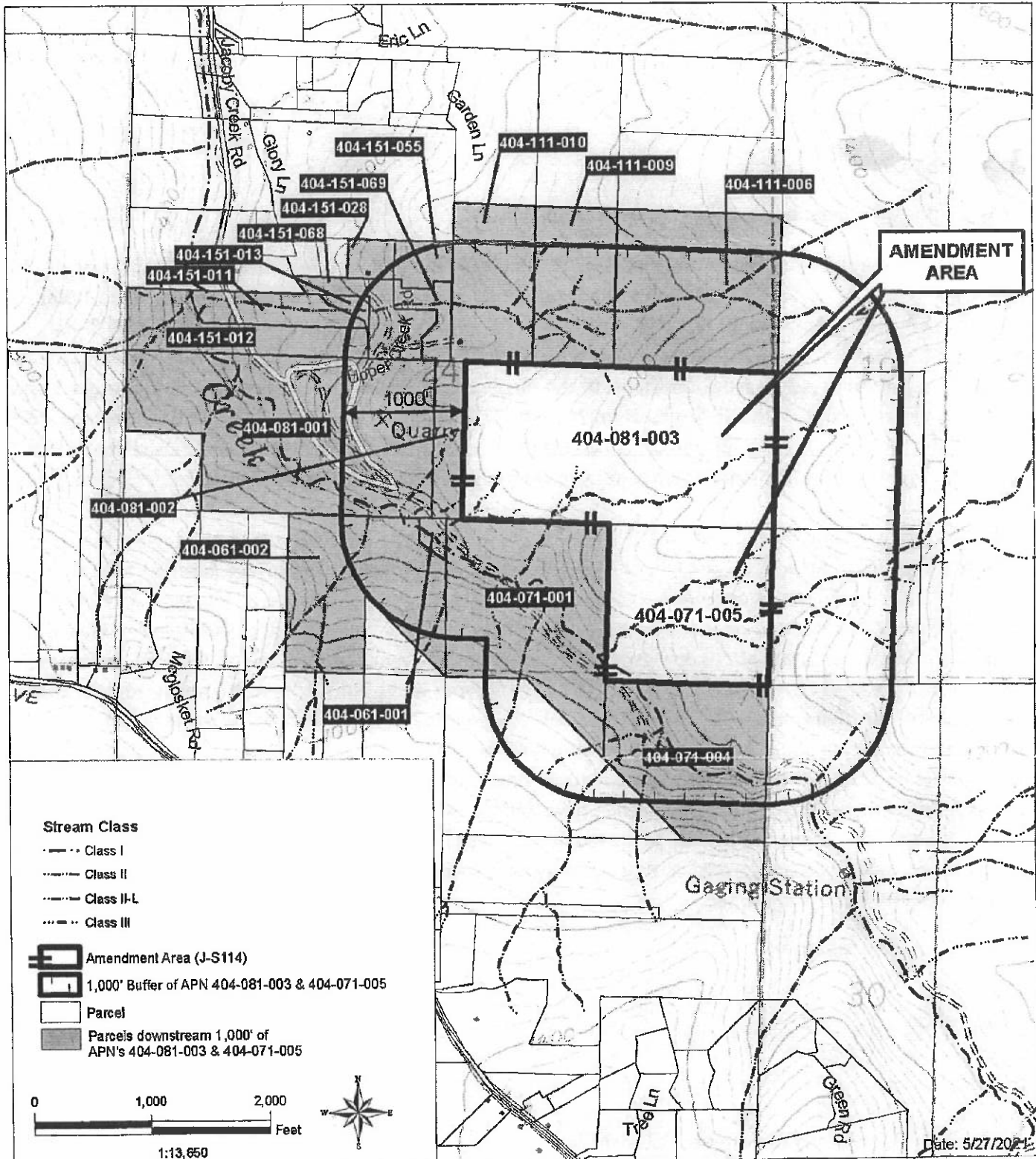
**Jacoby Creek Forest
Compartment J-S114**

Non-Industrial Timber Management Plan, 1-99-NTMP-033 HUM

USGS 7.5 Minute Topographic Map: Arcata South Quadrangle
Section 24, T5N R1E HB & M
Quad date: 1959, photorevised 1972 - 40' Contour Interval

**1,000' DOWNSTREAM/
PROPERTY OWNER
NOTIFICATION**

APN 404-081-003 & 404-071-005



APN 404-151-035-000

Humboldt Land Title Company

UNDERWRITTEN BY FIRST AMERICAN TITLE INSURANCE COMPANY

SUE E. BOSCH, President / CEO

☒ 1034 Sixth Street
Eureka, CA 95501
(707) 443-0837
FAX: (707) 445-5952
(MAIN OFFICE)

☐ 1836 Central Avenue
McKinleyville, CA 95519
(707) 839-8520
FAX: (707) 839-8523

☐ 1075 South Fortuna Blvd., Ste. B
Fortuna, California 95540
(707) 726-0212
FAX: (707) 726-0216

☐ 555 H Street
Crescent City, California 95531
(707) 464-3103
FAX: (707) 464-3107

January 6, 2015

City of Arcata
Attn: Diana Cooper
736 F Street
Arcata, CA 95521

Escrow No.: 00110018-001-RB
Property Address: Jacoby Creek Forest Expansion - Barium Acquisition 1/30/2003
Bayside, CA


In connection with the above referenced transaction, we enclose the following:

- CLTA Policy of Title Insurance
- Title Company Privacy Notice

Should you have any questions, please do not hesitate to contact us.

Thank you,

Humboldt Land Title Company


Mandee Cardoza for,
Roxanne Bennett
Escrow Officer

Enclosures

1034 Sixth Street Eureka, CA 95501 • (707) 443-0837 • Fax (707) 445-5952

bdclotr (rev. 07/15/98)

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY 1990

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
 2. Any defect in or lien or encumbrance on the title;
 3. Unmarketability of the title;
 4. Lack of a right of access to and from the land;
- and in addition, as to an insured lender only:
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
 6. The priority of any lien or encumbrance over the lien of the insured mortgage, said mortgage being shown in Schedule B in the order of its priority;
 7. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule B, or the failure of the assignment shown in Schedule B to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY



By:

[Handwritten signature]

President

ATTEST

[Handwritten signature]

Secretary

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the Insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws.

CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "insured": the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors. The term "insured" also includes
 - (i) the owner of the indebtedness secured by the insured mortgage and each successor in ownership of the indebtedness except a successor who is an obligor under the provisions of Section 12(c) of these Conditions and Stipulations (reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor insured, unless the successor acquired the indebtedness as a purchaser for value without knowledge of the asserted defect, lien, encumbrance, adverse claim or other matter insured against by this policy as affecting title to the estate or interest in the land);
 - (ii) any governmental agency or governmental instrumentality which is an insurer or guarantor under an insurance contract or guaranty insuring or guaranteeing the indebtedness secured by the insured mortgage, or any part thereof, whether named as an insured herein or not;
 - (iii) the parties designated in Section 2(a) of these Conditions and Stipulations.
- (b) "insured claimant": an insured claiming loss or damage.
- (c) "insured lender": the owner of an insured mortgage.
- (d) "insured mortgage": a mortgage shown in Schedule B, the owner of which is named as an insured in Schedule A.
- (e) "knowledge" or "known": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land.
- (f) "land": the land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.
- (g) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (h) "public records": records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (i) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A or the insured

mortgage to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

- (a) After Acquisition of Title by Insured Lender. If this policy insures the owner of the indebtedness secured by the insured mortgage, the coverage of this policy shall continue in force as of Date of Policy in favor of (i) such insured who acquires all or any part of the estate or interest in the land by foreclosure, trustee's sale, conveyance in lieu of foreclosure, or other legal manner which discharges the lien of the insured mortgage; (ii) a transferee of the estate or interest so acquired from an insured corporation, provided the transferee is the parent or wholly-owned subsidiary of the insured corporation, and their corporate successors by operation of law and not by purchase, subject to any rights or defenses the Company may have against any predecessor insureds; and (iii) any governmental agency or governmental instrumentality which acquires all or any part of the estate or interest pursuant to a contract of insurance or guaranty insuring or guaranteeing the indebtedness secured by the insured mortgage.
- (b) After Conveyance of Title by an Insured. The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenants of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from an insured of either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to an insured.
- (c) Amount of Insurance. The amount of insurance after the acquisition or after the conveyance by an insured lender shall in neither event exceed the least of:
 - (i) the amount of insurance stated in Schedule A;
 - (ii) the amount of the principal of the indebtedness secured by the insured mortgage as of Date of Policy, interest thereon, expenses of foreclosure, amounts advanced pursuant to the insured mortgage to assure compliance with laws or to protect the lien of the insured mortgage prior to the time of acquisition of the estate or interest in the land and secured thereby and reasonable amounts expended to prevent deterioration of improvements, but reduced by the amount of all payments made; or
 - (iii) the amount paid by any governmental agency or governmental instrumentality, if the agency or instrumentality is the insured claimant, in the acquisition of the estate or interest in satisfaction of its insurance contract or guaranty.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

An insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest or the lien of the insured mortgage, as insured, and

Chicago Title Insurance Company

SCHEDULE A

Policy No.: 72067-10457/00110018-RB

Date of Policy: January 30, 2003 at 10:00

Amount of Insurance: \$1,800,000.00

Premium Amount.: \$4,420.00

1. Name of Insured:

CITY OF ARCATA

2. The estate or interest in the land which is covered by this Policy is:

A FEE

3. Title to the estate or interest in the land is vested in:

CITY OF ARCATA

4. The land referred to in this Policy is described as follows:

See Exhibit A attached hereto and made a part hereof.

This Policy valid only if Schedule B is attached

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

That portion of Section 24, Township 5 North, Range 1 East, Humboldt Meridian, described as follows:

That portion of South Half of South Half of Southwest Quarter of Northwest Quarter which lies West of Jacoby Creek;
that portion of the South Half of North Half of South Half of Southwest Quarter of Northwest Quarter which lies West of Jacoby Creek;

that portion of the South Half of South Half of South Half of South Half of Northwest Quarter bounded on the West by Jacoby Creek and on the East by the traveled way to in the Deed to Ray Evans and wife recorded January 14, 1946 under Recorder's File No. 481;

that portion of the South Half of North Half of South Half of South Half of South Half of Northwest Quarter bounded on the West by Jacoby Creek on the East by the traveled way referred to in the Deed to Ray Evans and wife recorded January 14, 1946 under Recorder's File No. 481;

that portion, if any, of South Half of North Half of Southwest Quarter of Southeast Quarter of Northwest Quarter which lies North and East of the traveled way referred to in the Deed to Ray Evans and wife recorded January 14, 1946 under Recorder's File No. 481;

the North Half of the Northwest Quarter of the Southwest Quarter;

the Southeast Quarter of the Northwest Quarter of the Southwest Quarter;

the West Half of the Northeast Quarter of the Southwest Quarter;

the West Half of the East Half of the Northeast Quarter of the Southwest Quarter; and

the West Half of the East Half of the East Half of the Northeast Quarter of the Southwest Quarter.

ALL in Section 24, Township 5 North, Range 1 East, Humboldt Meridian.

EXCEPTING THEREFROM that portion thereof described as follows:

That portion, if any, of the West Half of the East Half of the East Half of the Northeast Quarter of the Southwest Quarter of Section 24, Township 5 North, Range 1 East, Humboldt Meridian, which lies Southerly of the traveled way as it existed on June 6, 1944, being the date of the Deed from F. B. Barnum, Inc. a California corporation, to Eula Mae Alborn, recorded September 20, 1945, as Recorder's File No. 5988.

ALSO EXCEPTING therefrom that portion, if any of South Half of North Half of Southwest Quarter of Southeast Quarter of Northwest Quarter which lies North and East of the traveled way referred to in the Deed to Ray Evans and wife recorded January 14, 1946 under Recorder's File No. 481.

Lot 3 in Section 19, Township 5 North, Range 2 East, Humboldt Meridian.

North Half of Northeast Quarter of Northeast Quarter;

the Southeast Quarter of Northeast Quarter of Northeast Quarter;

and that portion of the Southwest Quarter of Northeast Quarter of Northeast Quarter lying North and East of a straight line running from the Northwest corner to the Southeast corner of said Southwest Quarter of Northeast Quarter of Northeast Quarter in Section 25, Township 5 North, Range 1 East, Humboldt Meridian.

All that land lying North and East of a line running from the Northwest corner diagonally to the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section 25, Township 5 North, Range 1 East, Humboldt Meridian.

continued ...

The West Half of the Southeast Quarter of the Southwest Quarter;

that portion of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter which lies Northeast of a straight line running from the Northwest corner to the Southeast corner of said Southeast Quarter of the Southeast Quarter of the Southwest Quarter;

the West Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter;

and that portion of the East Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter which lies South of Jacoby Creek, all in Section 24, Township 5 North, Range 1 East, Humboldt Meridian.

That portion of Section 24, Township 5 North, Range 1 East, Humboldt Meridian, described as follows:

That land lying North of Jacoby Creek in the East Half of the East Half of the East Half of the East Half of the Southwest Quarter of said Section 24;

that land lying South of the present traveled way (as the same existed on June 6, 1944) and North of Jacoby Creek (as same existed on the same date) in the West Half of the East Half of the East Half of the East Half of the Southwest Quarter of said Section 24; and

that land lying North of the presently traveled way (as the same existed June 6, 1944) in the West Half of the West Half of the West Half of the Northwest Quarter of the Southeast Quarter of said Section 24;

the Southwest Quarter of the Southeast Quarter of Section 24, Township 5 North, Range 1 East, Humboldt Meridian.

Lot 4 of Section 19, in Township 5 North, Range 2 East, Humboldt Meridian.

SCHEDULE B

Order No. 00110018-RB

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

PART II

1. Property taxes, including any assessments collected with taxes, to be levied for the fiscal year 2003-2004, which are a lien not yet payable.

Code Area:	102-001	Parcel No.:	404-081-001
Code Area:	102-001	Parcel No.:	404-081-002
Code Area:	102-005	Parcel No.:	404-151-012
Code Area:	102-005	Parcel No.:	404-151-013
Code Area:	102-001	Parcel No.:	404-061-001
Code Area:	102-001	Parcel No.:	404-061-002
Code Area:	102-001	Parcel No.:	404-071-001
Code Area:	102-001	Parcel No.:	404-071-004
Code Area:	102-001	Parcel No.:	404-121-015
Code Area:	102-001	Parcel No.:	404-121-016
2. The lien of Supplemental Taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California.
3. Any adverse claim based upon the assertion that:
 - (a) Said land or any part thereof is now or at any time has been below the highest of the high water marks of the Jacoby Creek, in the event the boundary of said creek has been artificially raised or is now or at any time has been below the high water mark, if said creek is in its natural state.
 - (b) Some portion of said land has been created by artificial means or has accreted to such portions so created.
 - (c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Jacoby Creek, or has been formed by accretion to any such portion.

SCHEDULE B Continued

Order No. 00110018-RB

Page 2

4. Rights of the public in and to any portion of said land lying within Jacoby Creek Road.
5. Rights of others in and to the private roads running through said land.
6. Any adverse claim by reason of the lack of record location of the "traveled way referred to in the Deed to Ray Evans" and "traveled way as it (as the same) existed on June 16, 1944", all as referred to in the description herein.

7. Right of way for road purposes extending from a point on the North line of Section 31, in Township 5 North, Range 2 East, Humboldt Meridian, and following generally the course of Jacoby Creek in a Northwesterly direction over rights of way reserved by F. B. Barnum, Inc. in Sections 13, 14, 24 and 25, in Township 5 North, Range 1 East, Humboldt Meridian, and Section 19, in Township 5 North, Range 2 East, Humboldt Meridian in Deeds of Record to other owners to connect with the existing County Road, as now extended up the East Bank of Jacoby Creek in Sections 13, 14 and 24, in Township 5 North, Range 1 East, Humboldt Meridian. Said right of way to be a maximum width of 40 feet, except at such points where greater width may be required to construct a road without excessive grade. Being the same as granted by F. B. Barnum, Inc., a California corporation, to Nicodemo Lucchesi by Deed dated August 21, 1944 and recorded August 22, 1944 in Book 268 of Deeds, Page 382, under Recorder's File No. 4860, Humboldt County Records.

document attached, last page

The exact location and extent of said easement is not disclosed of record.

8. A right of way as described in the Deed from F. B. Barnum, Inc., recorded in Book 268 of Deeds, Page 382, Humboldt County Records, and reserving to the grantors therein, their heirs and assigns forever, the right to use of said road in common with grantees, as provided in the above described right of way, as contained in the Deed from Nicodemo Lucchesi and wife to James B. Lucchesi, a married man, and Lilly L. Lucchesi, a single person, as tenants in common dated June 3, 1955, and recorded June 3, 1955, in Book 342 of Official Records, Page 502, as Recorder's File No. 8702, Humboldt County Records.

The exact location and extent of said easement is not disclosed of record.

9. An easement for the purpose shown below and rights incidental thereto as set forth in a Document:
Granted to: Pacific Gas and Electric Company, a California corporation
(No representation is made as to the present ownership of said easement)
Purpose: ingress, egress and public utilities
Recorded: June 27, 1978, in Book 1467 of Official Records, Page 368, Humboldt County Records
Affects: a strip of land 30 feet in width more particularly defined in said Deed.

Reference is made to said document for full particulars.

Among other things, said Document provides:

The right to install anchors, guy wires and stubs outside of said strip where necessary.

NOTE: Relocation Agreement recorded July 17, 1978 in Book 1502, Official Records, Page 613, changes the location of said strip as defined therein.

10. An easement for the purpose shown below and rights incidental thereto as reserved in a Document:
Purpose: right of way and appurtenances thereto
Recorded: September 20, 1945, in Book 276 of Deeds, Page 202, under Recorder's File No. 5988, Humboldt County Records

Reference is made to said document for full particulars.

SCHEDULE B Continued

Order No. 00110018-RB

Page 3

11. An easement for the purpose shown below and rights incidental thereto as reserved in a Document:
Purpose: right of way and appurtenances thereto
Recorded: December 30, 1952, under Recorder's File No. 15700, Humboldt County Records

The exact location and extent of said easement is not disclosed of record.

12. An easement for the purpose shown below and rights incidental thereto as set forth in a Document:
Granted to: Simpson Timber Company, a Washington corporation
(No representation is made as to the present ownership of said easement)
Purpose: ingress and egress for the purposes of forest management and protection and for removal of forest products
Recorded: June 4, 1979, in Book 1570 Official Records, Page 433, Humboldt County Records
Affects: the existing roads.

The exact location and extent of said easement is not disclosed of record.

13. An easement for the purpose shown below and rights incidental thereto as set forth in a Document:
Granted to: Betty B. Swaner
(No representation is made as to the present ownership of said easement)
Purpose: ingress and egress and appurtenances thereto
Recorded: April 8, 1980, in Book 1608 of Official Records, Page 1059, Humboldt County Records; and
Re-Recorded: July 21, 1983, in Book 1708 of Official Records, Page 396, Humboldt County Records.
Affects: Existing roads

The exact location and extent of said easement is not disclosed of record.

14. An easement for the purpose shown below and rights incidental thereto as set forth in a Document:
Granted to: Eula Mae Alborn, et al
(No representation is made as to the present ownership of said easement)
Purpose: right of way
Recorded: September 20, 1945, in Book 276 of Deeds, Page 203, Humboldt County Records

The exact location and extent of said easement is not disclosed of record.

