

**North McKay Ranch Subdivision Project**  
**Final Environmental Impact Report**  
**Humboldt County Record No. PLN-9902-GPA**

**SCH #: 2019049166**

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## Abbreviations

CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPE	Comprehensive Action Plan for Energy
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
COA	Conditions of Approval
County	Humboldt County
DDW	Domestic Drinking Water
Draft EIR	Draft Environmental Impact Report
EPIC	Environmental Protection Information Center
EV	Electric vehicle
Final EIR	Final Environmental Impact Report
GHG	Greenhouse gases
HB	Home-based
HCAOG	Humboldt County Association of Governments
HCSD	Humboldt Community Services District
LAFCo	Humboldt Local Agency Formation Commission
LOS	Level of Service
MGD	million gallons per day
MTCO <sub>2e</sub>	Metric tons of CO <sub>2</sub> equivalent
NOP	Notice of Preparation
OPR	Governor's Office of Planning and Research
PRC	Public Resources Code
PR Draft EIR	Partial Recirculation Draft Environmental Impact Report
proposed project	North McKay Ranch Subdivision Project



PV	photovoltaic
RCEA	Redwood Coast Energy Authority
RWQCB	Regional Water Quality Control Board
SAA	Lake and Streambed Alteration Agreement
SMAQMD	Sacramento Metro Air Quality Management District
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCP	Timber Land Conversion Permit
THP	Timber Harvest Plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VMT	Vehicle Miles Traveled



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## 1.0 INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, Humboldt County (County), as the lead agency, has evaluated the comments received on the North McKay Ranch Subdivision Project Draft Environmental Impact Report (Draft EIR) and the Partial Recirculation Draft EIR (PR Draft EIR) (State Clearinghouse No. 2019049166). The Draft EIR was circulated for a 45-day public review between May 15, 2020, and June 29, 2020. The PR Draft EIR was circulated for a 45-day public review between October 18, 2021 and December 1, 2021. The responses to the comments and other documents, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final Environmental Impact Report (Final EIR) for use by the Humboldt County Council.

### 1.1 BACKGROUND AND PURPOSE OF THE EIR

CEQA requires a Lead Agency that has prepared a Draft EIR and PR Draft EIR to provide a copy of the Draft EIR and PR Draft EIR to responsible and trustee agencies that have jurisdiction by law with respect to the proposed North McKay Ranch Subdivision Project (proposed project) and to provide the general public with an opportunity to comment on the Draft EIR and PR Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the Draft EIR and PR Draft EIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR as a result of the County's ongoing planning efforts. The Draft EIR, PR Draft EIR, and Final EIR will be used to support the County's decision regarding whether to approve the proposed project.

This Final EIR can also be used by responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project. The following agencies may serve as responsible and trustee agencies:

- HCSD Annexation – Humboldt County LAFCo
- Lake and Streambed Alteration Agreement (SAA) – CDFW
- Compliance with the California Endangered Species Act (CESA) for potential take of state listed species (if needed) – CDFW
- Section 404 Permit – USACE
- Compliance with the federal ESA for potential take of listed species (if needed) – U.S. Fish and Wildlife Service (USFWS)
- 401 Water Quality Certification – North Coast RWQCB



- Amended Domestic Water Supply Permit - State Water Resources Control Board, Division of Drinking Water, Klamath District
- North Coast Unified Air Quality Management District

## CEQA Public Review Process

The following provides a summary of the environmental review process to date for the proposed project that has resulted in the preparation of this Final EIR.

### Notice of Preparation

The Notice of Preparation (NOP) for the Draft EIR was originally submitted for a 30-day public review period on April 19, 2019. However, a revised NOP was circulated on May 21, 2019 to include environmental issues determined to have a less than significant impact. The revised NOP was circulated between May 21, 2019 and June 20, 2019 for the statutory 30-day public review period. The County received oral comments at the scoping meeting and also received several written comment letters during the public comment period. These comments are summarized in Appendix A of the Draft EIR as well as Table 1-1 of the Draft EIR.

### Draft EIR

The Draft EIR was released for public and agency review on May 15, 2020, with a 45-day review period ending on June 29, 2020. The Draft EIR contains a description of the proposed project, description of the environmental setting, identification of proposed project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of proposed project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review on the County's website.