15. A right of way of suitable width across and over the land herein described, together with free, uninterrupted and unrestricted right at all times of passage in, across, over and along the same, whenever necessary or convenient for any operations or purposes on or to lands owned or hereafter acquired. Being the same as reserved for itself and to its successors and assigns in the Deed from F. B. Barnum, Inc., a corporation, to Frances E. Bray, dated October 26, 1943 and recorded October 27, 1943, in Book 263 of Deeds, Page 147, as Recorder's File No. 5713, Humboldt County Records.

Affects: Lot 4 of said Section 19

16. Notwithstanding the insuring clauses of the policy, the Company does not insure against loss or damage by reason of a lack of a right of access to and from the land.

SCHEDULE B Continued

Order No. 00110018-RB

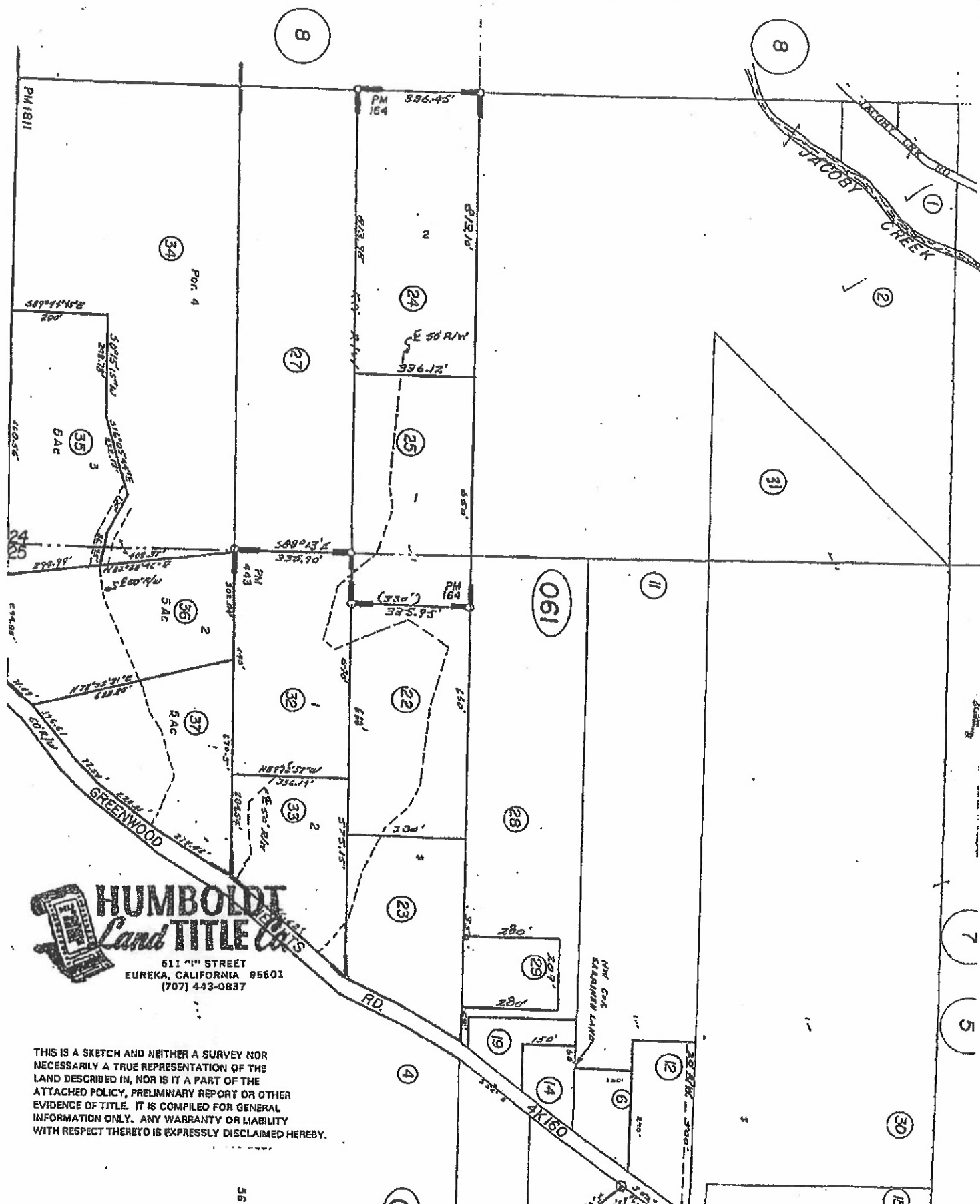
Page 4

17. The terms, and any failure to comply therewith, set forth in unrecorded Grant Agreement, Grant No. WC-2049WG, and in Notice thereof, as disclosed by said Notice recorded January 30, 2003, as Instrument No. 2003-3397-4, Humboldt County Records.

END OF SCHEDULE B

JC/jf

404-06



THIS IS A SKETCH AND NEITHER A SURVEY NOR NECESSARILY A TRUE REPRESENTATION OF THE LAND DESCRIBED IN, NOR IS IT A PART OF THE ATTACHED POLICY, PRELIMINARY REPORT OR OTHER EVIDENCE OF TITLE. IT IS COMPILED FOR GENERAL INFORMATION ONLY. ANY WARRANTY OR LIABILITY WITH RESPECT THERETO IS EXPRESSLY DISCLAIMED HEREBY.

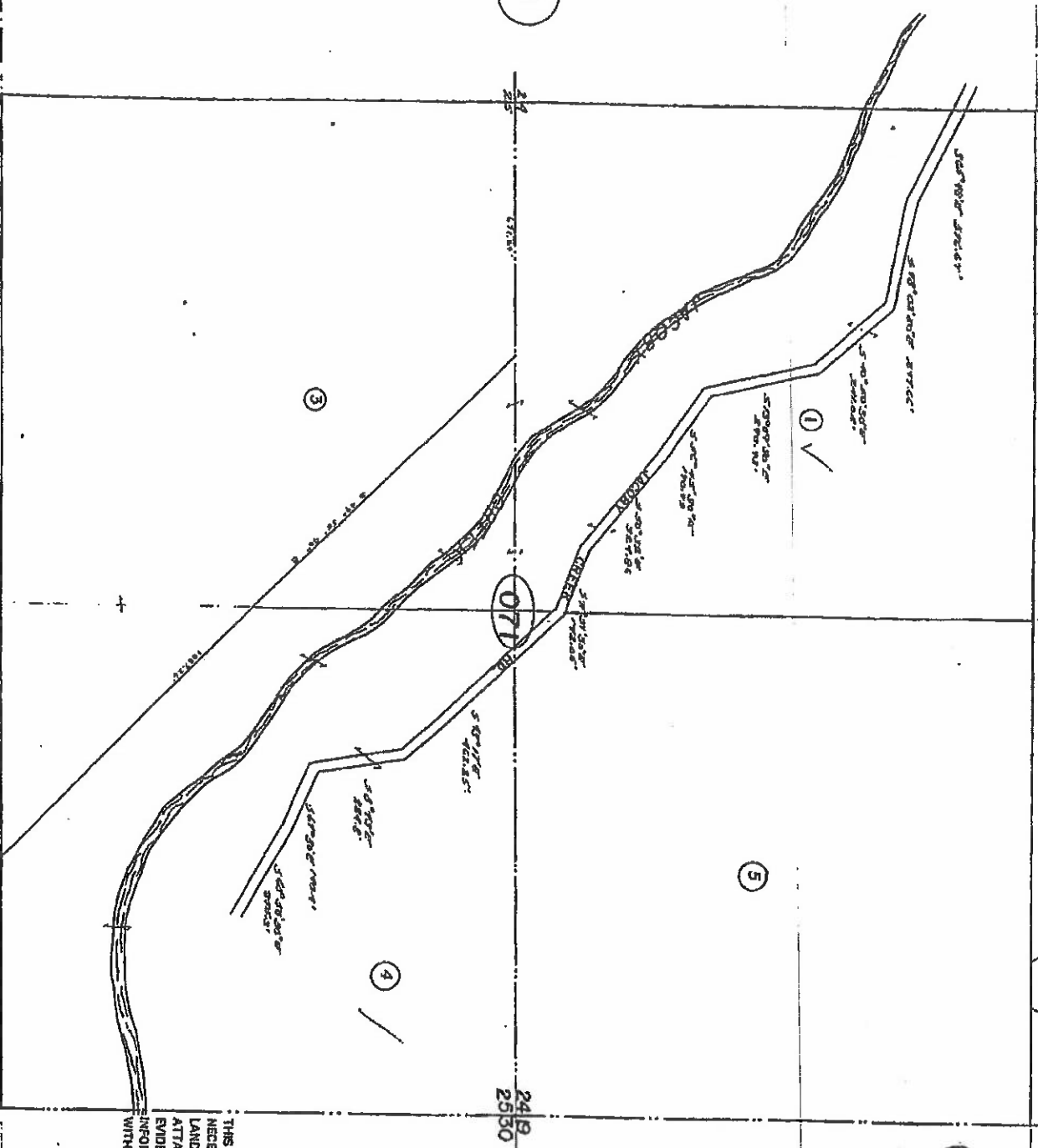
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404-07

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THIS IS A SKETCH AND NEITHER A SURVEY NOR NECESSARILY A TRUE REPRESENTATION OF THE LAND DESCRIBED IN, NOR IS IT A PART OF THE ATTACHED POLICY, PRELIMINARY REPORT OR OTHER INFORMATION ONLY. IT IS COMPILED FOR GENERAL INFORMATION ONLY. ANY WARRANTY OR LIABILITY WITH RESPECT THERETO IS EXPRESSLY DISCLAIMED HEREIN.

which might cause loss or damage for which the Company may be liable by virtue of this policy, or (ii) if title to the estate or interest or the lien of the insured mortgage, as insured, is rejected as unmarketable. If prompt notice shall be given to the Company, then as to that insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

4. DEFENSE AND PROSECUTION OF ACTIONS; DUTY OF INSURED CLAIMANT TO COOPERATE

(a) Upon written request by an insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of such insured in litigation in which any third party asserts a claim adverse to the title or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of such insured to object for reasonable cause) to represent the insured as to those stated causes of action and shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which allege matters not insured against by this policy.

(b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest or the lien of the insured mortgage, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(c) Whenever the Company shall have brought an action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

(d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, an insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such insured for this purpose. Whenever requested by the Company, an insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest or the lien of the insured mortgage, as insured. If the Company is prejudiced by the failure of an insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

5. PROOF OF LOSS OR DAMAGE

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of an insured claimant to provide the required proof of loss or damage, the Company's obligations to such insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, an insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by an insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of an insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information

from third parties as required in this paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that insured or that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance or to Purchase the Indebtedness;

(i) to pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay; or

(ii) in case loss or damage is claimed under this policy by the owner of the indebtedness secured by the insured mortgage, to purchase the indebtedness secured by the insured mortgage for the amount owing thereon together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of purchase and which the Company is obligated to pay.

If the Company offers to purchase the indebtedness as herein provided, the owner of the indebtedness shall transfer, assign, and convey the indebtedness and the insured mortgage, together with any collateral security, to the Company upon payment therefor.

Upon the exercise by the Company of the option provided for in paragraph a(i), all liability and obligations to the insured under this policy, other than to make the payment required in that paragraph, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

Upon the exercise by the Company of the option provided for in paragraph a(ii) the Company's obligation to an insured lender under this policy for the claimed loss or damage, other than the payment required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other than the Insured or With the Insured Claimant.

(i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

(ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (b)(ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

7. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy to an insured lender shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A, or, if applicable, the amount of insurance as defined in Section 2 (c) of these Conditions and Stipulations;

(ii) the amount of the unpaid principal indebtedness secured by the insured mortgage as limited or provided under Section 8 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage insured against by this policy occurs, together with interest thereon; or

(iii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the insured lender has acquired the estate or interest in the manner described in Section 2(a) of these Conditions and Stipulations or has conveyed the title, then the liability of the Company shall continue as set forth in Section 7(a) of these Conditions and Stipulations.

(c) The liability of the Company under this policy to an insured owner of the estate or interest in the land described in Schedule A shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A; or,

(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(d) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

8. LIMITATION OF LIABILITY

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, or otherwise establishes the lien of the insured mortgage, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title or, if applicable, to the lien of the insured mortgage, as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

(d) The Company shall not be liable to an insured lender for: (i) any indebtedness created subsequent to Date of Policy except for advances made to protect the lien of the insured mortgage and secured thereby and reasonable amounts expended to prevent deterioration of improvements; or (ii) construction loan advances made subsequent to Date of Policy, except construction loan advances made subsequent to Date of Policy for the purpose of financing in whole or in part the construction of an improvement to the land which at Date of Policy were secured by the insured mortgage and which the insured was and continued to be obligated to advance at and after Date of Policy.

9. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

(a) All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto. However, as to an insured lender, any payments made prior to the acquisition of title to the estate or interest as provided in Section 2(a) of these Conditions and Stipulations shall not reduce pro tanto the amount of the insurance afforded under this policy as to any such insured except to the extent that the payments reduce the amount of the indebtedness secured by the insured mortgage.

(b) Payment in part by any person of the principal of the indebtedness, or any other obligation secured by the insured mortgage, or any voluntary partial satisfaction or release of the insured mortgage, to the extent of the payment, satisfaction or release, shall reduce the amount of insurance pro tanto. The amount of insurance may thereafter be increased by accruing interest and advances made to protect the lien of the insured mortgage and secured thereby, with interest thereon, provided in no event shall the amount of insurance be greater than the Amount of Insurance stated in Schedule A.

(c) Payment in full by any person of the voluntary satisfaction or release of the insured mortgage shall terminate all liability of the Company to an insured lender except as provided in Section 2(a) of these Conditions and Stipulations.

10. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

The provisions of this Section shall not apply to an insured lender, unless such insured acquires title to said estate or interest in satisfaction of the indebtedness secured by an insured mortgage.

11. PAYMENT OF LOSS

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

12. SUBROGATION UPON PAYMENT OR SETTLEMENT

(a) The Company's Right of Subrogation.

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the

insured claimant, the Company shall be subrogated (i) as to an insured owner, to all rights and remedies in the proportion which the Company's payment bears to the whole amount of loss; and (ii) as to an insured lender, to all rights and remedies of the insured claimant after the insured claimant shall have recovered its principal, interest, and costs of collection.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

(b) The Insured's Rights and Limitations.

Notwithstanding the foregoing, the owner of the indebtedness secured by an insured mortgage, provided the priority of the lien of the insured mortgage or its enforceability is not affected, may release or substitute the personal liability of any debtor or guarantor, or extend or otherwise modify the terms of payment, or release a portion of the estate or interest from the lien of the insured mortgage, or release any collateral security for the indebtedness.

When the permitted acts of the insured claimant occur and the insured has knowledge of any claim of title or interest adverse to the title to the estate or interest or the priority or enforceability of the lien of the insured mortgage, as insured, the Company shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

(c) The Company's Rights Against Non-Insured Obligor.

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guarantees, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

The Company's right of subrogation shall not be avoided by acquisition of an insured mortgage by an obligor (except an obligor described in Section 1(a)(i) of these Conditions and Stipulations) who acquires the insured mortgage as a result of an indemnity, guarantee, other policy of insurance, or bond and the obligor will not be an insured under this policy, notwithstanding Section 1(a)(i) of these Conditions and Stipulations.

13. ARBITRATION

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

14. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the lien of the insured mortgage, or of the title to the estate or interest covered hereby, or by any action asserting such claim shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

15. SEVERABILITY

In the event any provision of this policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

16. NOTICES, WHERE SENT

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at the issuing office or to:

CHICAGO TITLE INSURANCE COMPANY
Claims Department
171 North Clark Street

RIGHT OF WAY DEED

F. B. BARNUM, INC., a California corporation, whose principal place of business is in Eureka, California, and CHARLES R. BARNUM and HELEN W. BARNUM, husband and wife, hereinafter called GRANTORS, in consideration of Ten Dollars and other valuable considerations, receipt of which is hereby acknowledged, do hereby grant and convey to NICODENO LUCCHESI, hereinafter called GRANTEE, a right of way for road purposes extending from a point on the north line of Section 31, Township 5 North, Range 2 East, Humboldt Meridian, and following generally the course of Jacoby Creek in a northwesterly direction over rights of way reserved by F. B. Barnum, Inc. a California corporation, in Sections 13, 14, 24 and 25, Township 5 North, Range 1 East, and Section 19, Township 5 North, Range 2 East, Humboldt Meridian, in deeds of record to other owners, and over that certain right of way acquired by Charles R. Barnum from J. H. Lentell by deed recorded in Book 261 of Deeds page 427, Records of Humboldt County, and over such other portions of said land as is now owned by the Grantors in said Section 13, 14, 24, 25 and 19, as is practicable for the construction of a road to connect with the existing county road as now extended up the east bank of Jacoby Creek in Sections 13, 14 and 24, Township 5 North, Range 1 East, said right of way to be of a maximum width of 40 feet, except at such points where greater width may be required to construct a road without excessive grade.

Reserving, however, unto the grantors the right to use the right of way hereby conveyed, and the road to be constructed on said right of way, as set forth in the paragraph immediately below, shall be for the exclusive use of the grantors and grantee herein, their respective heirs or assigns.

The above grant, however, is subject to the following conditions and limitations: Any road building or other construction work in connection therewith shall be done at the expense of the grantee herein, his heirs or assigns, and the grantors shall be under no expense in the construction or maintenance of said road;

Where the right of way herein conveyed shall pass over the lands of other owners, the location of said right of way shall be limited to the right of way reserved by F. B. Barnum, Inc., in its deeds to such other owners as appear of record;

The right of way herein conveyed, excepting as provided for the grantors as set forth above, shall be exclusive to the grantee or his assigns to be used in connection with the production of timber and timber products from lands now owned or which may hereafter be acquired by the grantee or his assigns.

IN WITNESS WHEREOF, said corporation has caused these presents to be executed by its officers thereunto duly authorized, and attested by its corporate seal, and said Charles R. Barnum and Helen W. Barnum, husband and wife, have hereunto subscribed their names this 31st day of August, 1944.

(CORPORATE SEAL) F. B. BARNUM, INC.
By Fred B. Barnum
President

Attest Charles R. Barnum
Secretary

Charles R. Barnum
Helen W. Barnum

STATE OF CALIFORNIA }
County of Humboldt } 35

On this 31st day of August, in the year one thousand nine hundred and forty-four, before me, Vera Leona Cross, a Notary Public in and for said County of Humboldt, personally appeared Fred B. Barnum and Charles R. Barnum, known to me to be the President and Secretary

respectively, of the Corporation that executed the within instrument and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, at my office in the City of Eureka, County of Humboldt, the day and year in this Certificate first above written.

(SEAL) Veva Leona Cross
Notary Public, in and for the County of Humboldt,
State of California.

STATE OF CALIFORNIA)
County of Humboldt) SS.

On this 21st day of August, in the year one thousand nine hundred and forty-four, before me, Veva Leona Cross, a Notary Public in and for said County of Humboldt, personally appeared Charles R. Barnum, and Helen W. Barnum, known to me to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, at my office in the County of Humboldt State of California, the day and year in this Certificate first above written.

(SEAL) Veva Leona Cross
Notary Public, in and for the County of Humboldt,
State of California.

4360 Recorded at the request of Belcher Abstract & Title Co., August 22nd, 1944, at 54 minutes past 11 A.M., in book 268 of Deeds page 382, Records of the County of Humboldt.

W. J. Crane, Recorder.

Fees \$1.40

Bernice Locke

By Bernice Locke, Deputy.

DEED

I, MARJORIE B. CUTTEN GRANT to NICOLO LUCCHESI all that real property situated in the County of HUMBOLDT, State of California, bounded and described as follows, to-wit:

The northeast quarter of Section 31;

The north half of southwest quarter and north half of southeast quarter and the northwest quarter of Section 32;

All in Township 5 North, Range 2 East, Humboldt Meridian, containing 4.0 acres, more or less.

WITNESS my hand this date: June 30, 1944.

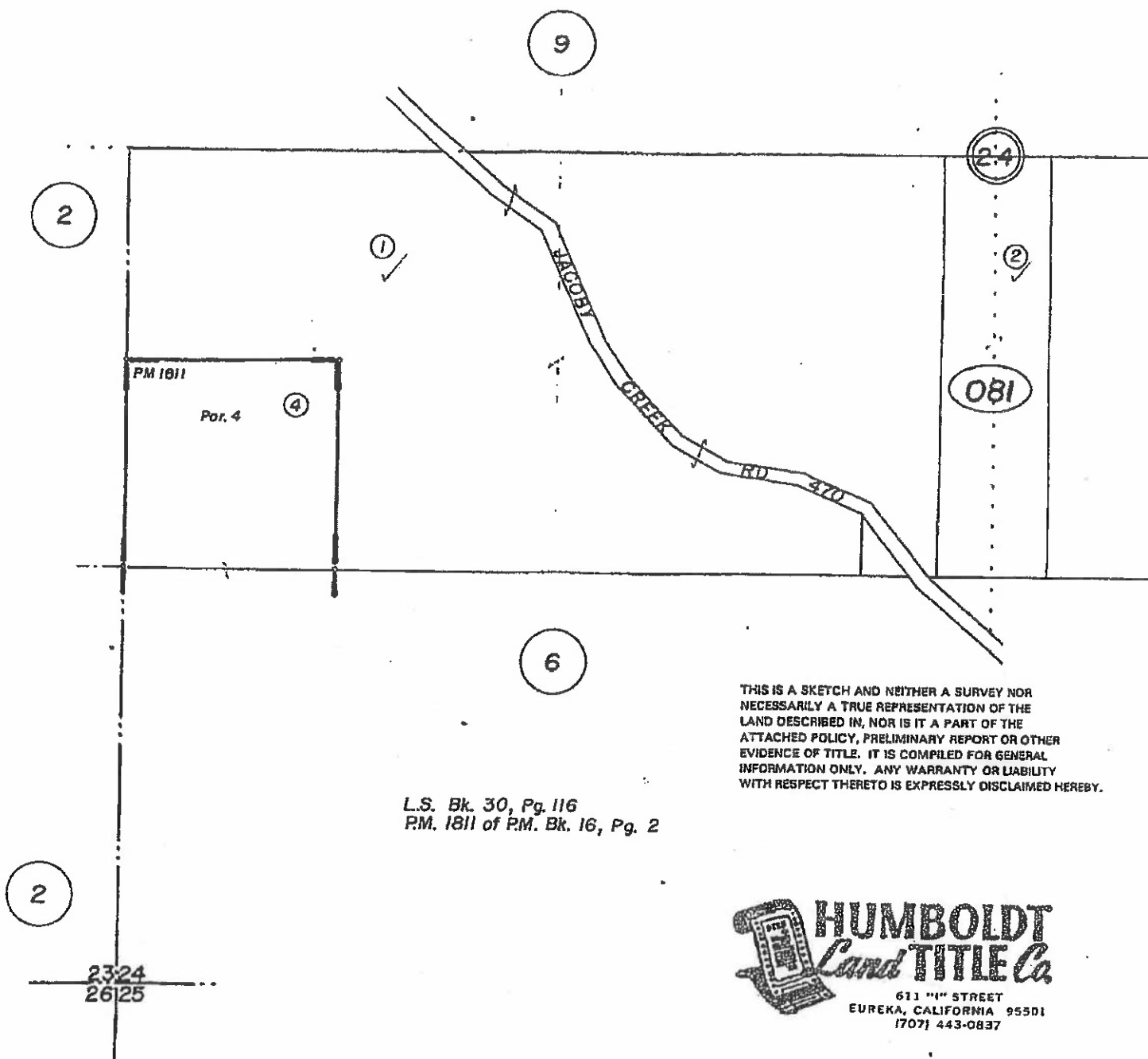
Marjorie B. Cutten

44-25

STATE OF CALIFORNIA,)
County of San Francisco) SS.

On this date: June 30, 1944, before me the undersigned, a notary public in and for said county, personally appeared Marjorie B. Cutten, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

PTN SEC 24, 5 N 1 E



L.S. Bk. 30, Pg. 116
P.M. 1811 of P.M. Bk. 16, Pg. 2

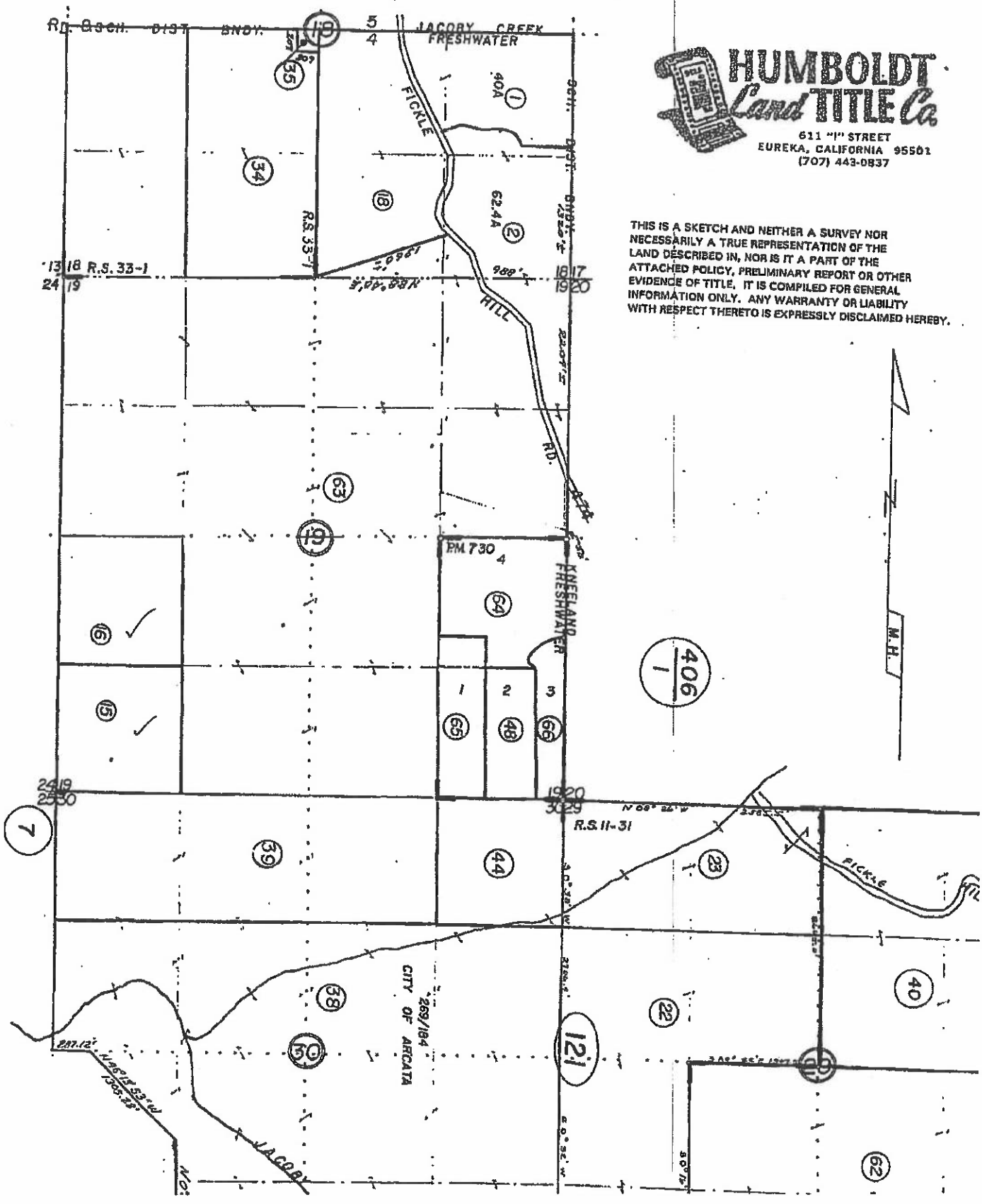
SL2SEC 18, ALL 19,

& PTN SEC 29 & 30, 5N 2E

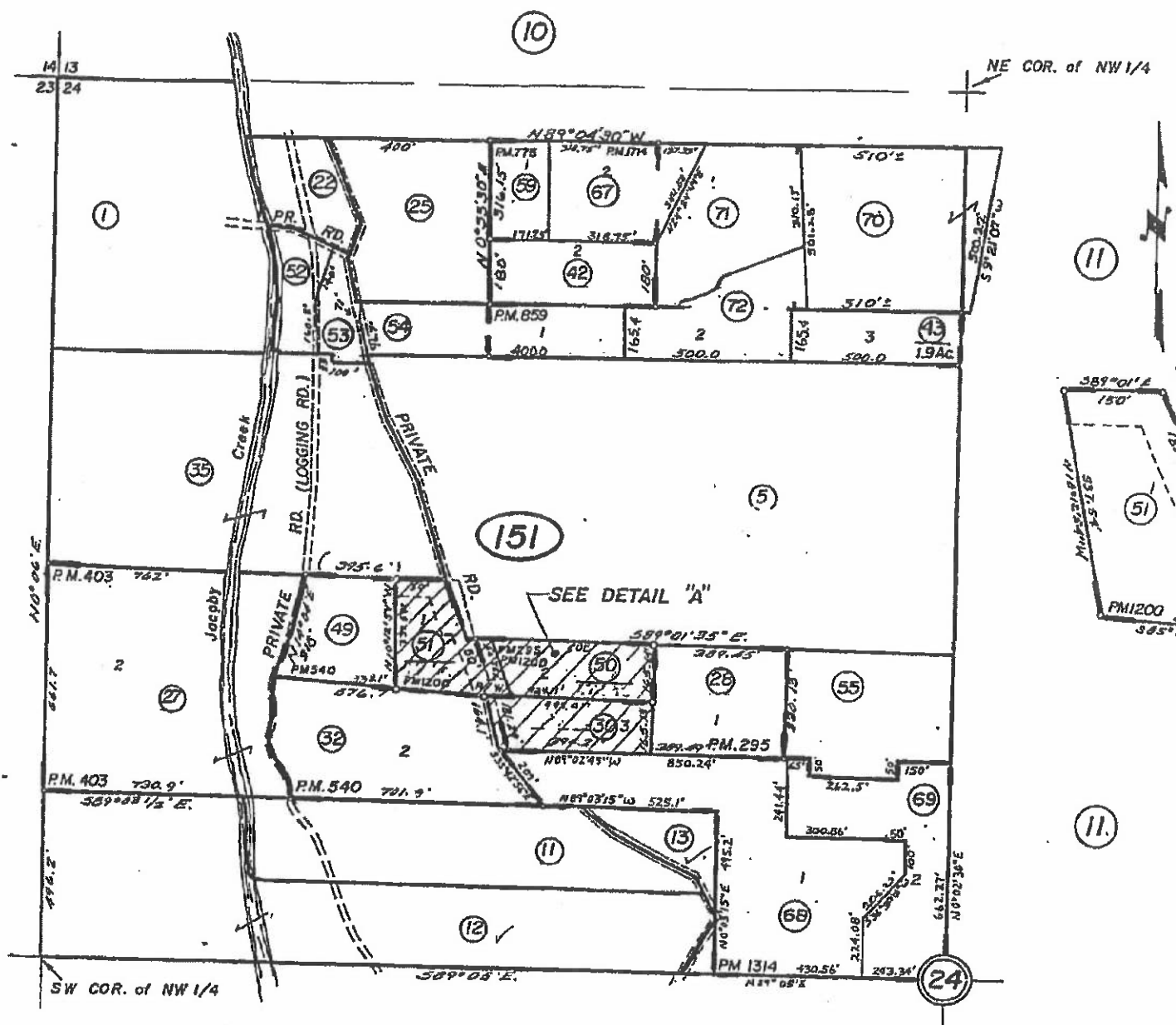
HUMBOLDT
Land TITLE Co.

611 "I" STREET
EUREKA, CALIFORNIA 95501
(707) 443-0837

THIS IS A SKETCH AND NEITHER A SURVEY NOR NECESSARILY A TRUE REPRESENTATION OF THE LAND DESCRIBED IN, NOR IS IT A PART OF THE ATTACHED POLICY, PRELIMINARY REPORT OR OTHER EVIDENCE OF TITLE. IT IS COMPILED FOR GENERAL INFORMATION ONLY. ANY WARRANTY OR LIABILITY WITH RESPECT THERETO IS EXPRESSLY DISCLAIMED HEREBY.



POR. NW 1/4 SEC. 24, T. 5 N., R. 1 E., H. B. & M.



51

I. Bk. 4, Pg. 13
 . Bk. 5, Pg. 4
 Bk. 3, Pg. 55
 Bk. 6, Pg. 145
 Bk. 7, Pg. 108
 Bk. 10, Pg. 112

8

PM. No. 1314 of PM. Bk. 11, Pg. 114
 PM. No. 1714 of PM. Bk. 15, Pg. 27
 R.S. Bk. 58, Pg. 36

THIS IS A SKETCH AND NEITHER A SURVEY NOR NECESSARILY A TRUE REPRESENTATION OF THE LAND DESCRIBED IN, NOR IS IT A PART OF THE ATTACHED POLICY, PRELIMINARY REPORT OR OTHER EVIDENCE OF TITLE. IT IS COMPILED FOR GENERAL INFORMATION ONLY. ANY WARRANTY OR LIABILITY WITH RESPECT THERETO IS EXPRESSLY DISCLAIMED HEREBY.

HUMBOLDT
Land TITLE Co.
 611 "I" STREET
 EUREKA, CALIFORNIA 95501
 (707) 443-0837

As
 C

ATTACHMENT “D”



Partially Recirculated

Draft Environmental Impact Report

**Old Arcata Road Rehabilitation &
Pedestrian/Bikeway Improvements**

City of Arcata

December 10, 2021



Partially Recirculated Draft Environmental Impact Report Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements

SCH#: 2021010176

This document has been prepared by:



City of Arcata
736 F Street
Arcata, California 95521

In collaboration with:



GHD
718 Third Street,
Eureka, California 95501, United States
T +1 707 443 8326 | E andrea.hilton@ghd.com | ghd.com

December 10, 2021

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Figure 2-2	Project Components, Part 1
Figure 2-3	Project Components, Part 2
Figure 2-4	Project Components, Part 3
Figure 2-5	Project Components, Part 4
Figure 3.3-1	Jacoby Creek Road Wetlands
Figure 3.3-2	Wetlands Near Bayside Road
Figure 4-1	Alternative Layout

Appendices

Appendix A	Updated 30% Design Sheets
	– C106 – Existing Speed Hump
	– C107 – Existing Speed Hump
	– C108 – Existing Speed Hump
	– C113 – Jacoby Creek Road Wetland Update
Appendix B	June 2021 Wetland Delineation Documentation

1. Introduction and Summary

This partially recirculated Draft Environmental Impact Report (EIR) has been prepared to correct previously omitted wetland impacts and environmental impact analysis related specifically thereto. The Draft EIR was previously circulated from August 9, 2021 to September 27, 2021 following the public scoping process described in Section 1.4 below. A 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. The partially recirculated Draft EIR will be electronically filed with the Office of Planning and Research on December 10, 2021 and recirculated for a 45-day period from December 13, 2021 through 5:00 p.m. on January 27, 2022.

Revisions to the partially recirculated Draft EIR are summarized in Table 1-1 and are predominantly limited to environmental impact analysis related to wetlands and special status plants. As an exception, errata from the previously posted Final EIR was brought forward into the Section 2 – Project Description. In accordance with Section 15088.5(c) of the CEQA Guidelines, the City requests that comments on the partially recirculated Draft EIR be limited to only the modifications presented in the recirculated document. In the updated Final EIR, the City will only respond to comments related to the portions of the Draft EIR that were recirculated per CEQA Guidelines 15088.5(f)(2). Specifically, the City will only respond to comments related to the updated impact analysis for special status plants and wetlands. For ease of reference, the City has included the entirety of the sections in which modifications related to wetlands, special status plants, and errata clarifications in the Project Description were made. Additions to text in Section 2 – Project Description, Section 3.3 – Biological Resources, and Section 4 – Alternatives Description and Analysis are shown in **bold underline** format.

Table 1-1 *Revisions in the Partially Recirculated Draft EIR*

Section	Summary of the Revision
Section 1 – Introduction and Summary	<ul style="list-style-type: none"> Added a description of the recirculation rationale and process. Summary of the revisions made to the Draft EIR during recirculation. Added new mitigation measures specific to special status plants and wetlands in Table 1.2.
Section 2 – Project Description	<ul style="list-style-type: none"> Brought forward errata from the previously posted Final EIR. Specification of the pavement overlay thickness added to Section 2.5.1 – Repaving Old Arcata Road and Adjacent Bike Lanes. Brought forward errata from the previously posted Final EIR. Specification of detectable warning surfaces added to Section 2.5.4 – Crosswalks and Sped Humps. Errata update to clarify existing speed humps will be upgraded and new speed humps are not currently proposed in Section 2.5.4. Included minor text edits in Section 2.5.9 to clarify utility improvements are located in the public right of way only and upgrades/repairs would occur if the utilities were found to be defective upon inspection during the course of road resurfacing. Addition of Section 2.5.10 – Wetland Establishment. Section 2.9 – Required Approvals updated to reflect permits required as a result of impact to wetlands.

Section	Summary of the Revision
Section 3.3 – Biological Resources, Impact BIO-c	<ul style="list-style-type: none"> Added Mitigation Measure BIO-2 to require pre-construction plant surveys along an approximate 200 linear foot reach of Jacoby Creek Road under Impact BIO-A. Updated environmental impact analysis under Impact BIO-C specifically related to impacts to wetlands. Added Mitigation Measure BIO-3 and Mitigation Measure BIO-4 to avoid, minimize, and compensate for wetland impacts.
Section 4 – Alternatives Description and Analysis	<ul style="list-style-type: none"> Updated text in Section 4.3.2 - Biological Resources, Section 4.4 – Comparison of Alternatives, Table 4.1, and Section 4.5 – Environmentally Superior Alternative to reflect wetland impacts to occur under the proposed Project and Alternative 2.
Appendix A – Updated 30% Design Sheets	<ul style="list-style-type: none"> Corrected 30% Design Sheet C113 to show all delineated wetlands along Jacoby Creek Road. Corrected 30% Design Sheets C106, C107, and C108 to clarify existing speed humps will be upgraded and new speed humps will not be constructed.

1.1 California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that discretionary decisions by public agencies be subject to environmental review. CEQA requires an EIR to be prepared when it can be determined that substantial evidence supports a fair argument that significant environmental impacts may result from a project. The purpose of an EIR is to identify the significant effects of the project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Public Resources Code [PRC] 13, Section 21002.1[a]). Each public agency is required to mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever feasible. The environmental effects of a project that must be addressed include the significant effects of the project, growth-inducing effects of the project, and significant cumulative effects.