### Partial Recirculation Draft EIR

The PR Draft EIR was released for public and agency review on October 18, 2021, with a 45-day review period ending on December 1, 2021. Three chapters from the Draft EIR were recirculated; they included: Chapter 2, Project Description, Chapter 3.11 Land Use and Planning, and Chapter 3.16 Transportation Changes. Those chapters were revised to reflect updates to the project based on the water supply analysis completed post circulation of the Draft EIR, and changes to the regulatory environment that resulted in how the significance of transportation impacts are evaluated because of SB 743 and updates to the CEQA Guidelines Section 15064.3, which became effective July 1, 2020. In addition, two new appendices: Appendix J: Water Supply Analysis and Appendix K: VMT Analysis were provided.

### Final EIR

The County received comment letters from the State Clearinghouse and the public regarding the Draft EIR and the PR Draft EIR. This document responds to the written comments received as required by CEQA. This document also contains minor edits to the Draft EIR and PR Draft EIR, which are included in Section 4, Minor Revisions to the Draft EIR. This document constitutes the Final EIR.



## Certification of the Final EIR/Project Consideration

The County will review and consider the Final EIR. If the County finds that the Final EIR is “adequate and complete,” the County may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if it does the following: (1) shows a good faith effort at full disclosure of environmental information; and (2) provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the County may act to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a mitigation monitoring and reporting program to describe measures that have been adopted or made a condition of the proposed project approval to mitigate or avoid significant impacts on the environment.

### 1.2 INTENDED USE OF THE EIR

The EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all planning and permitting actions associated with the proposed project. Please refer to Section 2, Project Description, of the Draft EIR for a detailed discussion of the proposed project.

### 1.3 ORGANIZATION AND SCOPE OF THE EIR

This document is organized into the following sections:

- **Section 1 – Introduction**

Section 1 provides an overview of the EIR process to date and the requirements of the Final EIR.

- **Section 2 – Responses to Written Comments on the Draft EIR**

Section 2 provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all the letters received regarding the Draft EIR and responses thereto are included in this section.

- **Section 3 – Responses to Written Comments on the Partial Recirculation Draft EIR**

Section 3 provides a list of the agencies, organizations, and individuals that commented on the PR Draft EIR. Copies of all the letters received regarding the PR Draft EIR and responses thereto are included in this section.

- **Section 4 – Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR**

Section 4 includes an addendum listing refinements and clarifications on the Draft EIR and PR Draft EIR, which have been incorporated because of comments or staff-initiated changes.



- **Mitigation Monitoring Reporting Program**

Measures that have been adopted or made a condition of the project approval in order to mitigate or avoid significant impacts on the environment have been included in the Mitigation Monitoring Reporting Program, provided under separate cover.

Because of their length, the text of the Draft EIR and the PR Draft EIR are not included with these written responses; however, they are included by reference in this Final EIR. None of the revisions or clarifications to the Draft EIR or PR Draft EIR identified in this document constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft EIR or PR Draft EIR is not required.

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## 2.0 COMMENTS AND RESPONSES TO THE DRAFT EIR

### 2.1 LIST OF COMMENTERS

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so that comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

**Table 2-1 List of Commenters**

Commenter(s)	Comment Date	Commenter Number
<b>State Agencies</b>		
Michael McNicholas, California Department of Forestry and Fire Protection (CAL Fire), Humboldt Del Norte Unit	June 2, 2020	Letter A1
Jesse Robertson, California Department of Transportation (CalTrans), District 1	June 29, 2020	Letter A2
<b>Organizations</b>		
Daniel Chandler, 350 Humboldt	June 28, 2020	Letter O1
Colin Fiske, Coalition for Responsible Transportation Priorities Tom Wheeler, Environmental Protection Information Center (EPIC)	June 22, 2020	Letter O2
Tom Wheeler, Environmental Protection Information Center (EPIC) Jennifer Kalt, Humboldt Baykeeper	June 29, 2020	Letter O3
Stephen Luther, Humboldt Trails Council	June 29, 2020	Letter O4
<b>Individuals</b>		
Patrick Carr	June 29, 2020	Letter I1
Lorraine Dillon	June 29, 2020	Letter I2
Ken Gregg	June 27, 2020	Letter I3
Brett Gronemeyer	June 29, 2020	Letter I4
David Holper	May 20, 2020	Letter I5
Jerry Martien	June 29, 2020	Letter I6
Pamela Maxfield	June 29, 2020	Letter I7
Linda Perata	June 29, 2020	Letter I8
Cynthia Shepard	June 22, 2020	Letter I9



Commenter(s)	Comment Date	Commenter Number
Alicia Sidebottom	June 24, 2020	Letter I10
Margaret Stofsky	June 27, 2020	Letter I11
Melinda Walsh	June 29, 2020	Letter I12
Ann White	June 29, 2020	Letter I13

## 2.2 COMMENTS AND RESPONSES

This chapter includes the written comments received during DEIR comment periods and the County responses to significant environmental information raised by those comments (CEQA Guidelines, 14 CCR § 15132). Written comments are organized and grouped by affiliation of the commenter: State, Regional, and Local Agencies and Tribes, Organizations, and Individuals. The written comments received were annotated in the margin according to the following organization and grouped with the corresponding response as follows:

- Agencies Comment Letters and Responses: A#-1, 2
- Organization’s Comment Letters and Responses: O#-1, 2, 3
- Individuals’ Comment Letters and Responses: I#-1, 2, 3

In addition, master responses to comments raised in multiple comment letters on the Draft EIR have been prepared to address comments related to general issues that are common throughout several comment letters. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue are addressed in a coordinated, organized manner in one location. This reduces repetition of responses.

Numerous comments covered similar issues, particularly with regards to greenhouse gases, and transportation. This document includes a “Master Responses to Comments” specifically focusing on the above noted concerns raised through the Draft EIR public review. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross reference to the appropriate master response. For example, if a comment identifies a question concerning greenhouse gas analysis (GHG), the response will include the statement, “refer to Master Response-1”, indicating the appropriate numbered response.

### Requirements for Responding to Comments on a Draft EIR and Partial Recirculation Draft EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and Partial Recirculation Draft and prepare a written response. The written response must address the significant environmental issues raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines Section 15204).



State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways that the significant effects of the project might be avoided or mitigated. State CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated as a revision to the Draft EIR or as a separate section of the Final EIR.

## Master Responses

### Master Response 1 – Comments Not Requiring a CEQA Response

Per Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency is required to recirculate an Environmental Impact Report (EIR) when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified for public review. When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. When a lead agency elects to partially recirculate an EIR, it can result in the lead agency receiving more than one set of comments from reviewers. In this case, the lead agency need only respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Public notice and circulation of the PR Draft EIR is subject to the same notice and consultation requirements that applied to the original Draft EIR, per CEQA Guidelines Sections 15086 and 15087. The public review period for the PR Draft EIR allowed for public agencies, Tribal governments, and members of the public to submit comments on the revised environmental analyses specifically contained in the various sections of the PR Draft EIR. Furthermore, commenters can comment on the adequacy and accuracy of the environmental document as well as suggest revisions to the PR Draft EIR and provide additional mitigation measures based on factual arguments. By including the public review period in the EIR process, a lead agency can provide full disclosure of the environmental impacts of a project as well as incorporate public input into the project prior to final decision.

Similar to the response to comments for the Draft EIR, the County is required to evaluate and respond to comments on the environmental issues received from persons who reviewed the PR Draft EIR during the noticed comment period and prepare written responses to those comments in accordance with Section 15088 of the CEQA Guidelines. The written response is required to describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at



variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response.

The County, as lead agency, acknowledges and appreciates the time and thought that went into each comment letter submitted during the public review and comment period for the Draft EIR and PR Draft EIR. All the comment letters received for the proposed project have been incorporated into the public record for the proposed project and are included in this Final EIR, which will be considered when the County deliberates regarding whether to approve the proposed project or one of the alternatives. The County, as lead agency, will consider this Final EIR, including all comment letters and responses as well as any revisions to the EIR during the Board of Supervisors review and consideration of the proposed project, which will occur during public hearings. The Board of Supervisors will have the opportunity to review and consider each of the comment letters received during the public review period prior to making a final decision on the proposed project.