The purpose of an EIR is not to recommend either approval or denial of a project. Rather, CEQA requires decision-makers to balance the benefits of a project against its unavoidable environmental effects in deciding whether to carry out a project. The Lead Agency will consider the analysis in the Draft EIR and partially recirculated Draft EIR, comments received on the Draft EIR and partially recirculated Draft EIR, and responses to those comments before making a final decision. If significant environmental effects are identified, the Lead Agency must adopt "Findings" indicating whether feasible mitigation measures or alternatives exist that can avoid or reduce those effects. If environmental impacts are identified as significant and unavoidable after proposed mitigation, the Lead Agency may still approve the project if it determines that the social, economic, or other benefits outweigh the unavoidable impacts. The Lead Agency would then be required to prepare a "Statement of Overriding Considerations" that discusses the specific reasons for approving a project, based on information in the Draft EIR and partially recirculated Draft EIR, comments received on the Draft EIR and partially recirculated Draft EIR, and other information in the administrative record.

The partially recirculated Draft EIR follows the public circulation of the Draft EIR and is specific to environmental impacts related to wetlands and special status plants only and has been prepared and publicly circulated per Section 15088.5 of the CEQA Guidelines. This partially recirculated Draft EIR has been prepared by City of Arcata for the proposed Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements Project (Project) pursuant to CEQA (PRC Section 21000 et seq.) and the CEQA Guidelines (Title 14 California Code of Regulations [CCR] Section 15000 et seq.).

1.2 Type of Environmental Impact Report

This Draft EIR is a Project EIR, as opposed to a Program EIR, pursuant to CEQA Guidelines Section 15161. A Project EIR is the most common type of EIR, examining the environmental impacts of a specific project. This type of EIR focuses on the changes in the environment that would result from the construction, development, and operation of a specific project.

1.3 Intended Uses of the EIR

The purpose of an EIR is to provide a clear understanding of the environmental impacts associated with the construction and operation of a project that is proposed by a public agency or private interest. EIRs are prepared to meet the requirements of CEQA when a proposed project may have a potential “significant” impact on the physical environment. An EIR is defined by the CEQA Guidelines as “... a detailed statement prepared to describe and analyze significant environmental effects of a project and discuss ways to mitigate or avoid the effects” (Title 14 CCR Section 15362). An EIR must include a description of the physical environmental conditions in the vicinity of a project, as they exist at the time the Notice of Preparation (NOP) is published, from both a local and regional perspective. This environmental setting normally constitutes the baseline physical

conditions by which the Lead Agency determines whether an impact is significant. The EIR is used by decision-makers, Responsible and Trustee Agencies, and the public to understand and evaluate project proposals and assist in making decisions on project approvals and required permits.

EIRs are prepared under the direction of a Lead Agency. The Lead Agency is the decision-making body that would ultimately certify the adequacy of the EIR and approve the implementation of a project. The Lead Agency for the proposed Project is the City of Arcata (City).

In addition to the Lead Agency, other Responsible and Trustee Agencies may use this document in approving permits or providing recommendations for the Project. For this Project, these agencies and permits may include:

- 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

1.4 Public Scoping Process and Summary of the Environmental Review Process to Date

On May 14, 2021, the City of Arcata issued an NOP for the Project. The NOP was issued in accordance with the CEQA Guidelines (Title 14 CCR Section 15082) with the intent of informing agencies and interested parties that an EIR would be prepared for the Project. A copy of the NOP can be found in Appendix A. The NOP was circulated between May 14, 2021, and June 21, 2021. An agency scoping meeting for the Project was held on-site at the City’s pump station near the intersection of Old Arcata Road and Jacoby Creek Road. A public scoping meeting was held at the D Street Neighborhood Center on July 1, 2021. Comments provided in response to the NOP and during the public scoping meeting have been summarized by the City in Appendix B1 (Public Scoping Memo). Agency comments are included as Appendix B2 (Agency Scoping Comments). Additional comments received after the completion of the Final Initial Study/Mitigated Negative Declaration (ISMND; see Section 1.8 – Areas of Controversy and Key Issues to be Resolved) at the previous public hearing for the Project on May 19, 2021 and July 30, 2021 are included in their entirety in Appendix B3 (Public Scoping Comments).

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 document was made available for review at Arcata City Hall, located at 736 F Street, Arcata, California, 95521, the Arcata Public Library, located at 500 7th St, Arcata, CA 95521, and online at: <https://www.cityofarcata.org/720/Old-Arcata-Road-Design-Project>. The DEIR was sent to the State Clearinghouse and was published on August 9, 2021 for distribution to State agencies, and was distributed to local, State, and federal responsible and trustee agencies and tribal governments. The general public was advised of the DEIR through a Notice of Availability posted at the County Clerk's Office as required by law, and through a posting in the local newspaper, the Times Standard, on August 8, 2021. A public hearing before the Planning Commission on October 12, 2021 to receive comments on the DEIR was held after the end of circulation period to provide additional opportunity for comment. The Notice of Availability of the Draft EIR was also sent to the listserv of parties requesting notice on the project (217 recipients) and the City's "Land Use Planning and Environmental Determinations" listserv (94 recipients), as well as direct mailing to adjacent property owners and residents. Postcards were sent to 202 owners and 99 residents within and surrounding the Project Area boundary.

A Final EIR was prepared and provided to the City Council for review and consideration of certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives. The Final EIR was sent to the public agencies who commented on the DEIR at least 10 days prior to the proposed certification date of the EIR per CEQA Guidelines Section 15088(b). Following posting of the Final EIR, the inadvertent omission of wetland impacts was discovered, 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.

1.5 Effects Found Not to be Significant

To provide more meaningful public disclosure, reduce the time and cost required to prepare an EIR, and focus on potentially significant effects on the environment of a proposed project, Lead Agencies can focus the discussion in the EIR on those potential effects of a project which the Lead Agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant (PRC Section 21002.1 (e); CEQA Guidelines Sections 15128 and 15143). Effects related to Agricultural and Forest Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation were found not to be significant. These resource categories are further discussed in Chapter 5 of this EIR. Information used to determine which impacts would be potentially significant was derived from a review of the Project in the preparation and public review of the Initial Study, field work, feedback from agency consultation and input, and comments received on the NOP.

1.6 Availability of the Partially Recirculated Draft EIR and Public Comment Period

The partially recirculated Draft EIR will be circulated for 45 days, from December 13, 2021 through 5:00 p.m. on January 27, 2022, to allow interested individuals and public agencies to review and comment on the document. Document files will be made available upon request at Arcata City Hall, 736 F Street, Arcata, California and online at <https://www.cityofarcata.org/720/Old-Arcata-Road-Design-Project>. Comments may be submitted in writing via the United States Postal Service or via email. Written comments on the Draft EIR will be accepted by January 27, 2022 until 5:00 pm. Public agencies, interested organizations and individuals are encouraged to submit comments on the Draft EIR for consideration by the City. All written comments should be addressed to:

David Loya, Community Development Director
City of Arcata,
736 F Street
Arcata, CA 95521
707-825-5955
comdev@cityofarcata.org

In accordance with Section 15088.5(c) of the CEQA Guidelines, the City requests that comments on the partially recirculated Draft EIR be limited to only the modifications presented in the partially recirculated document as summarized in Table 1-1. In the updated Final EIR, the City will only respond to comments related to the parts of the Draft EIR that were recirculated. To facilitate understanding of the comments, please provide a separate sentence or paragraph for each comment and note the page and Chapter/Section of the Draft EIR to which the comment is directed. This approach to commenting will help the City provide a clear and meaningful response to each comment.

At the end of the public review period, written responses will be prepared for all substantive comments received on the Draft EIR during the circulation period. The comments and responses will then be included in the Final EIR and will be considered by the City Council prior to making a decision on the Project.

1.7 Organization of this Environmental Impact Report

This previously circulated Draft EIR is organized into Chapters, as identified and briefly described below. Chapters are further divided into Sections (e.g., Section 3.1, Aesthetics). The partially circulated Draft EIR only includes Chapter 1– Introduction and Summary, Chapter 2 – Project Description, Chapter 3.3 – Biological Resources, and Chapter 4 – Alternatives Description and Analysis.

- Chapter 1** **Introduction and Summary.** Chapter 1 describes the purpose and organization of the Draft EIR, context, and terminology used in the Draft EIR. This Chapter also identifies the key issues to be resolved in the Draft EIR and summarizes the environmental impacts and mitigation measures to reduce or eliminate those impacts.
- Chapter 2** **Project Description.** Chapter 2 describes the Project, including the Project objectives, location and setting, background, overall concept and proposed activities, and anticipated permits and approvals.
- Chapter 3** **Environmental Setting, Impacts and Mitigation Measures.** For each environmental resource area (broken out into sections), Chapter 3 describes the existing environmental and regulatory setting, discusses the environmental impacts associated with the Project, identifies feasible mitigation measures to reduce or eliminate those impacts, and provides conclusions on significance.
- Chapter 4** **Alternatives Description and Analysis.** Chapter 4 describes the alternatives to the Project that are being considered to mitigate the Project's environmental impacts while meeting the Project's objectives. This Chapter also identifies the Environmentally Suitable Alternative.
- Chapter 5** **Other CEQA Required Sections.** Chapter 5 describes the unavoidable significant impacts, growth-inducing, and irreversible impacts of the Project.
- Chapter 6** **List of Preparers.** Chapter 6 identifies the Draft EIR authors and consultants who provided analysis in support of the Draft EIR's conclusions.
- Appendices** **Appendices A-E.** The Draft EIR contained various key technical reports and publications that have been summarized or otherwise used for preparation of the Draft EIR. The partially recirculated Draft EIR includes two additional appendices. Appendix A of the partially recirculated Draft EIR includes four updated 30% design sheets. Appendix B of the partially recirculated Draft EIR includes documentation related to the June 2021 wetland delineation near Jacoby Creek Road.

1.8 Areas of Controversy and Key Issues to be Resolved

Section 15123 of the CEQA Guidelines requires an EIR to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public. The following provides a brief summary of the comments and issues identified during the scoping process for the EIR. Comments received on the NOP are included and summarized in Appendix B of this document.

An ISMND was previously prepared for the Project and publicly circulated. The ISMND was circulated between January 20, 2021 and February 22, 2021. The City received 39 comment letters and voicemails from agencies, organizations, and individuals. A Final ISMND and Response to Comments was then prepared and is posted on the City's website <https://www.cityofarcata.org/720/Old-Arcata-Road-Design-Project> in April 2021. The Response to Comments and Final ISMND are included as Appendix E.

Comments received on the ISMND included statements germane to CEQA as well as concerns regarding issues not considered to be environmental issues under CEQA, such as proposed changes to existing parking, potential changes to private landscaping and trees, requests for additional community engagement, and statements for or against the Project or specific elements thereof. Comments indicative of areas of controversy on environmental issues germane to CEQA included:

- Requests for an EIR and alternatives analysis, given statements in opposition to the proposed roundabout specifically, as well as concerns related to unanalyzed potential impacts to historic resources;
- Concerns related to how the Project would affect existing drainage issues within and near the Project Area;
- Concerns related to construction and operational noise, including potential noise related impacts that could affect the Mistwood School at the intersection of Jacoby Creek Road and Old Arcata Road; and
- Disagreement with the ISMND's findings pursuant to impacts to historic resources and Bayside's potential standing as a historic district.

1.9 Summary of Impacts and Mitigation Measures

Table 1-2 identifies, by resource category, the significant Project impacts, proposed mitigation measures, and post-mitigation significance. Additional information about the impacts and mitigation measures can be found in Chapter 3 of this Draft EIR, as referenced for each resource category.

Table 1-2 Summary of Impacts and Mitigation Measures. Note Text Additions Specific to the Partially Recirculated EIR are Indicated in **Bold Underline** Format for Ease of Reference.

Impact	Project Significance	Mitigation Measure	After-Mitigation Significance
Aesthetics			
Impact AES-1: Would the Project have a substantial adverse effect on a scenic vista?	Less than Significant	No mitigation proposed	Not Applicable
Impact AES-2: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact	No mitigation proposed	Not Applicable
Impact AES-3: In a non-urbanized area, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point).	Potentially Significant	AES-1: Minimize Temporary Visual Impacts The City shall avoid or substantially lessen visual impacts by reducing construction disturbance. Measures shall include: <ul style="list-style-type: none"> – The size of construction zones and staging areas shall be the minimum operable size. The location of such zones shall be adjusted to minimize visual impacts associated with construction vehicles, equipment and Project-specific activity. – 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. – The City shall restore or revegetate staging areas disturbed by construction activities, including restoring pre-Project topographic features and reseeded with species comparable to those removed or disturbed during construction. 	Less than Significant with Mitigation
Impact AES-4: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than Significant	No mitigation proposed	Not Applicable
Impact AES-C-1: Would the Project contribute to a cumulatively significant impact to visual resources?	Less than Significant	No mitigation proposed	Not Applicable
Air Quality			
Impact AQ-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant	No mitigation proposed	Not Applicable
Impact AQ-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region	Less than Significant	No mitigation proposed	Not Applicable

- (2) *The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.*
- (3) *Stormwater outfalls, culverts, gutters, and the like shall be dissipated.*
- (4) *Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.*
- (5) *Areas disturbed during construction, grading, etc., within 100 feet of the mean high water line, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.*
- (6) *Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, sediment basins, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).*

3.3.4 Evaluation Criteria and Significance Thresholds

For the purpose of this Draft EIR, the evaluation criteria and significance thresholds summarized below are used to determine whether the Project would have a significant effect related to biological resources, as defined by the CEQA Guidelines (Appendix G), if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW, USFWS or NMFS;
- Have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.3.5 Methodology

The evaluation of potential impacts to biological resources is based on results from the NES completed for the Project, which includes by appendix a **2018** wetland delineation, rare plant evaluation, and ESHA evaluation (Northstar Environmental 2019; **Draft EIR** Appendix D – Natural Environment Study). Biological resources were evaluated with respect to the established BSA, which covers the extent of the proposed impact area plus a buffer zone of five to ten feet around the perimeter. The BSA was also extended north to include the existing roundabout at Buttermilk Lane.

A **second** 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 (**nor two parameter definition**), 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).

The BSA as established in 2018 was subsequently expanded approximately 200 feet eastward on Jacoby Creek Road to accommodate proposed drainage improvements. The expanded area of the BSA along Jacoby Creek Road (approximately 200 feet) was not previously evaluated for wetlands. Thus, on December 3, 2021, the small addition to the BSA that was not captured in the initial 2018 or June 21, 2021, wetland delineation was evaluated for wetlands by a qualified wetland scientist, and an additional three-parameter wetland ditch was delineated along the north side of Jacoby Creek Road between the residences at 2266 Jacoby Creek Road and 2332 Jacoby Creek Road. Delineated wetlands along Jacoby Creek Road resulting from all three wetland delineation field evaluations are shown in Figure 3.3-1 – Jacoby Creek Road Wetlands.

3.3.6 Impacts and Mitigation Measures

Impact Analysis

Note- Impact analysis below is limited only to changes made in the partially recirculated Draft EIR specific to special status plants and wetlands. The balance of the impact analysis has been excluded from this partially recirculated Draft EIR for ease of reference but remains incorporated into Draft EIR without modification.

Impact BIO-a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Less than Significant with Mitigation)

Special-status Plant Species and ESHA

On June 18 and July 31, 2018 the BSA was surveyed in an effort to identify if federal, state and/or CNPS listed plant species were present. No special status species were observed during the protocol level surveys in 2018 within the BSA (GHD 2018). Vegetation mapping to screen for ESHA occurred on August 31, 2018 and September 20, 2018. Following the 2018 survey of the BSA, a small extension of the BSA occurred along Jacoby Creek Road between the residences at 2266 Jacoby Creek Road and 2332 Jacoby Creek Road. Prior to construction, special status plant surveys will occur along this stretch of roadway (approximately 200 linear feet), as described in Mitigation Measure BIO-2. Within the assessment area, three sensitive plant communities have a documented potential to exist according to the CNDDB, including upland Douglas-fir forest, northern coastal salt marsh, and northern foredune grassland (CDFW 2018a cited in Northstar Environmental 2019). None of these communities were observed within the BSA. Palustrine emergent persistent wetlands, palustrine broad-leaved deciduous scrub-shrub wetlands, and one-parameter wetlands occur within the BSA. The one-parameter wetlands meet the Coastal Commission requirements based on dominance of wetland (FAC or wetter) vegetation, in this case willows (*Salix* spp.) but would not be impacted by the Project. Given special-status plants were not documented in the Project Area and one-parameter wetlands that could be considered ESHA would not be disturbed, no impact would result.

Mitigation

Mitigation Measure BIO-2 shall be implemented to protect potential special status plants located between 2266 Jacoby Creek Road and 2332 Jacoby Creek Road.

Mitigation Measure 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.

With the implementation of Mitigation Measures BIO-2, potential impacts to special status plant communities and special status plants would be less than significant.

Impact BIO-c: Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Based on the wetland delineation completed in 2018 for the Project, 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 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). These wetlands were mapped based on dominant native vegetation as one-parameter willow series. The one-parameter willow series was mapped to the willow canopy dripline. Areas where the canopy extends over pavement were also mapped. The Palustrine Emergent Persistent Wetland and the Palustrine Scrub-Shrub, Broad leaved Deciduous Wetlands occurred primarily within roadside ditches along the northeast side of Old Arcata Road. 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. Hydrophytic vegetation was dominant within all wetland areas. Figures 2:1-5 of Appendix B –Natural Environment Report shows the results of the original 2018 wetland delineation.

A June 23, 2021, wetland delineation update focused on a small area near the intersection of Old Arcata Road and Jacoby Creek Road where a small wetland (0.002 acres of Palustrine Emergent) had originally been delineated in 2018. The area is commonly used for informal parking and is highly impacted by ongoing roadside use. The June 23, 2021, delineation included two pits to collect soil data. No obligate vegetation was observed. Observed plant species were facultative and/or invasive and non-native to California. Soils did not meet USACE/NRCS 2018 Hydric Soils Indicator Guide criteria. The updated June 23, 2021, delineation concluded the evaluated area did not meet two-parameter or three-parameter wetland criteria, and an updated wetlands report and Preliminary Jurisdictional Determination (PJD) was submitted to the USACE for review (Appendix B). The USACE concurred and issued a jurisdictional determination (USACE 2021).

On December 3, 2021, the addition to the BSA (approximately 200 linear feet) that was not captured in the initial 2018 or June 21, 2021 wetland delineation was evaluated for wetlands by a qualified wetland scientist, and an additional roadside ditch was mapped and presumed to be a three-parameter wetland along the north side of Jacoby Creek Road between the residences at 2266 Jacoby Creek Road and 2332 Jacoby Creek Road. Delineated wetlands along Jacoby Creek Road resulting from all three wetland delineation field evaluations are shown in Figure 3.3-1 – Jacoby Creek Road Wetlands.

Based on the combined results of all three wetland delineations, most of the identified wetlands within the BSA would be entirely omitted from the construction boundary to avoid potential impacts. Temporary and permanent impacts to occur as a result of the Project specifically include:

- Permanent impacts to several small lengths of three-parameter wetland ditches along Jacoby Creek Road, totaling approximately 2,650 square feet/0.06 acres (see Figure 3.3-1 – Jacoby Creek Road Wetlands).
- Permanent impacts to approximately 20 square feet of three-parameter coastal wetland along Bayside Road near the northern end of the Project alignment (see Figure 3.3-2 Wetlands Near Bayside Road); and
- Temporary impacts to approximately 1,300 square feet (0.03 acres) of three-parameter wetlands along Old Arcata Road. Temporarily impacted wetlands would be fully restored in place during construction by or following the close of construction, as included in Mitigation Measure BIO-4.

Mitigation Measure BIO-3 and Mitigation Measure BIO-4 have been incorporated into the Project to ensure impacts to these wetland areas are minimized and fully mitigated, reducing the impact to wetlands to a less than significant level. As the design progresses, if additional unavoidable impacts to delineated wetlands are determined to occur, Mitigation Measure BIO-3 and Mitigation Measure BIO-4 would also apply. Compensatory mitigation included under Mitigation BIO-4 would occur at a location of equal or greater habitat value to the satisfaction of jurisdictional permitting agencies. Compensatory mitigation would occur at the on-site Wetland Creation Area included in the Project and/or a more suitable off-site location.

Juxtaposed wetlands to be avoided during construction would be protected by installing Environmentally Sensitive Area (ESA) exclusion fencing to ensure construction equipment or personnel do not inadvertently impact juxtaposed wetlands, as included in Mitigation Measure BIO-3. The location of ESA fencing would be shown on the final 100% design plan set for construction.

In addition, the Project would adhere to Environmental Protection Action 1 to prepare a SWPPP prior to construction and required by the North Coast Regional Water Quality Control Board (see Section 2.8.1 – Environmental Protection Action 1 Stormwater Pollution Prevention Plan). Measures to protect water quality, Waters, and wetlands within or near the Project footprint specifically 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 BMPs 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 BMPs, 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 BMPs 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.

Given the SWPPP requirements established in Environmental Protection Action 1, the protection of juxtaposed wetlands via the installation of ESA exclusion fencing prior to construction, delineated one-parameter wetlands would not be impacted, and impacts to three-parameters wetlands would be mitigated under Mitigation Measure BIO-3 and Mitigation Measure BIO-4, any potential wetland-related impact would be less than significant.

Mitigation

Mitigation Measure BIO-3 and Mitigation Measure BIO-4 shall be implemented to protect wetlands:

Mitigation Measure 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. ESA exclusion fencing shall be installed prior to construction to protect juxtaposed wetlands from inadvertent construction-related impacts. The locations of the ESA fencing shall be included on the final 100% design plan set for construction.

Mitigation Measure BIO-4: Compensatory Mitigation for Wetlands 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 as part of the Project.

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.

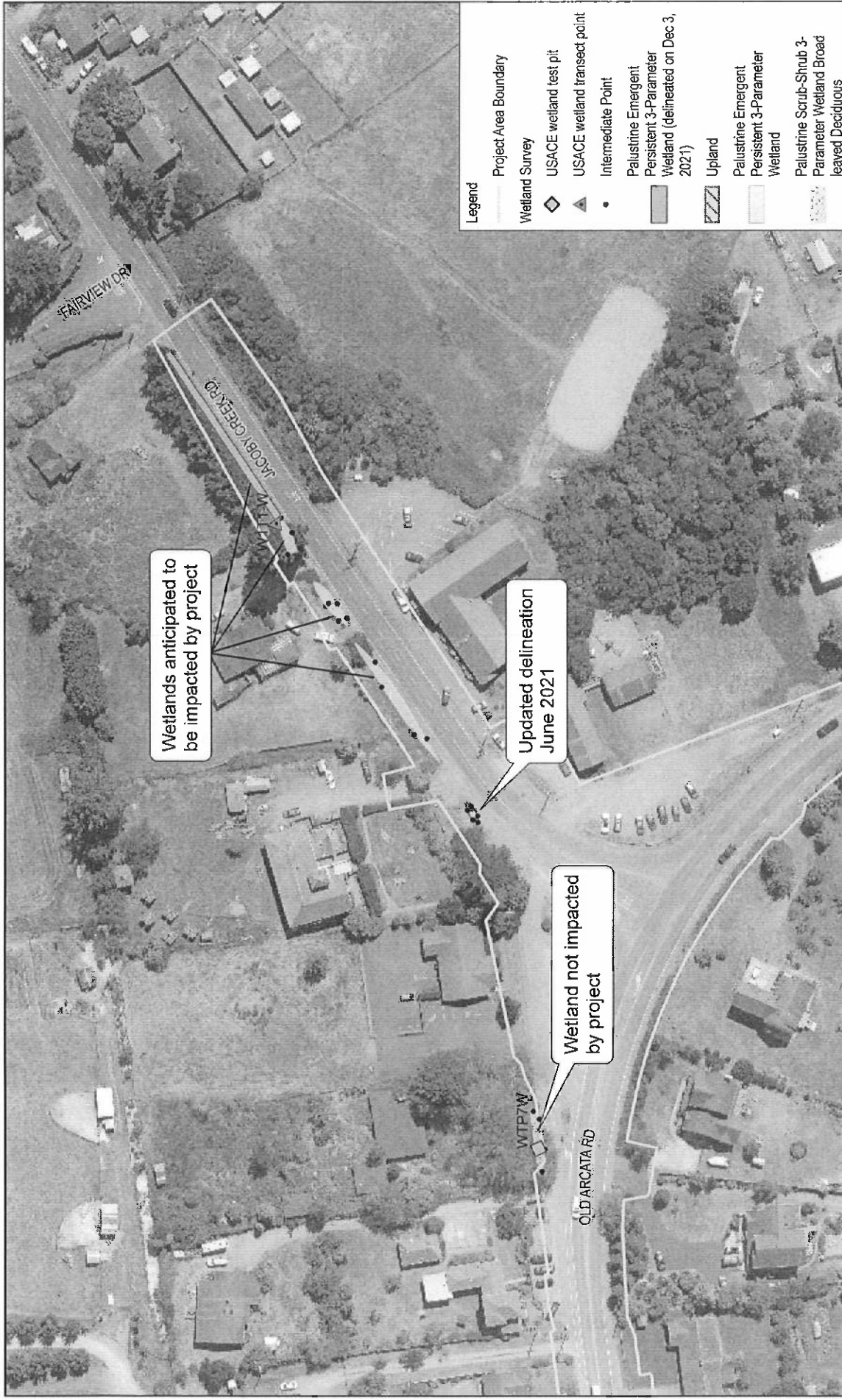
Mitigation Measures BIO-3 and BIO-4 requires protection of juxtaposed wetlands, avoidance and minimization of permanent impacts and temporary impacts to wetlands during construction, restoration of pre-Project conditions at the conclusion of construction, and compensation of wetlands thereby reducing any potential impacts to wetlands to a less-than-significant level.

Level of Significance: Less than significant after mitigation.

3.3.7 References

- GHD. 2021. *Old Arcata Road Improvement Project Wetland Delineation Rev. 2*. Prepared for Submission to the U.S. Army Corps of Engineers.
- GHD. 2018. *Special Status Plant Survey and ESHA Evaluation for Old Arcata Road Improvement Project*.
- Northstar Environmental. 2019. *Natural Environment Study for the Old Arcata Road Improvements Project*. Prepared for GHD and the City of Arcata. Lake Forest, CA.

U.S. Army Corps of Engineers. 2021. *Jurisdictional Determination for Old Arcata Road Improvements Project*.

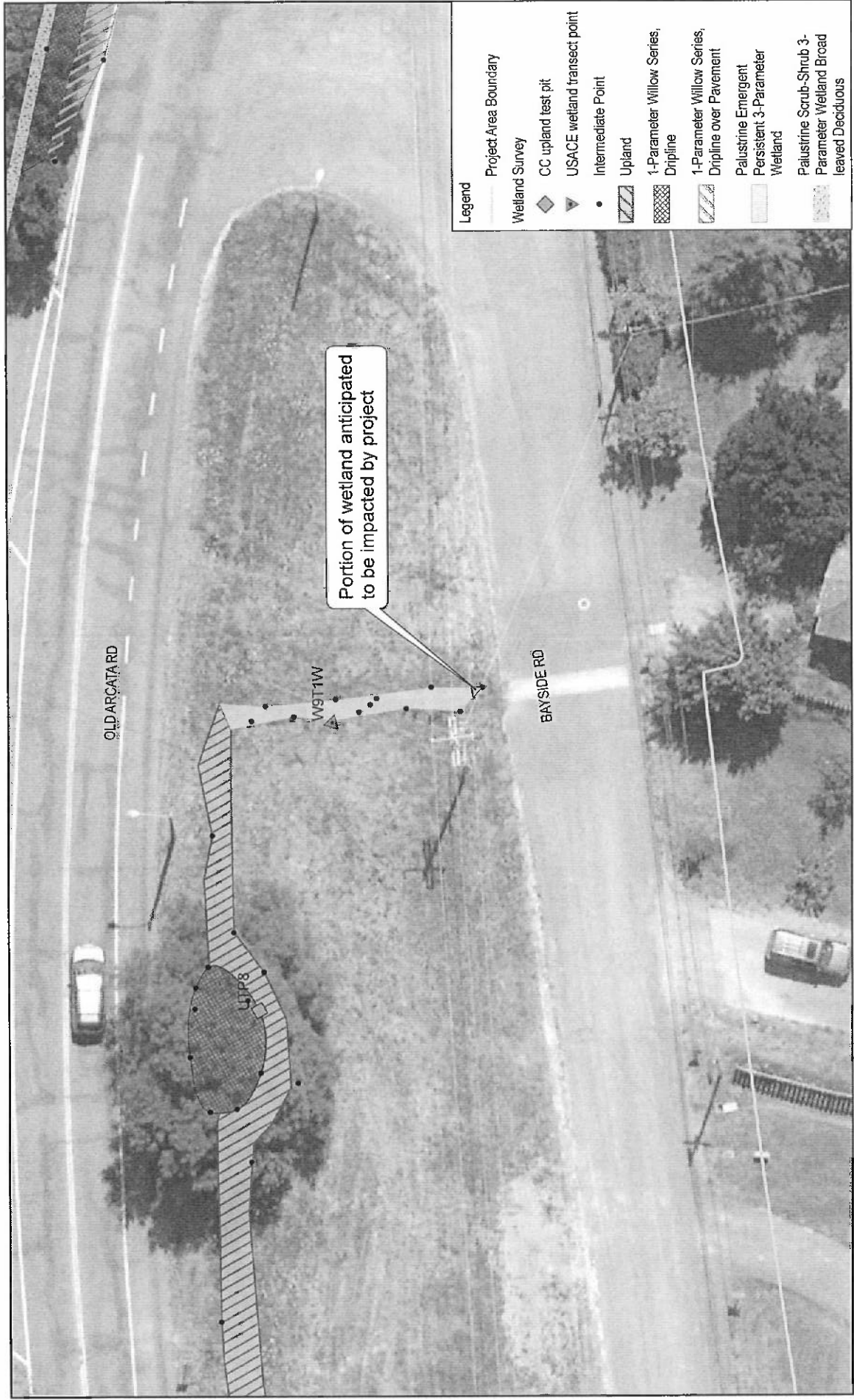


City of Arcata
Old Arcata Road Improvements
Wetlands Near Jacoby Creek Road

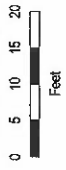
Project No. 11159130
 Revision No. -
 Date 12/8/2021



FIGURE 3-3.1



Paper Size ANSI A



City of Arcata
Old Arcata Road Improvements

Project No. 11159130
Revision No. -
Date 12/8/2021

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California 1 FIPS 0401 Feet

Wetlands Near Bayside Road

FIGURE 3-3.2

4. Alternatives Description and Analysis

4.1 Introduction

This chapter presents the alternatives analysis for the Project. Section 15126.6(a) of the CEQA Guidelines require an Environmental Impact Report (EIR) to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that would foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. In addition, an EIR must identify alternatives that were considered by the lead agency and were rejected as infeasible during the scoping process and should briefly explain the reasons underlying the lead agency’s determination (CEQA Guidelines Section 15126 [(c)]).

For ease of reference, the project objectives identified in Chapter 2, the Project Description, are repeated below:

- 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

One of the alternatives analyzed must be the “No Project” alternative. CEQA Guidelines Section 15126.6(e)(1) states that the purpose of describing and analyzing the no project alternative is “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” The no project analysis is required to “discuss the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (Section 15126.6[e][2]).

4.1.1 Identifying Project Alternatives

In 2017, the City lead a community design charrette process that involved members of the Bayside and neighboring communities. The design charrette process 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). Potential alternatives identified through the charrette process were further described and evaluated by the PSR. The alternatives had similar costs as they included similar features and materials with slightly varying quantities.

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. 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. Comments on the ISMND include requests for an alternatives analysis. Potential alternatives raised by the ISMND comments are repeated by comments on the Notice of Preparation, as described below.

A Notice of Preparation (NOP) was circulated for the Project in May of 2021, describing the proposed rehabilitation activities to be conducted within the Project Area. The NOP and comments received during the scoping period can be found in Appendix A and Appendix B, respectively. Comments germane to CEQA received during scoping included:

- Concern about street lighting proposed near the roundabout
- Potential impacts to historical resources
- Concern about the current road condition and the unmet need for bicycle and pedestrian safety
- Support for a T-Intersection alternative
- Support for a roundabout configuration
- Support for additional speed reducing measures, such as speed humps
- Requests for additional speed enforcement measures

Project alternatives have been explored to consider scoping period comments, as well as comments previously received via public comment on the Initial Study/Mitigated Negative Declaration (IS/MND, see Section 1.8 – Areas of Controversy and Key Issues to be Resolved).

4.2 Alternatives Considered but Rejected

During the preliminary planning of the Project and the scoping process for the EIR, several alternatives to the Project were evaluated and/or suggested. These alternatives are summarized below and were evaluated to determine if they meet the qualifications for alternatives receiving full EIR analysis, as required under CEQA.

In accordance with CEQA Guidelines Section 15126.6(a), an alternative must meet the following three criteria:

1. The alternative must attain most of a project's basic objectives;
2. The alternative must avoid or substantially reduce the significant environmental impacts of a proposed project; and
3. The alternative must be potentially feasible.

An EIR need not analyze an alternative whose impact cannot be reasonably ascertained and whose implementation is remote and speculative. Furthermore, an EIR need not consider every conceivable alternative, but must consider a reasonable range of alternatives that would foster well-informed decision-making and public participation.

Alternatives for Old Arcata Road were conceived by identifying and developing alternatives the following two main components of the proposed Project: 1) improvements for the corridor road between Buttermilk Lane and Jacoby Creek Road, and 2) the Jacoby Creek Road intersection. The following Project elements would remain applicable to all alternatives except the No Project Alternative:

The road pavement would be overlaid or reconstructed throughout the whole Project Area. The pavement section would include up to 1.33' of class II aggregate base and 0.5' of asphalt concrete. Striping would be done to separate bicycle lanes. The current separated path located in the northern part of the Project Area would be replaced by a 6' wide separated concrete path that meets ADA standards. The path would require approximately 0.5' depth of class II aggregate base and 0.33' of concrete. The vegetated buffer strip between the separated path and the roadway would convey runoff act as a low impact design (LID) feature for stormwater runoff. The northern segment where Bayside Road and Old Arcata Road connect Bayside Road into a shared road with a widened shoulder to accommodate pedestrians.

Rejected Alternative A addresses an alternative configuration for pedestrian and roadway improvements along the Old Arcata Road corridor. Rejected Alternatives B through G address alternative configurations and improvements to the intersection of Old Arcata Road and Jacoby Road.

4.2.1 Rejected Alternative A (Intersection) **Larger Roundabout Footprint**

During conceptual design development, unconstrained roundabout footprints were considered. Rejected Alternative A consisted of an unconstrained roundabout footprint that would be larger than the proposed Project's footprint. An unconstrained roundabout footprint would provide improved traffic flow, fastpaths (the fastest any vehicle can navigate through the roundabout, ignoring striping), and truck turning radii. However, the unconstrained roundabout footprints resulted in private property encroachment and increased proximity to the Mistwood Education Center.

Rejected Alternative A was rejected for further consideration because it would not achieve the proposed Project's objectives of implementing a project that does not require permanent right of way acquisitions. An unconstrained roundabout also would have resulted in increased roadway proximity to the Mistwood Education Center, compared to the proposed Project. Additionally, the alternative would not avoid or substantially reduce potential significant impacts of the proposed Project.

4.2.2 Rejected Alternative B (Intersection) **Mini Roundabout Footprint**

During conceptual design development, more constrained roundabout footprints were considered. Rejected Alternative B consisted of a more constrained mini roundabout that would have a smaller footprint than the proposed Project's footprint. Mini roundabouts are typically best suited to environments where speeds are already low. Because of the higher approach speeds of both westbound Jacoby Creek Road, and northbound Old Arcata Road (45 MPH and 35 MPH, respectively), special consideration must be given to the mini roundabout placement, and the alignment/geometry of approaching lanes. The central island would also be required to be fully mountable to accommodate trucks and vehicles with larger turning radii.

The result is that although a more constrained roundabout footprint would be smaller than the footprint of the proposed Project, the design configuration would require the roundabout to be positioned such that there is the potential to encroach on private property located to the west. The required alignment and geometry for the approach lanes on Jacoby Creek Road may result in additional encroachment onto private property to the west. A speed hump on Jacoby Creek Road would also be needed to control westbound speeds approaching the intersection. Several driveways may also be impacted, requiring relocation or limited access (e.g., right-in/right-out only) to accommodate required splitter island. The required fully mountable central island to accommodate trucks and larger vehicles which would eliminate opportunities for landscaping in the central island.

Rejected Alternative B was rejected for further consideration because it would not achieve the Project's objectives of implementing a project that does not require permanent right of way acquisitions. A mini roundabout also would likely restrict driveway access to private properties.

4.2.3 Rejected Alternative C (Intersection) T Intersection at Jacoby Creek Road, Multi Way Stop Control

Rejected Alternative C included retaining a T intersection at the intersection of Jacoby Creek and Old Arcata, to be controlled by an all-way stop, also called a Multi Way Stop Control (MWSC). However, transportation design analysis determined that the intersection likely would not likely meet applicable engineering guidance criteria for installing additional stop signs, known as warrant criteria (GHD 2021). The intersection falls within both the City of Arcata and the County of Humboldt jurisdiction. While the City of Arcata does have policies/guidelines for MWSC installation, the County does not. Therefore, an initial transportation design analysis was conducted using the guidance provided in Section 2B.07 Multiway Stop Applications of the California Manual on Uniform Traffic Control (CA MUTCD) and City of Arcata's Policy on implementing MWSC Intersections.

The GHD (2021) review of warrant criteria determined that the intersection likely would not meet the key CA MUTCD criteria for justification of a MWSC, including not meeting the minimum volume warrant and not meeting the crash warrants. Per the CA MUTCD, a 'warrant' describes the threshold condition based upon average or normal conditions that, if found to be satisfied as part of an engineering study, shall result in analysis of other traffic conditions or factors to determine whether a traffic control device or other improvement is justified (CalSTA/Caltrans 2014). Additionally, the analysis determined that the intersection would score up to nine points using the City of Arcata's Policy; however, 20 points is needed to warrant consideration of a MWSC.

Therefore, Rejected Alternative C does not meet the CEQA Guidelines requirement of being potentially feasible, and is rejected from further consideration. Additionally, Alternative C was rejected for further consideration because it would not achieve the Project objective to apply accepted engineering standards to guide selected roadway and safety improvements.

4.2.4 Rejected Alternative D (Intersection) T Intersection at Jacoby Creek Road with A Traffic Signal

Rejected Alternative D included retaining a T intersection at the intersection of Jacoby Creek and Old Arcata, to be controlled by a traffic signal. However, the GHD (2021) warrant criteria review determined that the intersection likely would not meet applicable engineering guidance criteria for installing a traffic signal.