Section 15204(a) of the CEQA Guidelines state that in reviewing EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Furthermore, when responding to comments, lead agencies need only to respond to comments regarding significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure has been made in the EIR. The County, as lead agency, has provided individual written responses to the comment letters that pertain to specific environmental issues and/or mitigation measures presented within the Draft EIR and PR Draft EIR in Chapters 2 and 3 of this Final EIR. However, certain portions of individual letters do not comment on any of the environmental analyses presented in the PR Draft EIR nor do they pertain to the adequacy or accuracy of the environmental document overall. Such comments are on the project components themselves, express support or opposition to the project, or do not focus on the environmental analysis. Per Section 15204(a) of the CEQA Guidelines, the County is not required to respond to comments that do not pertain to the project's effects on the environment, or the environmental analyses and mitigation measures presented in the Draft EIR and PR Draft EIR. While individual responses to these comments have not been prepared, the County appreciates the public's input on the proposed project and will take these comments into consideration when deciding on any potential project changes or in the selection of an alternative for the proposed project.

#### Draft EIR Transportation and Land Use and Planning Impacts

On July 1, 2020, the provisions of the new CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts became effective. Before July 1, 2020, traffic congestion levels (known as level of service, or LOS) were the main measurement to determine the negative environmental impacts of development and transportation projects. Under SB 743, these effects are now measured according to the overall amount that people drive (known as vehicle-miles traveled, or VMT). Because of this shift in determining the significance of transportation impacts, Humboldt County decided to recirculate two environmental impact analysis sections that have been impacted by this shift from LOS to VMT: the Land Use and Planning section and the Transportation section of the Draft EIR were recirculated to the public for comment between October 18, 2021 and December 1, 2021 in the Partial Recirculation Draft EIR.



When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

In Section 1.3, Recirculation Process of the Partial Recirculation Draft EIR, the public was asked to limit their comments to the portions of the Draft EIR that were recirculated, which were Land Use and Planning and Transportation. As such, the County is not addressing previous comments related to transportation, including vehicle miles traveled (VMT), multimodal transportation, public transit, and level of service. New comments received during the PR Draft EIR are addressed in Section 3 of this Final EIR, Response to Comments.

In instances where the commenters have asserted, they wish to incorporate their previous transportation comments by reference, those will be addressed, however, those responses are addressed considering the new analysis circulated in the PR Draft EIR.

#### No Recirculation of Draft EIR Section 3.8 Greenhouse Gases and Climate Change

Section 3.8 Greenhouse Gas Emissions and Climate Change in the Draft EIR was not recirculated in the Partial Draft EIR Recirculation because no changes to the analysis occurred because of the new CEQA Guidelines checklist questions for Transportation focused on VMT versus congestion analysis/LOS.

VMT is not a new tool for assessing environmental impacts under CEQA. Prior to the CEQA Guidelines Section 15064.3 effective date, greenhouse gas, air quality, and energy analysis all used a project's VMT to estimate emissions and a project's environmental impacts. Although, the VMT analysis in the Partial Recirculation Draft EIR is focused on the per capita number of car trips generated by a project while the VMT for air quality, greenhouse gases, and energy analyses is focused on total vehicle miles traveled. The air quality, greenhouse gas, and energy analyses use the project's total vehicle miles traveled, i.e. total trips generated by the development multiplied by the average distance of those trips for various trip reasons: for residential uses: Home to Work, Home to Shop, Home to Other; non-residential trip types are defined as commercial –customer (C-C), commercial-work (C-W), and commercial-nonwork (C-NW) such as delivery trips to determine total VMT. Those distances are provided in Appendix B Air Quality. The air quality model, CalEEMod has emission factors to estimate emissions from the vehicles traveling to and from the project site based on the total VMT.

Although, the previous greenhouse gas analysis relies on VMT to estimate emissions, it is focused on different aspects of VMT, accordingly the previous greenhouse gas analysis did not require any revisions, thus recirculation was not required.