The transportation design analysis was conducted using the guidance provided in Chapter 4C Traffic Control Signal Needs Studies, Section 4C.02 through Section 4C.10 of the CA MUTCD. Specifically, the following warrants were evaluated for the study intersection based on the collected accident, speed, and traffic volume data:

- Section 4C.02 Warrant 1, Eight-Hour Vehicular Volume:
- Section 4C.03 Warrant 2, Four-Hour Vehicular Volume:
- Section 4C.04 Warrant 3, Peak Hour:
- Section 4C.05 Warrant 4, Pedestrian Volume:
- Section 4C.06 Warrant 5, School Crossing:
- Section 4C.07 Warrant 6, Coordinated Signal System:
- Section 4C.08 Warrant 7, Crash Experience:
- Section 4C.09 Warrant 8, Roadway Network:
- Section 4C.10 Warrant 9, Intersection near a Grade Crossing:

Based on the review of available data in relation to the above warrants, GHD (2021) determined that a traffic signal at the intersection would likely fall short of meeting required warrant criteria. Therefore, Rejected Alternative D does not meet the CEQA Guidelines requirement of being potentially feasible, and is rejected from further consideration. Additionally, Alternative D was rejected for further consideration because it would not achieve the Project objective to apply accepted engineering standards to guide selected roadway and safety improvements.

4.2.5 Rejected Alternative E

Unmodified T Intersection at Jacoby Creek Road with Speed Enforcement

Rejected Alternative E included updating the existing T intersection at the intersection of Jacoby Creek and Old Arcata without modification. Speed enforcement applied to increase speed control in the Project vicinity was suggested by some members of the public as an alternative to a roundabout during public comment on the ISMND prepared for the proposed Project, as well as the EIR scoping. Implementing a speed control option, such as installation and use of a traffic enforcement camera or increasing police presence, could be costly. Additionally, traffic enforcement cameras have not been utilized elsewhere in the City of Arcata, and it would be infeasible to have constant police presence at the intersection.

Rejected Alternative E was rejected for further consideration because it would not achieve the following Project objectives: improve intersection safety at the intersection of Old Arcata and Jacoby Creek Roads; increase multimodal use by improving bicycle and pedestrian facilities via improved 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; 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; create a "gateway" at the southern entrance to Arcata; and, apply accepted traffic engineering standards to guide selected roadway and safety improvements.

4.2.6 Rejected Alternative F (Intersection)

Historic Old Arcata Road and Jacoby Creek Road Alignment

Rejected Alternative F consists of modifying the intersection of Jacoby Creek Road and Old Arcata Road to realign the roads and intersection to their original historic alignment, as shown in Image 4-2. The historic alignment was offered as an alternative to a roundabout during public comment on the ISMND and EIR scoping.

The intersection configuration of Rejected Alternative F is not consistent with current uses, including the post office, pump station, and contemporary traffic volumes. The historic alignment would realign traffic adjacent to the Mistwood Education Center and the Bayside Post Office. Additionally, implementation of a historic alignment alternative would include a sharp horizontal curve of Old Arcata Road, which would likely require an all-way stop due to reduce turning and speed hazards.

Rejected Alternative F was rejected for further consideration because it would not achieve the following Project objectives: improve intersection safety at the intersection of Old Arcata and Jacoby Creek Roads; increase multimodal use by improving bicycle and pedestrian facilities via 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; 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; create a "gateway" at the southern entrance to Arcata; and, apply accepted traffic engineering standards to guide selected roadway and safety improvements.



Image 4-2 Rejected Alternative F Historic Alignment Photograph Dated 1947 (JRP 2020). The historic alignment is shown in red.

4.3 Analysis of Alternatives

This section describes the Project alternatives that were selected and analyzed in accordance with CEQA Guidelines Section 15126.6(a). As described above in Section 4.2, several other potential alternatives were evaluated, but were determined to be infeasible, would not attain most of the Project's basic objectives, or would not avoid or substantially reduce significant impacts of the proposed Project and have been rejected.

The two alternatives to the proposed Project evaluated further in this EIR include the No Project Alternative and the T-Intersection Alternative. Resource categories identified as having no impacts under the proposed Project are not discussed below in detail.

As the proposed Project would result in no impact to Agricultural and Forestry Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation (see Section 5.1 – Environmental Issues Determined Not to be Significant), the No Project Alternative and T-Intersection Alternative are considered to be equivalent for those resource categories as identified in the CEQA Appendix G checklist and are not discussed further.

A comparison of alternatives is provided in Section 4.4. The environmentally superior alternative is described in Section 4.5.

4.3.1 Alternative 1: No Project Alternative

Description

Under a No Project Alternative, the Project corridor would remain in its existing condition without change. Gaps in bicycle and pedestrian facilities along Old Arcata Road between Jacoby Creek School and Jacoby Creek Road

would remain. The existing walkways, driveways and curb ramps within the Project corridor that are non-compliant with current accessibility codes and standards would remain unaltered and continue to be a barrier to pedestrian mobility. The current roadway and turning configurations for Jacoby Creek School parking lot at the Hyland Street intersection would remain unaltered, and no left-turn lane for northbound traffic would be constructed. No modifications to the Jacoby Creek School parking lot would occur. The five paved diagonal parking space along Old Arcata Road in front of Jacoby Creek School would remain.

The intersection of Old Arcata Road and Jacoby Creek Road would remain in its existing configuration, and no new sidewalk, crosswalk, signage, landscaping, or other improvements would be constructed. Additionally, no retaining wall would be constructed near the intersection.

The existing asphalt roadway, identified as extremely deteriorated and considered to be in "poor" condition, would continue to degrade, but would be resurfaced at an unknown future date according to current city practice and roadway prioritizations (NCE 2017). The existing street lights located at the Jacoby Creek Road intersection would remain, and Old Arcata Road would continue to have some power-pole-mounted lights. Existing trees would remain, and no increase or modification of landscaping would occur.

Existing utility infrastructure, including storm drain, sanitary sewer lines, and water service lines, would remain, and no improvements to that infrastructure would occur.

Analysis

For the purposes of this EIR, impact levels for the No Project Alternative assume continued use and degradation of Old Arcata Road and Jacoby Creek Road. The roadway would not be resurfaced. However, the No Project Alternative is not considered a 'project' under CEQA and implementation of mitigation measures through a CEQA document or CEQA process would not apply.

Aesthetics

The No Impact Alternative would not include any visual change. However, the No Project Alternative would also not include many of the visual enhancements proposed by the Project, such as stamped concrete, colored concrete, landscape vegetation, and bicycle lanes and buffered pathways, that improve the visual character of the Project corridor. The impact to aesthetics would be less under the No Project Alternative.

Air Quality

The No Impact Alternative would not result in any emissions. The impact to Air Quality would be less under the No Project Alternative.

Biological Resources

The No Impact Alternative would not result in any disturbance to biological resources. The impact to Biological Resources would be less under the No Project Alternative.

Cultural Resources

The No Project Alternative would not modify or disturb any archaeological resources. The impact to Cultural Resources would be less under the No Project Alternative.

Energy

The No Impact Alternative would not result in any energy consumption. The impact to Energy would be less under the No Project Alternative.

Geology and Soils

The No Impact Alternative would not result in disturbance to geologic or soil resources. The impact to Geology and Soils would be less under the No Project Alternative.

Greenhouse Gas Emissions

The No Impact Alternative would not result in any greenhouse gas emissions. The impact to Greenhouse Gas would be less under the No Project Alternative.

Hazards and Hazardous Materials

Soil characterization and, if needed, remediation required by the Project near Roger's Garage would not occur under a No Project Alternative. If any soil contamination were to remain, it would persist and clean up would not result. Thus, the No Project Alternative would be potentially more impactful, as any existing contamination would not be remediated.

Hydrology and Water Quality

The No Impact Alternative would not result in any hydrology or water quality impacts. The impact to Hydrology and Water Quality would be less under the No Project Alternative.

Noise

The No Project Alternative would not reduce operational noise through the Project Area due to a quieter, smoother roadway surface. The No Project Alternative also would not include traffic calming measures such as the roundabout, splitter islands, and improved signage. The existing noise environment at the intersection would remain. Noise-related impacts under a No Project Alternative would be greater than the proposed Project.

Transportation

The No Project Alternative would not include improved pedestrian and bicycle facilities along Old Arcata Road, or improved pedestrian and bicycle facilities at the intersection of Old Arcata Road and Jacoby Creek Road. Existing hazards to pedestrian and bicyclists would remain. Transportation-related impacts under a No Project alternative would be greater than the proposed Project.

Tribal Cultural Resources

The No Impact Alternative would not result in any Tribal Cultural Resource impacts. As tribal cultural resources were not identified in the Project Area as a result of AB 52 consultation with designated tribal representatives. However, the No Project Alternative is unlikely to encounter unknown tribal historic resources and, therefore, the impact to Tribal Cultural Resources would be less than the proposed Project.

Utilities and Service Systems

The No Project Alternative would not include needed water, sewer, or other utility improvements. Thus, the No Project Alternative is more impactful than the proposed Project.

Wildfire

The No Impact Alternative would not result in any wildfire-related impacts. The impact to Wildfire would be less under the No Project Alternative.

4.3.2 Alternative 2: T Intersection at Jacoby Creek with Improvements and Additional Traffic Calming Measures

Description

Alternative 2 would implement the Project as proposed, except for the roundabout at the intersection of Old Arcata Road and Jacoby Creek Road (See Figure 4-1, Alternative Layout). Instead of a new roundabout, the existing T-intersection would be retained, and traffic patterns would remain the same as under existing conditions. Through traffic would remain on Old Arcata Road, and the stop sign on Jacoby Creek Road would be retained. Improvements at the intersection would include a mountable concrete apron to divide turning lanes on westbound Jacoby Creek Road, at the stop sign. The accessway to the Bayside Post Office would be repaved

and restriped, with formal parking added on the north side of the utility island. The paved roadway area at the Jacoby Creek Road would be reduced to calm traffic, and mountable aprons would be installed to accommodate vehicles with larger turning radii. The new pathway/sidewalk along Old Arcata Road would transition into a new LED or rapid rectangular flashing beacon (RRFB) enhanced crosswalk with curb ramps at the northern end of the intersection. The crosswalk would include a pedestrian refuge, which is a median with a refuge area that is intended to help protect pedestrians who are crossing multiple lane roads. The crosswalk would connect to a new sidewalk on the southern and eastern edge of the lift station utility island. New crosswalks and curb ramps would provide connectivity to both entrance/exits of the improved Bayside Post Office accessway. A fourth new crosswalk with LED or RRFB and a set of curb ramps would provide connectivity across Jacoby Creek Road near the Bayside Grange, linking to a new sidewalk in front of the Bayside Grange and Mistwood Education Center. The intersection would be repaved and restriped; signage would be updated, including signage posting speed limits of 25 miles per hour. Bicycle lanes would be re-striped on Old Arcata Road, through the intersection. As with the proposed Project, the T-Intersection Alternative would be located entirely within the public right of way. Traffic calming measures would be integrated into the T-Intersection alternative to the degree feasible, including additional traffic calming measures along the Old Arcata Road corridor, north and south of Jacoby Creek School. Traffic calming measures would include mountable median islands, center delineators, and radar feedback signs.

Analysis

Aesthetics

Under Alternative 2, the same improvements as the proposed Project would be implemented, except that the intersection of Old Arcata Road and Jacoby Creek Road would be retained as a T-intersection, with the same traffic pattern as the existing environment but with additional traffic calming measures to improve safety and reduce speeds. Improvements to the intersection would include new concrete aprons, repaving and restriping accessway to the Bayside Post Office, as well as multiple shoulder, crosswalk, sidewalk, bike lane, and other multi-modal improvements.

Alternative 2 would have similar to slightly reduced aesthetics impacts with a potential to temporarily block or alter existing view through the presence of heavy machinery, materials stockpiling and storage, and construction-related safety signage and channelizers, and roadside vegetation (trees) removal. Therefore, the potential impact to aesthetics is expected to be the same under Alternative 2.

Air Quality

Under Alternative 2, the amount of construction activity would be similar to the proposed Project. Therefore, the generation of criteria area pollutants and dust during construction of Alternative 2 would be similar to the proposed Project. The air quality impacts associated with the proposed Project were determined to be less than significant with implementation of Environmental Protection Action 1, which would require provisions that the City and its contractor prepare and adhere to a SWPPP prior to construction, to ensure compliance under the required Construction General Permit administered by the North Coast Regional Water Quality Control Board. The SWPPP would include dust control measures, as a matter of standard protocol. Dust control measures in the SWPPP would reduce potential fugitive dust emission and particulate matter impacts, providing consistency with Quality Regulation 1, Rule 104 (D), Fugitive Dust Emissions. The impacts of Alternative 2 would similarly be less than significant with implementation of Environmental Protection Action 1.

Biological Resources

Impacts to biological resources associated with the proposed Project were determined to be less than significant with implementation of mitigation measures. Comparative to the proposed Project, impacts to biological resources under Alternative 2 would be marginally reduced due to the reduction in area that would be disturbed at the intersection of Old Arcata Road and Jacoby Creek Road.

Based on the current 30% design, the proposed Project would impact several lengths of wetland ditch (approximately 2,650 square feet/0.06 acres) along the north side of Jacoby Creek Road and approximately 30 square feet of wetlands near Bayside Road. Temporary impacts of approximately 1,300

square feet (0.03 acres) to wetlands along Old Arcata Road would also occur. All wetlands impacted by the Project would be fully mitigated under Mitigation Measure BIO-3 and Mitigation Measure BIO-4, which require efforts to minimize impacts to wetlands and compensatory mitigation to the satisfaction of jurisdictional permitting agencies where wetland impacts are unavoidable. With the implementation of Mitigation Measure BIO-3 and Mitigation Measure BIO-4, impacts to wetlands under the proposed Project would be less than significant.

Alternative 2 would also impact wetlands, although to a slightly less extent. Permanent impacts to wetlands along Jacoby Creek Road would not occur. Permanent wetland impacts would be limited to approximately 20 square feet near Bayside Road. Temporary impacts to wetlands would be equivalent to the proposed Project and include approximately 1,300 square feet (0.03 acres) along Old Arcata Road. As with the proposed Project, all wetlands impacted by Alternative 2 would be fully mitigated under Mitigation Measure BIO-3 and Mitigation Measure BIO-4, which require efforts to minimize impacts to wetlands and compensatory mitigation to the satisfaction of jurisdictional permitting agencies where wetland impacts are unavoidable. With the implementation of Mitigation Measure BIO-3 and Mitigation Measure BIO-4, impacts to wetlands under Alternative 2 would be less than significant.

However, the potential to impact each of the species and resource identified in Section 3.3 (Biological Resources) during the construction phase would remain the same under Alternative 2, and all identified mitigation measures (Mitigation Measures BIO-1, 2, 3, and 4, **5 and 6**) would remain applicable. Therefore, the impacts related to biological resources for Alternative 2 would be equivalent to the proposed Project.

Cultural Resources

Under the proposed Project, impacts to historical resources were determined to be less than significant. As described in Section 3.4, Cultural Resources, three built historic resources were identified in the vicinity of the intersection of Old Arcata Road and Jacoby Creek Road; the Old Jacoby Creek School at 2212 Jacoby Creek Road, the Temperance Hall at 1928 Old Arcata Road, and the Bayside Grange at 2297 Jacoby Creek Road. The proposed Project would not diminish the integrity of location, design, materials, workmanship, or association of the Old Jacoby Creek School, Temperance Hall, Bayside Grange, or any historic district because the Project would not physically alter any of these properties. Although the integrity of feeling and setting would be modified, this Draft EIR found that this would not result in a substantial adverse change under CEQA, as the feeling and setting would not be altered to a significant degree. The proposed Project components are modest in scale and sympathetic to the surroundings; improvements to the intersection as realigned in 1946 are not to the original intersection, and the setting is already a mixture of old and new build environment. Alternative 2 would similarly result in a less than significant impact to historic resources, as the components would be modest in scale and sympathetic to the surroundings.

Under the proposed Project, cultural resources impacts were determined to be less than significant with implementation of mitigation. Alternative 2 would result in slightly less disturbance at the Project site due to a slightly smaller footprint at the intersection of Old Arcata Road and Jacoby Creek Road. The area of ground disturbance under Alternative 2 is only minimally smaller than the Project footprint, and only at the intersection of Old Arcata Road and Jacoby Creek Road.

The same mitigation measures for the proposed Project (Mitigation Measures CR-1) would be applicable to Alternative 2 (see Section 3.4). Implementation of Mitigation Measure CR-1 would reduce the impact to archaeological resources by requiring the development and implementation of a MOU with consulting Tribes that would include archaeological monitoring, guided investigation prior to construction, and inadvertent discovery protocols and plans.

With implementation of mitigation measures identified above, the Alternative 2 potential for impacts to archaeological resources (Impact CR-2) would be similarly reduced to a less-than-significant level. Therefore, impacts to archaeological resources and historic resources would be equivalent to those under the Project.

Energy

Comparatively, construction-related energy use under Alternative 2 would be equivalent to the proposed Project. As with the proposed Project, Alternative 2 would result in a less than significant impact to energy resources because it would not result in a substantial increase in energy use, in inefficient, wasteful, or unnecessary consumption of fuels or other energy resources, or conflict with an applicable plan for energy efficiency.

Geology and Soils

Although Alternative 2 would result in slightly smaller footprint than the proposed Project at the intersection of Old Arcata Road and Jacoby Creek Road, the general risk for encountering undiscovered unique paleontological resources would remain the same as the proposed Project. Paleontological resources are highly unlikely to be encountered regardless, as no deep excavation greater than 8 ft is planned. Additionally, potential for soil loss due to construction related erosion would be equivalent. The same Best Management Practices (BMPs) and EPA 1 (SWPPP) would apply to Alternative 2 as with the proposed Project.

The same mitigation measures for the proposed Project would apply to Alternative 2 to reduce potential impacts to construction-related impacts to paleontological resources to a less than significant level (reference Section 3.6). Therefore, impacts related to geology and soils under Alternative 2 would be equivalent to what would occur under the proposed Project.

Greenhouse Gas Emissions

Similar to the proposed Project, Alternative 2 would result in a temporary increase in GHG emissions during Project construction, including exhaust emissions from on-road haul trucks, worker commute vehicles, and off-road heavy-duty equipment. Comparatively, construction related GHG emissions associated with Alternative 2 would substantially be the same as the estimated emissions for the proposed Project. As with the proposed Project, Alternative 2 would result in a less than significant impact to GHG emissions, because neither the Project nor Alternative 2 would exceed the quantitative emissions threshold, impede the State in meeting the AB 32 greenhouse gas reduction goals, or conflict with the City's adopted Climate Action Plan. As with the proposed Project, Alternative 2 would improve bicycle and pedestrian infrastructure and therefore is consistent with and supports the City's Community Greenhouse Gas Reduction Plan. As with the proposed Project, operations of Alternative 2 would not result in a new source of GHG emissions as it would not increase the vehicle capacity, speed, or vehicle miles traveled of the Project roadway. Under the proposed Project, there would be improved traffic flow through the intersection and an associated reduction in future idling during Project operation. As such, the proposed Project and Alternative 2 may result in a reduction in operational GHG emissions as compared to continued use of the intersection without Project improvements. Additionally, there would likely be long-term GHG benefits from improved operation and smoother pavement surfaces. Therefore, impacts related to greenhouse gas emissions under Alternative 2 would be equivalent to what would occur under the proposed Project.

Hazards and Hazardous Materials

Although Alternative 2 would result in slightly smaller footprint than the proposed Project at the intersection of Old Arcata Road and Jacoby Creek Road, the general risk for accidental spills of construction fuels and accidental fire ignition during construction would remain the same as the proposed Project. Under Alternative 2, construction activity and excavation would still occur in proximity to the Roger's Garage on Old Arcata Road, and would still result in the need for handling potentially hazardous building materials (e.g., contaminated soils) and potentially aerially deposited lead along the roadway. The same mitigation measures for the proposed Project would apply to Alternative 2 to reduce construction-related impacts associated with managing potential contamination from Roger's Garage and aerially deposited lead to a less than significant level (reference Section 3.8). Therefore, impacts related to hazards and hazardous materials under Alternative 2 would be equivalent to what would occur under the proposed Project.

Hydrology and Water Quality

Alternative 2 would be located on the same site as the proposed Project and would include the same general level of excavation and earthwork, with the exception that the configuration of the intersection of Old Arcata Road

From: [Bert Colbert](#)
To: NorthCoast@Coastal
Cc: [EBT - Kristi Colbert, RN, BSN](#)
Subject: Bayside Road Improvement Project
Date: Saturday, November 5, 2022 10:19:37 AM

Dear Coastal Commission Members,

We have lived in Bayside since 1989. Our home is on old Arcata Road with our driveway in front of our house directly facing the road. We are 4 houses north of the proposed roundabout. During the 30+ years that we have lived here, we have seen numerous accidents at the corner of Old Arcata Road and Jacoby Creek Road. This includes vehicle collisions and vehicles leaving the roadway and ending up in people's yards.

The most recent a few months ago, involved a vehicle traveling at a higher rate of speed down Jacoby Creek Road and taking out the stop sign at the corner by the post office. Then -the vehicle continued across Old Arcata Road, left the roadway airborne and ended up in the yard between two homes. The stop sign traveled through the air and landed up in a tree of one of these homes. That stop sign could have impaled somebody.

The Old Arcata Rd speeds have also increased with people often driving in excess of 50 MPH. We have been involved in numerous public comment sessions & in person meetings with the City of Arcata planning department regarding these proposed road improvements. In my opinion, the city of Arcata staff made every effort to take into account public input and overwhelmingly the roundabout was preferred. The majority of us living right on old Arcata Road who are the most impacted -- are fully in favor of a roundabout at the corner of Old Arcata Road and Jacoby Creek Road. Roundabouts work!! The opposition to this -- the group calling themselves Bayside Cares-- is largely made up of homeowners who do not live directly on the road and do not face the potential impacts that a roundabout or three- way -stop sign intersection would bring. We believe a roundabout is the only traffic calming solution that will work with the road improvement plan. A three -way-stop sign intersection will:

- 1) Back up traffic past our house all the way to Jacoby Creek school.
- 2) Pose a higher safety risk for people crossing an intersection on a radius corner.
- 3) Traffic traveling north from the Bayside cutoff would soon hit stopped traffic waiting to go through that intersection. Someone is going to get hit from behind and have severe injuries or be killed.

We were just in Germany in August. Everywhere we went, including very small rural villages, had roundabouts! Why? Because roundabouts work to slow down traffic and cut down on air pollution as opposed to coming to a complete stop.

.We are asking that you reject the Bayside Cares group appeal and move forward with the City of Arcata's project as proposed with the roundabout.

Sincerely,

Bert & Kristi Colbert

1759 Old Arcata Rd, Bayside, CA 95524

From: [Lee Dedini](#)
To: NorthCoast@Coastal
Subject: Old Arcata Road Improvement Project in November 18, 2022 meeting
Date: Wednesday, November 9, 2022 1:58:25 PM

California Coastal Commission,

My wife and I live in the community of Bayside and ride our bikes often in the area of the proposed road improvements on Old Arcata Road. We support the development of a roundabout and feel it will greatly improve public safety.

We, along with the vast majority of the community, encourage the Coastal Commission to follow the staff recommendation and find "No Substantial Issue" for both appeals (Appeal No. A-1-ARC-22-0010 and Appeal No. A-1-HUM-22-0026).

Thank you, Lee and Jill Dedini, Bayside

From: [Marc Delany](#)
To: [NorthCoast@Coastal](#); [Jansen, Bente@Coastal](#)
Subject: Delany Appeal Appeal No. A-1-HUM-22-0026 (City of Arcata, Humboldt Co.)
Date: Friday, November 11, 2022 11:25:52 AM

Bente Jansen

Coastal Commission

North Coast District office

1385 Eighth Street

Suite 130

Arcata, CA 95521

707-826-8950 ext. 5

Bente.Jansen@coastal.ca.gov.

RE: Appeal No. A-1-HUM-22-0026 (City of Arcata, Humboldt Co.)

Dear Coastal Commission,

For the reasons set forth below I believe the Coastal Commission should review this project for consistency with the Local Coastal Plan under Section 30330 of the Coastal Act. Please include the following with my appeal.

There have been two “Lead Agencies” throughout most of this project. There can only be one per project. I see there are really two projects, one within the City of Arcata city boundaries for pedestrian and bike improvements. Arcata is listed as Lead Agency for this. The other project is a highway improvement project proposed by the consulting engineer, Omni Means, mid project presentation circa 2016. Caltrans claims to also be the “Lead Agency” for this highway improvement project using STIP funds. Under CALTRANS, NEPA review is applied, including NHPA and Environmental Justice Protections for state and federal historic resources. The Arcata project only contemplates using CEQA criteria. Projects cannot be segmented to reduce (or increase) the potential approval.

The current APE for the project was determined and provided through the CEQA process as contracted for by the City of Arcata. NEPA review also includes economic impacts analysis, and subjective criteria when evaluating impacts on historic resources. Without the corrected APE used as the basis of CEQA (or NEPA) review, the actual impacts, and impacted properties and communities are incorrect.

With two competing Lead Agencies, no one agency is fully responsible.

Many others and I have had no elected representation in this process to date, violating fundamental civil rights and other protections.

It is appreciated if the Coastal Commission would review this project for the above, and for the included specific “Chapter 3” requirements cited below.

I would appreciate the opportunity to appeal before the commission next week, or at the next opportunity. If the CC agrees there are 2 distinct projects here, the “roundabout” project is the project objected to, if the NEPA review is, in fact, completed.. The Pedestrian and Bike Improvements wholly within the City of Arcata has not completed NEPA review as required at this time and may not be “ripe” for appeal at this date.

To my knowledge Caltrans has not completed NEPA review, including an economic analysis of potential impacts. The SHPO process seems to have begun, then stopped.

CMZ requires state review of federal, state and local consistency in planning per 15 C.F.R. 923.15 *process*. Under Section 30330 the review of federal laws and regulations, testimony received at (all?) public hearings and coastal commission deliberations, the plans, maps, photos, E.I.S. and other documents for consistency with Regional, Federal and State requirements of the Local Coastal Plan. Inaccurate and erroneous mapping, DE-APE, and other defects generated in planning a local project by the state or local government and agencies.

In the case of the project before the commission, a confused history and description dominated the process, beginning with a project segmented with *two* lead agencies for most of the past 5 years. One project, the Caltrans highway improvement at the intersection of OAR and JCR, and another project, originally called the “Old Arcata Road Bicycle and Pedestrian Improvement Project”. There, Caltrans is also lead agency for a project outside the City of Arcata, a “roundabout” This is at the intersection of OAR and JCR. This area was recently determined by Humboldt Planning and Building Department to be outside the City of Arcata. It is 100% in the coastal zone and Humboldt County. The “Old Arcata Road Bicycle and Pedestrian Improvement Project”, lead agency - the City of Arcata is North of the contested project. In the past year changes in the lead agency were made, but it is unclear which agency is fully responsible for the “roundabout”.

The late inclusion by consultant Omni Means Engineering substituted Alt 1 with Alt 2 in later documents further confusing the project description, boundaries, NEPA requirements, and the APE used by both Caltrans and the City of Arcata. Alt 1 intended to use the existing roadbed, Alt 2, a “roundabout” was offered as an alternative to the proposed project. The addition, new highway of the roundabout is outside the City of Arcata. No one on JCR can vote in any City of Arcata election of representatives.

This resulted in the 900 plus residents living up JCR that will be affected by the “roundabout” to be unrepresented by any elected officials, as ALL of JCR is outside the City of Arcata. This came as a surprise to county planning. To date most affected property owners and those residing outside of the City of Arcata have had a project imposed on the community with no recourse to elected officials representing Bayside. This is a violation of CA Constitution,

Federal law, and why the Environmental Justice Act^[1] was passed into law, to protect unrepresented communities from unwanted development. In this case both projects are within the Coastal Zone.

CHAPTER 3

COASTAL RESOURCES PLANNING AND MANAGEMENT POLICIES

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

(Amended by Ch. 285, Stats. 1991.)

Section 30241 Prime agricultural land; maintenance in agricultural production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section [30250](#).

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

(Amended by: Ch. 1066, Stats. 1981; Ch. 43, Stats. 1982.)

Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section [30241](#) as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of

the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

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(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

(Added by Ch. 259, Stats. 1984.)

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new

development

Section 30253 Minimization of adverse impacts

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

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- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254 Public works facilities

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30260 Location or expansion

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

[1] The [Community Guide to Environmental Justice and NEPA Methods](#) provides information for communities who want to assure that their environmental justice (EJ) issues are adequately considered when there is a federal agency action that may involve environmental impacts on minority populations, low-income populations, and/or Indian tribes and indigenous communities.

Federal Guidance on Environmental Justice

[Executive Order 12898 \(February, 1994\) \(PDF\)](#)(5 pp, 19 K), “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (EO 12898) directs each Federal Agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations,” including tribal populations.

The Presidential Memorandum accompanying EO 12898 emphasizes the importance of using the NEPA review processes to promote environmental justice. It directs Federal agencies to analyze the environmental effects, including human health, economic, and social effects, of their proposed actions on minority and low-income communities when required by NEPA.

The Memorandum calls for agencies to address significant adverse environmental effects on these communities in mitigation measures outlined or analyzed in:

- Environmental assessments (EAs)
- Findings of no significant impact (FONSIs)
- Environmental impact statements (EISs)
- Records of decision (RODs)

Agency Guidance Related to Environmental Justice and NEPA

In light of Executive Order 12898, the White House Council on Environmental Quality (CEQ) issued [Environmental Justice: Guidance Under the National Environmental Policy Act \(December, 1997\) \(PDF\)](#)(40 pp, 2.3 MB). This guidance includes six principles for environmental justice analyses to determine any disproportionately high and adverse human health or environmental effects to low-income, minority, and tribal populations. The principles are:

1. Consider the composition of the affected area to determine whether low-income, minority or tribal populations are present and whether there may be disproportionately high and adverse human health or environmental effects on these populations
2. Consider relevant public health and industry data concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected population, as well as historical patterns of exposure to environmental hazards
3. Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action
4. Develop effective public participation strategies
5. Assure meaningful community representation in the process, beginning at the earliest possible time
6. Seek tribal representation in the process

From: [Kathleen Stanton](#)
To: [Jansen, Bente@Coastal](#); [NorthCoast@Coastal](#)
Subject: A-1-HUM-22-0026 Old Arcata Road Improvement Project with ROUNDABOUT
Date: Friday, November 11, 2022 2:43:45 PM
Attachments: [HistoricBaysideCorners_Draft2.pdf](#)

11/11/2022

Dear Commissioners,

The **ROUNDABOUT** portion of this road Project is poorly sited at the juncture of Arcata's city limits and the rural residential region in Humboldt County's planning jurisdiction known as **historic Bayside Corners**.

Allowing this portion of the Project to remain presents a **Substantial Issue** regarding whether the Project would adversely impact the character of the Arcata community and its visual resources.

LCP section 4-0201 states: *"Much of the character of the Arcata Community is derived from the architectural styles of buildings in the City and **the relationship of these buildings to each other.***

*Particular attraction is provided by buildings of historic interest, and **government action is necessary to protect these structures.**"*

LCP section 4-0202 5 includes the following provision: *"**Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.**"*

These are Mandates by the Coastal Commission to protect the historic buildings and their **Setting and Viewsheds** associated with the many National Register listed and eligible buildings located at Bayside Corners.

Furthermore, Bayside has been recognized by the City of Arcata General Plan 2020 as a **SPECIFIC PLAN AREA** to be surveyed and listed as a **NEIGHBORHOOD CONSERVATION AREA** or Historic District.

Arcata General Plan POLICYH-4

NEIGHBORHOOD CONSERVATION AREAS (NCAs) AND SPECIFIC PLANS

Objective. Designate the Central Arcata, Arcata Heights, Bayview, and Bayside areas as Neighborhood Conservation Areas and assure that new construction, modifications or alterations of noteworthy structures, and significant changes to other structures are harmonious with the existing character of these neighborhoods.

H-4f

Specific Plan Districts.

The following Specific Plan Districts, with boundaries shown in Figures HP-b and HP-c, ***are hereby established:***

1. Bayside Specific Plan District.

Specific Plans prepared for these Districts will include preservation measures for historic and noteworthy structures.

The City of Arcata has **IGNORED** this General Plan mandate as well as the "Preservation

Measures” of the Secretary of the Interior’s Standards that protect the Setting, Viewsheds, Feeling and Association of National Register properties like those found at Bayside Corners.

Given LCP Policy 4-0201 & the Arcata General Plan Policy H-4f the Roundabout must be removed from the Road Project as inconsistent with established preservation standards and law governing the Coastal Commission and the City of Arcata.
The Project permit as proposed must be denied.

Thank you,

Kathleen Stanton, M.A.
Historic Resources Consultant
Bayside Cares



Per the staff report and the city of Arcata's historic consultants, "the proposed roundabout and other improvements will affect the visual character of the area to some degree."

Bayside cares feels that the roundabout will destroy the scenic quality of this landmark and bayside corners and disqualify it for historic district status.

The truth remains that the roundabout portion of this project is not sited and designed to protect significant cultural resources or historic viewsheds and is not visually compatible

With the rural residential character of bayside corners and the surrounding area.



L to r: 1941 old grange and 1882 temperance hall.

Both buildings are eligible for the national register of historic places and contributing resources to the proposed historic district.

The roundabout will come within 35 feet of the front of the temperance hall which is an elementary school.



This is the 1887 Monahan dexter house and old post office.

It is a city of Arcata landmark and a contributing resource to the proposed historic district.



This is the 1904 old Jacoby Creek school that is listed on the national register of historic places.

It is a contributing resource to the proposed historic district



This is the alignment of the original Old Arcata Road and its historic connection with the 1904 school bell tower.

The roundabout is planned for this location and will come within 35 feet of the front facade of the 1882 temperance hall on the right.

This historic viewshed will be destroyed with a roundabout in this location.



Old Arcata Road and the southern boundary of the project area.

This is a very scenic and historic transportation corridor that is a character defining feature in historic bayside.

A massive roundabout is a modern, intrusive feature that does not fit this historic setting.



Historic bayside corners

View looking west towards the city of Arcata's vast conservation area which borders the west side of the project area.

The intersection of two rural roads: Old Arcata Road and Jacoby Creek Road will be destroyed with a roundabout here.

The proposed roundabout is 180 feet in diameter and will be one of the largest in the city. The rural setting for the numerous historic landmarks at bayside corners will be altered and their significance diminished with the construction of a massive, asphalt & concrete roundabout with 5 overhead lights, flashing signage, road stripes, rumble bumps and raised island.



Within a few hundred feet of the proposed roundabout is the 1876 Lawlor Connors Wilson house which is in the coastal zone and listed on the national register of historic places.

It is a contributing structure to the proposed bayside corners rural historic district.

A roundabout will adversely affect the setting for this important landmark.



This is the old 19th century Flanigan & Brosnan lumber mill site showing the old railroad berm in the background where the cookhouse and sawmill stood.

This is an important historic archaeological feature on 13 acres in the coastal zone that is designated as a national register historic property.

The integrity of significant historic and archaeological cultural resources must be protected which includes their historic setting and viewsheds per the coastal act and the secretary of the interior's standards.



This 13-acre historic site is in the coastal zone and listed on the national register of historic places and adjacent to the proposed roundabout.

A massive roundabout adjacent to this property would be an adverse effect to a significant, rural cultural landscape.



Historic bayside corners
View looking south on Old Arcata Road

This historic viewshed will be destroyed by the roundabout



Historic bayside corners
View looking north towards Jacoby Creek Road

This historic viewshed with the landmark 1904 Jacoby creek schoolhouse (listed on the national register of historic places) will be destroyed with a massive roundabout.



Historic bayside corners

Juncture of Old Arcata Road and Jacoby Creek Road
View looking north showing the proposed site of the roundabout

This historic viewshed showing the landmark 1887 Monahan dexter house/old post office to the north will be destroyed.

From: [Gordon Inkeles](#)
To: NorthCoast@Coastal
Subject: OLD ARCATA ROAD RENEWAL PROJECT
Date: Thursday, November 10, 2022 10:34:53 AM

- NOVEMBER 10, 2022
-
- REGARDING THE OLD ARCATA ROAD RENEWAL PROJECT:
-
-
- We recommend that the Coastal Commission follow the staff recommendation and find "No Substantial Issue" for both appeals (Appeal No. A-1-ARC-22-0010 and Appeal No. A-1-HUM-22-0026).
- Note that staff have found that none of the contentions raise a substantial issue as to the project's consistency with the certified Local Coastal Program and that the City of Arcata and the County of Humboldt have provided a high degree of factual and legal documentation that shows they have followed proper procedure and met all applicable requirements to obtain approval for development in the Coastal Zone.
- Furthermore, note that the City of Arcata and the County of Humboldt have complied with all proper procedures and met all requirements for overall project environmental review, permitting, approvals, and public input and engagement.
- Note that the extent and scope of this project is limited to an existing developed roadway and the immediate adjacent right-of-way, and the project includes protective mitigation measures that will ensure that there will be no significant coastal resources impacted.

. This project is strongly supported by the vast majority of neighboring property owners and residents who will be most affected, as well as by the majority of the Bayside community

The traffic entering Bayside via the Old Arcata Road and Jacoby Creek Road intersection, where the roundabout will be located, is currently posing a significant hazard to pedestrians, bicyclists, children walking to school, dog walkers, and to the general community due to excessive automobile speeds. The community supports the development of a roundabout and feels it will greatly improve public safety. A small, but very

vocal group called Bayside Cares is opposed to the project. They have no valid claims to stop the project, but instead are trying to stop it by any means possible. They would be best served by working with the City of Arcata and the community of Bayside to make sure their concerns are addressed and to support the successful completion of the proposed project that will greatly benefit the entire community.

- **JACOBY CREEK SCHOOL is at the center of this project. We have dozens of small children walking in traffic every day for lack of sidewalks. Any further delays in completing this project will put them at significant risk.**

Sincerely,

GORDON AND IRIS INKELES
1641 HYLAND STREET
BAYSIDE, CA. 95524



StreamGuys.com
2212 Jacoby Creek Rd
Bayside California
95524

(707) 667-9479
Fax (707) 826-1343
info@streamguys.com

VIA E-MAIL
Coastal Commission,
North Coast District Office
NorthCoast@coastal.ca.gov

Re: Comments by Bayside Cares Concerning Appeal No.: A-1-HUM-22-0010 (City of Arcata, City of Arcata), Agenda Item F8a at Coastal Commission Meeting, November 18, 2022, Commencing at 9:00 a.m.

Dear Members of the California Coastal Commission:

My name is Kiriki Delany, and I own the nationally historic registered property, “the Old Jacoby Creek Schoolhouse”, at 2212 Jacoby Creek, National Register #85000353. I am also a member of Bayside Cares, a group of concerned residents of the Project Area, who strongly oppose this Project.