#### Master Response 2 – GHG Emissions and Mitigation

Several comments were received regarding the GHG analysis, and the associated mitigation contained within the GHG analysis. Specifically, comments received on the GHG analysis and mitigation can be categorized into the following topics:



- Adequacy of GHG analysis and proposed mitigation
- Use of the SMAQMD significance threshold over net neutral threshold
- Loss of carbon sequestration due to removal of trees
- Discrepancy in mitigation measures listed in document

These topics are addressed in further detail below under each respective heading.

### Adequacy of GHG Analysis and Proposed Mitigation

Several commenters questioned the adequacy of the GHG analysis and suggested that additional mitigation is required to reduce GHG impacts to a less than significant level.

Section 15064.4(b) of the CEQA Guidelines provides direction for lead agencies for assessing the significance of impacts of GHG emissions:

- The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; or
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

Section 15064.4(c) states that a lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

The 2018 CEQA Guidelines include the following discussion regarding thresholds of significance.

(d) Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. Any public agency may adopt or use an environmental standard as a threshold of significance.



In adopting or using an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration. For the purposes of this subdivision, an “environmental standard” is a rule of general application that is adopted by a public agency through a public review process and that is all of the following:

- (1) a quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement;
- (2) adopted for the purpose of environmental protection;
- (3) addresses the environmental effect caused by the project; and,
- (4) applies to the project under review.

CEQA requires lead agencies to impose feasible mitigation measures as part of the approval of a “project” in order to substantially lessen or avoid the significant adverse effects of the project on the physical environment. When imposing mitigation, lead agencies must ensure there is a “nexus” and “rough proportionality” between the measure and the significant impacts of the project. (CEQA Guidelines Section 15126.4, subd.(a)(4)(A)–(B), citing *Nollan v. Ca. Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374.) All mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies. (CEQA Guidelines, Section 15041.) But, if any suggested mitigation is found to be infeasible the lead agency must explain why and support that determination with substantial evidence, presented in their findings and a statement of overriding considerations. (CEQA Guidelines, Sections 15091 and 15093.)

The applicant and County explored transportation-related mitigation options; however, applying transportation-related mitigation only slightly reduced GHG emissions, approximately 3.8%, and would still result in a significant impact. In addition, any potential transportation related mitigation would occur within the City of Eureka and would be considered a discretionary action of the City of Eureka and thus outside the control of the County and therefore, determined to be infeasible.

#### GHG Thresholds

Several commenters questioned the use of the SMAQMD threshold of 1,100 MTCO<sub>2e</sub> for GHG emissions rather than a net neutral threshold.

The use of the 1,100 SMAQMD threshold is a conservative threshold and does not change the adequacy of the analysis or the conclusion of significant and unavoidable related to GHG emissions in the Draft EIR, therefore no further response is necessary. In addition, the SMAQMD threshold was developed specifically for land development projects and accounts for the SB 32 2030 targets for GHG emissions.

#### GHG and VMT

Comments were raised regarding the proposed project’s location relative to nearby services such as jobs, shopping opportunities, schools, and other facilities, thus resulting in an increase in VMT and GHG emissions through more use of vehicle fuels.



The project is proposing commercial residential uses and is in walking and biking distance to major commercial and employment centers. As such, GHG emissions would be decreased due to the proximity of a mix of uses and local serving retail, although not to the same extent if the project were located in an urban area (CAPCOA 2010).

Some commenters requested additional mitigation be implemented to reduce GHG emissions from this increase in VMT and further requested careful consideration of the location of the proposed project.

Operational GHG emissions are discussed in Section 3.8, Greenhouse Gas Emissions and Climate Change, of the Draft EIR. Specifically, on pages 3.8-9 through 3.8-11, the results of the GHG emissions modeling are presented and mitigation measure MM GHG-2, Stoves and Woodburning Devices, is proposed to reduce impacts. In addition, the proposed project would include the provision of EV charging stations as project design feature in the commercial area of the project. Additionally, California's solar mandate, Assembly Bill 178 became effective on January 1, 2020, and requires the provision of new photovoltaic (PV) panels on all single-family residences and multi-family residences up to three stories high; this will further reduce the project's GHG emissions. However, ultimately, Section 3.8 determined operational emissions resulting from the proposed project would be a significant and unavoidable impact with mitigation.