Specifically, I object to the harm that the round-about will cause to the historic resources. Cancel the round-about portion of the project only, and ask for the City of Arcata to use the alternative option of the T intersection. It was also favored by the community process, yet it has not been presented to the commissions.

I also have no elected official representing myself, nor the approximate 800 voters who live in the County further up Jacoby Creek Road. I do not believe its legal for the commissions to pass projects when there are no elected officials representing us. I implore the Coastal Commission to follow the law and make sure we have elected officials representing is in this project.

The area of potential effect, (APE) and the project has been too narrowly defined, as being in the right of way in the road. However, this is not a factual statement. The road and traffic effects do not only affect the road. Of course, it also affects the properties that border the road.

There has not been a traffic study, nor a noise study which is required by the Arcata code. Because the APE has been improperly defined, this commission, nor any of the previous commission have been able to benefit from the required studies. The approval for the project is coming before the necessary studies were completed. The City of Arcata does not follow its own laws, the laws of the state, or the California coast. I urge the Coast

Commission to force the city to comply with the law and deny the Coastal Development.

The project is planned to severely alter the storm drainage and surface run-off, and there has been nothing to address the impacted Jacoby Creek and its protected Salmon. This is another major oversight. This project could be an opportunity to improve the ability for the Salmon to get through the Old Arcata Road. But currently there is no mitigation planned. This project will further affect the ability for the Salmon to reach further upstream.

Because new construction will happen at the round-about, and because portions of this project are being funded by Caltrans, NEPA is in effect, and the national standards apply. This means that the viewshed, and the subjective impacts to the historical resources also need to be considered. It is a false statement to say that because this historic neighborhood has already been impacted, that the city does not need to mitigate or plan for the impact it will have to the historic resources. The project does need to protect our historic resources.

The California Coastal Commission should not grant a coastal development permit for the above-referenced Project because the Project violates sections 3.18 and 3.29.1 of the Local Coastal Plan. Those sections of the Local Coastal Plan require, where new development will adversely affect archeological or paleontological resources identified by the State Historic Preservation Officer, reasonable mitigation measures be required.

I own “The Old Jacoby Creek Schoolhouse”, a building in the National Register of Historic Places, also identified by the State Historic Preservation Officer, which is immediately adjacent to the Project’s roundabout or traffic circle. The Old Jacoby Creek Schoolhouse will be quite adversely affected by the Project and nothing has been done to mitigate the adverse effects on my beautiful historic building, of the adverse effects on the neighboring historic property, also in the National Register of Historic Places and identified by the State Historic Preservation Officer, “Temperance Hall”, which is being used by Mistwood Montessori School.

Having a large, urban roundabout constructed right in front of The Old School House, 2212 Jacoby Creek Road, apn 501-011-006, completely destroys the building’s historic context and setting. A large, modern, paved roundabout is right next to the building, headlights will glare in the windows, traffic noise and vibration will be brought closer to the building, and the beautiful, rural feeling of the area in which it is now situated will be destroyed.

It will also destroy the historic context and setting of the Temperance Hall, being used as Montessori School, which is also adjacent to the large, urban roundabout the Project includes.

I have implored the city of Arcata at every step to reconsider the roundabout and instead choose the preferred T-Intersection alternative that was presented to the public. Many of the involved citizens, as well as the consultants that produced reports for the project, considered this an equally, if not superior alternative.

I believe the city has a conflict-of-interest issue at the heart of this project, and therefore the roundabout is the only option that is being presented by the community development director Dave Loya, because it is the option that will pay most money to the engineering firm, GHD. Joshua Wolf, the person in the City of Arcata most active in causing this Project to be considered and approved by the Arcata City Council, has at all times been an engineer employed by GHD, and as GHD’s employee, he designed the project and wrote the environmental documents.

Everything to do with this Project was the result of a conflict of interest, and was done to enrich the engineering firm, GHD, and not to benefit the public. (Please see the Comment Letter from Chris Johnson Hamer, the

attorney for Bayside Cares.) The contracts concerning this Project are all void because they are the result of this conflict of interest.

If this Project including the roundabout is approved, after I pursue all necessary appeals, I will be obliged to file a lawsuit, because I feel so strongly about the damage this Project is going to cause. My property and the many other historic properties in the area will all be irretrievably and permanently damaged in their historic context and setting. A large, urban roundabout will be constructed right next to these historic structures, there will be glaring headlights directly into the building, traffic will be brought many feet closer, and the historic setting and context will be utterly destroyed.

In 2015, the City of Arcata, passed an ordinance requiring that the historic structure, setting and context of my building, the Old Jacoby Creek School House, had to be preserved.

In 2015 I was required to connect my historic building to the Arcata sewer system. In conjunction with the approvals the City of Arcata imposed the following pre-zoning conditions.

For full reference please see attached 1458 Prezoning 2212 Jacoby Creek Road effective 6 20 2015 (PDF) _201505281010372175.pdf source: <https://www.cityofarcata.org/DocumentCenter/View/440/1458-Prezoning-2212-Jacoby-Creek-Road-effective-6-19-2015-PDF?bidId=>

“Future development shall provide special consideration to potential impacts to Cultural and Historical Resources on the site as the property is listed on the National Register of Historic Places – National Register #85000353 and has had archaeological investigations and tribal consultation/monitoring.

“Future development shall also not significantly diminish the school’s historical structure, context or setting. The maximum percentage of site area to be occupied by structures, parking, driveways and pavement shall not exceed 60%.”

In 2015, the City of Arcata clearly recognized both the historic building resources, and expressed sensitivity to native cultural resources potentially in the area.

I cannot reconcile why, in 2015, the City of Arcata imposed these conditions on development of my historic property, and now the City of Arcata wants to construct a large, urban roundabout right in front of my property, that will most certainly have severe adverse impacts on the historic context and setting of my building, other historic buildings in the area including the Temperance Hall, as well as having an adverse impact on cultural resources.

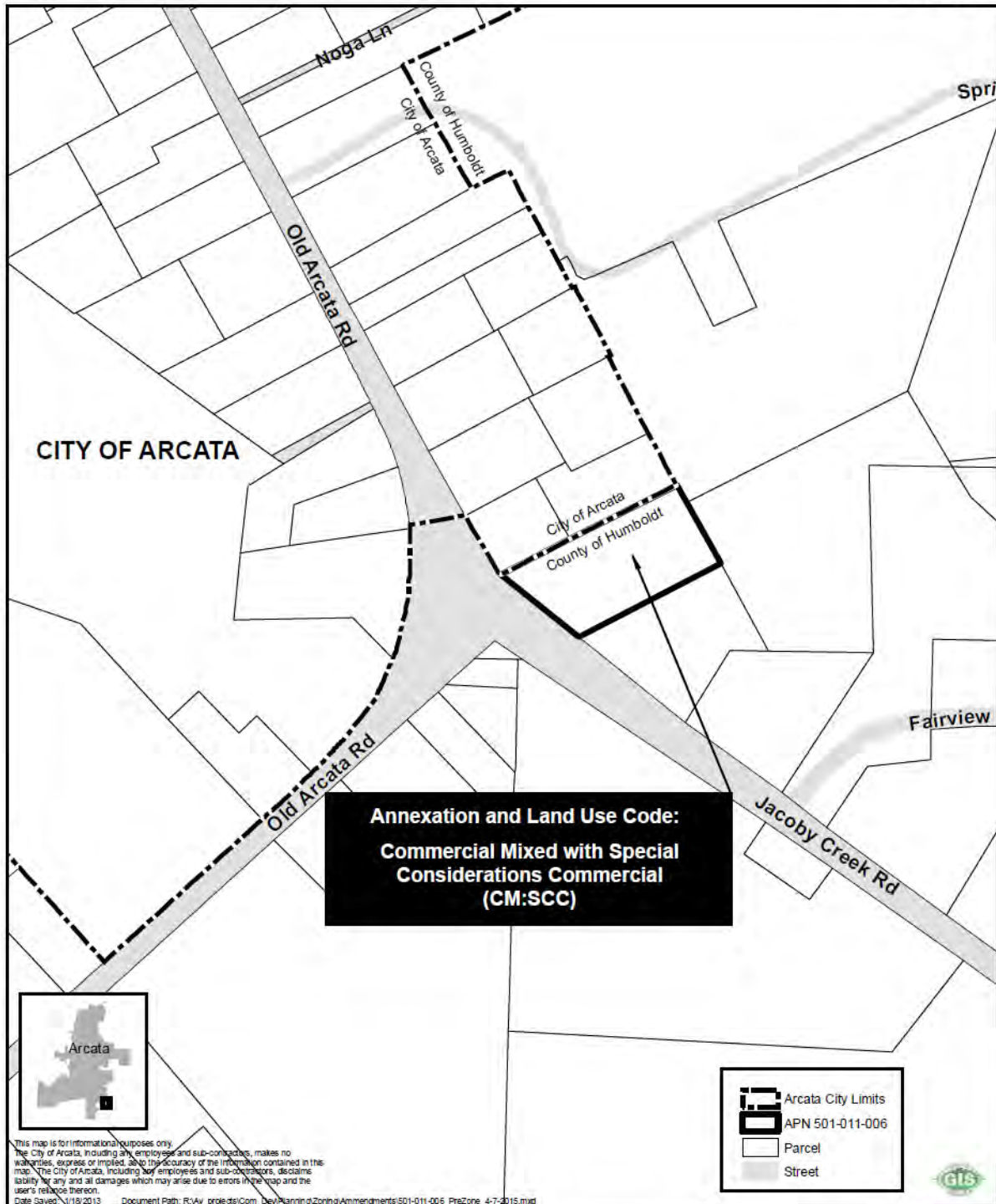
Is Arcata merely this hypocritical in how it treats the general plan and due process for property owners compared to their own projects? Yes, they are. But in this case, it is also seeming to be illegal.


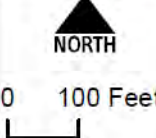
I don’t vote in Arcata, nor do I have any representation from them within the public process. I have standing that has been denied and ignored as an affected property owner.

I humbly ask the California Coastal Commission to represent my interests as a county voter and deny the round-about portion of the project.

Please see the map the City used for its pre-zoning code changed. It clearly shows the entire portion of the round-about is 100% within County jurisdiction. I believe it is 100% within the county right to deny this permit.

Please consider it, as the city can easily change their plans to the alternative T intersection, which will just as equally improve safety and at the same time, not further impact the properties and existing rural community.



 <p>City of Arcata Environmental Services</p>	<p>Annexation and Land Use Code Zoning Map Amendment to Prezone 2212 Jacoby Creek Road Assessor Parcel Number 501-011-006</p>	 <p>NORTH 0 100 Feet</p>
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The Mistwood School and the Old Jacoby Creek building are actively used by many citizens who will be adversely impacted. Think of the school children , as well as the office workers at StreamGuys, and the residential renters. They will all be impacted by the construction, as well as the proximity of the traffic from the round-about. Our access becomes more dangerous to enter the properties, as do activities like logging, which are significant due to the City of Arcata's largest timber holding, in upper Jacoby Creek Valley. They will not be able to drive the trucks safely around the round-about. Why would this be allowed so close to a school?

The Roundabout was simply chosen because GHD had its finger on the scale. This is highly improper.

Please deny the application for a Coastal Development Permit for this Project.

Thank you,

Kiriki Delany
President
www.streamguys.com
kiriki@streamguys.com
1.707.667.9479 x251
1.707.826.1349 fax



To: California Coastal Commission

From: Jude Power

Re: Comment on Nov 18, 2022 North Coast District agenda items: New Appeals 8.a and 8.b

Dear Commissioners,

I write today to encourage you to follow CCC staff recommendations to find “No Substantial Issue” for two related appeals: A-1-ARC-22-0010 (City of Arcata) and A-1-HUM-22-0026 (City of Arcata, Humboldt Co.).

What should have been a routine process has, sadly, become an opening for a small number of contrarians to once again attempt to impede a well-designed safety enhancement: the Old Arcata Road Improvement Project. CCC staff have found that there is “a high degree of factual and legal support” for the County’s and City’s findings that water quality will be protected during and after construction, and that the project is compatible with the character of the surrounding area.

Importantly, a majority of community members strongly favor this project in its entirety, including the roundabout. For example, on February 16, 2022, when the Arcata City Council voted to approve the project, MORE THAN THREE TIMES as many people spoke in favor of the project as against it (24:7, to be exact). The proportion of supporters has consistently been two to three times greater than opponents since the project was first proposed in 2017.

The public record shows that the Arcata Community Development Dept. has encouraged, and received, input from residents inside and outside the city limits since this project was initiated, and that all comments have been examined and responded to in writing for the public to see. Those of us who live inside the project area want the increased safety it will provide, including the roundabout which will calm traffic that is becoming denser and faster as more people move to the Humboldt Bay Area.

Specific to the concern that the roundabout will compromise visual resources, many community supporters have expressed the opinion that it will actually improve the visual blight of the existing intersection. The entry to Arcata for motorists coming north along Old Arcata Road will be far more attractive with a landscaped roundabout than it is with the cyclone fencing and gravel on the road right-of-way at this time.

Please don’t cause this much needed project to be delayed any longer. Participants at State, County, City and community levels fully support it.

Thank you for your service to California,
Jude Power
Hyland St.
Bayside 95524



OLD ARATA ROAD LOOKING SOUTH
SOUTHERN PROJECT AREA



SKILLION OF PROPOSED BACKDRIFT

From: [Stanley Binnie](#)
To: NorthCoast@Coastal
Cc: [Kimberly Tays](#)
Subject: Public Comment on November 2022 Agenda Item Friday 8a - Appeal No. A-1-ARC-22-0010 (City of Arcata, Arcata)
Date: Sunday, November 6, 2022 5:59:20 PM

Note: This public comment is submitted by Kimberly Tays via Stan Binnie's iPad, as my keyboard is not working.

Dear Commissioners:

I do not oppose the project under appeal, but I wish to point out persistent problems I have observed over the past 17 years with mitigation measures or specific conditions set forth in projects in the coastal zone of Humboldt County. I hope by relaying my concerns, that more specific conditions will be incorporated into this Coastal Development Permit (CDP).

In my opinion, the weak link in the CDP approval process is a lack of monitoring to insure that conditions and mitigation measures set forth in permits are successfully met. Bold declarations are made in the application documents by the applicant(s) or their representatives, but too many times I have seen projects completed where the mitigation measures and/or specific conditions are not met. (If requested, I can provide information on specific CDPs in which this has happened.)

Below are the various problems I have witnessed with CDP conditions and/or mitigation measures:

1. Oftentimes, the mitigation goals set for landscaping are not met because: (1) the newly planted native vegetation is not cared for and dies, (2) dead or dying plants are not replaced with new plants, and (3) the plants end up being decimated, later on, by insensitive mowing or vegetation removal activities along our roads and trails.
2. If the native landscaping does not survive or thrive, the disturbed project area typically becomes infested with the usual suite of invasive plant species that are harmful to Humboldt County's biodiversity. Once those invasive plant species move in, and no effort is made to eradicate them, the invasives eventually crowd out the native plants that tend to grow more slowly and take more time to become established.
3. Another problem I have seen with permitted landscaping projects in the coastal zone is that when individual native plants die, the posts and fencing used to protect the young plants are oftentimes left behind, creating visual clutter on the landscape. And it appears that there are no timely attempts made to remove the dead plants and replace them with new plants.
4. In regards to landscaping the Jacoby Creek roundabout, Exhibit 3 says: "Plantings would be consistent with other City roundabouts and public right of ways." (See Section 2.5.7 Landscaping.) Unfortunately, many of Arcata's roundabouts are not very attractive or interesting. Some of them consist of a sole tree surrounded by a scalped lawn or are filled with weeds. I would like to see a landscaping plan that is more creative than what we see now in Arcata's roundabouts and for commissioners to ask the City to put forth a specific landscaping plan that incorporates native plantings in the roundabout that support birds, bees and butterflies and requires the plants to be perpetually cared for so that they thrive and are

visually pleasing.

5. With regards to erosion control. I have noticed that during construction activities, and once road projects are completed, that wetland boundary protection or erosion control materials (i.e., sediment cloth or orange fencing) oftentimes are not properly secured, maintained or removed and end up tearing and/or breaking into pieces. The improper use of these plastic-based materials are contributing to the ever-increasing problems with plastics pollution in our environment and waterways.

I am hopeful the Coastal Commission will put forth conditions or mitigation measures to address my concerns and require that some sort of monitoring plan be implemented after the project is completed to insure that the conditions/mitigation measures set forth in the CDP are successfully met.

Thank you for considering my thoughts on this agenda item.

Kimberly Tays
(Resident of Humboldt County with an Arcata address)
Email: kimkat067@gmail.com

Sent from my iPad

Jim Zoellick
1766 Old Arcata Rd.
Bayside, CA 95524

November 8, 2022

California Coastal Commission
North Coast District
1385 8th Street, Suite 130
Arcata, CA 95521

Subject: Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Project, Coastal Development Permit Appeals (A-1-ARC-22-0010, A-1-HUM-22-0026)

Dear California Coastal Commission,

My name is Jim Zoellick and I live at 1766 Old Arcata Road in Bayside, CA. I am a homeowner and have lived here for the last 23 years. My wife and I walk our dog daily in our neighborhood and I bicycle frequently in the area. We live three houses north of the Jacoby Creek Road intersection where the proposed roundabout will be installed, and we are huge supporters of the Old Arcata Road Rehabilitation Project, including the proposed roundabout. As recommended by California Coastal Commission staff, we encourage you to find “No Substantial Issue” with the Appeals listed above (A-1-ARC-22-0010, A-1-HUM-22-0026) and deny these appeals.


I cite the following reasons for finding “No Substantial Issue” and denying the appeals:

1. As described in the Staff Reports, California Coastal Commission staff have found that none of the purported contentions raise a substantial issue as to the project's consistency with the certified Local Coastal Program. In addition, the City of Arcata and the County of Humboldt have provided a high degree of factual and legal documentation that shows they have followed proper procedure and met all applicable requirements to obtain approval for development in the Coastal Zone.
2. Furthermore, the City of Arcata and the County of Humboldt have complied with all proper procedures and met all requirements for overall project environmental review, permitting, approvals, and public input and engagement.
3. In addition, the extent and scope of the proposed project is limited to an existing developed roadway and the immediate adjacent right-of-way, and the project includes protective mitigation measures that will ensure that there will be no significant coastal resources impacted.
4. Finally, note that the proposed project is strongly supported by most neighboring property owners and residents, as well as by most of the larger Bayside community. The traffic entering Bayside via the Old Arcata Road and Jacoby Creek Road intersection, where the roundabout will be located, is currently posing a significant hazard to pedestrians and bicyclists, and to the general community due to excessive automobile speeds. Most of the community supports the development of a roundabout and feels it

will significantly improve public safety. A small, but very vocal group is opposed to the project. They have no valid claims to stop the project, but instead are trying to stop it by any means possible. They would be best served by working with the City of Arcata and the community of Bayside to ensure their concerns are addressed and to support the successful completion of the proposed project that will greatly benefit the entire community.

As a resident of California who lives immediately adjacent to the Coastal Zone and to the proposed Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Project, I urge you to find No Substantial Issue and to deny appeals A-1-ARC-22-0010, A-1-HUM-22-0026.

Thank you for your consideration and for the work you do for the State of California to protect our coastal resources.

A handwritten signature in black ink, appearing to read "Jim Zoellick". The signature is fluid and cursive, with the first name "Jim" being more prominent than the last name "Zoellick".

Jim Zoellick