The applicant and County explored transportation-related mitigation options; however, applying transportation-related mitigation only slightly reduced GHG emissions, approximately 3.8%, and would still result in a significant impact. In addition, any potential transportation related mitigation would occur within the City of Eureka and would be considered a discretionary action of the City of Eureka outside the control of the County making further mitigation infeasible.

#### Loss of Carbon Sequestration

Several comments questioned the use of carbon offsets, required through MM GHG-1 of the Draft EIR, to effectively reduce loss of carbon sequestration as a result of the tree removal onsite. Carbon offsets are instruments that can be bought, sold, and traded. Like a stock or equity that represents a unit of ownership in a company, a carbon offset represents a unit of GHG emissions reductions. Each offset is essentially a certification that a certain quantity of GHG emissions has been avoided, prevented, or sequestered. Examples of activities that generate offsets include reforestation to increase carbon sequestration. By implementing Mitigation Measure GHG-1, where the purchase of carbon offsets would be paid to the City of Arcata and would fund local conservation projects, revenue from the City of Arcata carbon offset program would help to fund local projects that sequester carbon. Therefore, the carbon sequestration potential lost from the removal of trees at the project site would be reestablished elsewhere on a local scale.

The appropriateness of using offsets as CEQA mitigation for GHG emissions is well established. Specifically, CEQA Guidelines Section 15126.4(c)(3) provides that "[o]ff-site measures, including offsets that are not otherwise required," can be used to mitigate a project's GHG emissions.

#### Discrepancy in GHG Mitigation

Several commenters noticed a discrepancy in the GHG mitigation, specifically related to electric vehicle (EV) charging stations. In Section 4.5.8 of the Draft EIR a "MM GHG-2" is stated and includes text stating



that a network of on-site EV charging stations would be required under this mitigation measure. Additionally, a MM GHG-3 is referenced in several places in the Draft EIR. Inclusion of EV charging stations for the commercial and multi-family units are included in Section 2.0 of the Project Description as a design feature of the proposed project, and do not require further mitigation for inclusion of these features. The following text revisions address the discrepancies in the mitigation. These text revisions are also included in Section 4.0 of this Final EIR.

In Section 4.5.8, page 4-8, the following has been revised:

“To reduce operational GHG emissions, the project would ~~include implement MM GHG-2, which will require a network of on-site EV charging stations for the commercial and multi-family units, as stated in Section 2.0, Project Description.~~ In addition, MM GHG-~~3~~2 would be implemented, which requires catalytic converters on all wood burning stoves.”

Row three of Table 3.8-6 of the Draft EIR includes the following revision:

“**Consistent.** As part of MM GHG-~~3~~2, the project would require catalytic converters for all woodburning heat sources.”

Draft Humboldt Regional Climate Action Plan 2021

Several commenters stated that the proposed project needed to achieve the greenhouse gas reductions identified in the Humboldt Climate Action Plan and demonstrate consistency with the plan to reduce greenhouse gas impacts. The Draft Climate Action Plan was discussed in Section 3.8 of the Draft EIR, however, since the Plan has not been officially adopted consistency with the Plan was not used to determine the project’s impact on greenhouse gases and greenhouse gas reduction plans. Since circulation of the Draft EIR, the Draft Climate Action Plan has been updated with the most recent draft issued in October 2021. Section 4.0 Minor Revisions to the Draft EIR and Partial Recirculation EIR includes updates to the greenhouse gas impact analysis to account for the latest draft update. As shown in the Section 4.0, although the per capita greenhouse gas emissions are intended to be applied on a regional level, the proposed project would achieve the required per capita greenhouse gas target and thus would presumably be consistent with the Regional Climate Action Plan target for 2030.

## Master Response 3 – Wildfires and Safety

### Overview of Issues Raised

Several comments expressed concerns about the risk of wildfire associated with implementation of the proposed project. These comments include concerns specifically related to lack of adequate evacuation routes surrounding the and within the project area as well as the adequacy of the 70-foot defensible space on the adjacent McKay Community Forest. Additional comments requested further mitigation through a fuels reduction program and long-term fire preparedness plan be included to reduce potential impacts related to wildfires in the area.

### Wildfire Analysis in Draft EIR

The Draft EIR recognizes the wildfire threat due to climate change and other factors. These impacts are specifically addressed in Section 3.19, Wildfires, of the Draft EIR. To reduce the risk of wildfire, the Draft



EIR includes mitigation measures that would: 1) include preparation and implementation of a Fire Safety Management Plan, 2) require a site plan redesign or off-site mitigation, and 3) preparation of water supply and storage study to ensure adequate water supplies are available for fire suppression. Mitigation Measure WF-2 provides the applicant with some options for demonstrating compliance with the 100-foot defensible space requirement. The applicant may either revise their site plan prior to final tentative map submittal to demonstrate that a 100-foot buffer is provided on-site or can enter into a Memorandum of Agreement with the County for provision of 70 feet of defensible space offsite (or as determined by the County, but a minimum of 100-feet total) on the County-owned McKay Community Forest. The site redesign provides some flexibility to the Applicant to increase the density of the project in certain areas to provide for the required defensible space. The site redesign would be required to fall within the bookends of development evaluated by the Draft EIR, for example, maintaining or reducing total dwelling unit count and commercial square footage within the project footprint. MM WF-2 also provides the applicant with the ability to combine both options to secure additional defensible space off-site of less than 70 feet and additional on-site defensible space of greater than 30 feet; the performance criteria is that the total provided defensible space is a minimum of 100 feet.

The Draft EIR was written to indicate that there was uncertainty regarding the implementation of MM WF-2, however, that statement was not accurate. This will be revised in the errata section of this Final EIR to indicate that the mitigation measure will be implemented because it has been incorporated into the project. The performance criteria is clear on the 100 feet of defensible space, but the mechanism for providing that space is still being developed.

The impact analysis was not clear on why the wildfire risk was still identified as significant and unavoidable; this will be clarified in the errata section of this Final EIR.

Wildfire risks, were determined to remain significant and unavoidable because the project could exacerbate wildfire risks by locating housing within a wildfire risk area. Additional mitigation would not reduce the significant and unavoidable impact related to increased wildfire risk.

Title 14 of the CCR sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent damage to structures or people by reducing wildfire hazards. New development in the State Responsibility Areas (SRA), including the proposed project would be subject to Fire Safe regulations, and the appropriate clearance of vegetation around such development is inspected by CAL FIRE and potentially by Humboldt County with other improvements at the time of construction. The Applicant would be required to have certification that they comply with building, electrical, and fire codes, which would require installation of fire suppression systems, where appropriate within the new development.

#### Evacuation Routes

Several commenters questioned adequacy of evacuation from the proposed project in the event of a wildfire. Evacuation routes are discussed in Section 3.9, Hazards and Hazardous Materials, under Impact-5 of the Draft EIR. The proposed project includes two evacuation/access points that could be utilized in the event of a wildfire, which is consistent with CAL Fire and California Fire Code requirements.



# Letter A1

**From:** [McNicholas.Michael@CALFIRE](mailto:McNicholas.Michael@CALFIRE)  
**To:** [CEQAResponses](#)  
**Subject:** North McKay Ranch  
**Date:** Tuesday, June 02, 2020 5:51:02 AM

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Trevor Estlow,

A1-1 [ The North McKay Ranch Subdivision Project involves “Timberlands” (CA PRC 4526), and the project specifies that trees to be removed. Such action is “Timber Operations” (CA PRC 4527(a)(2)) – conversion of timberlands to land uses other than growing timber. A CAL FIRE timber harvest document for conversion of timberlands prepared by a Registered Professional Forester will be required to complete this project per the California Forest Practice Rules and Public Resources Code. Please contact me with any questions.

Thank you.

Michael McNicholas  
Forester I, Forest Practice Inspector  
**CAL FIRE**  
Humboldt Del Norte Unit  
707-599-8442

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**Letter A1 Response**

**Michael McNicholas**

California Department of Forestry and Fire Protection

Jun 2, 2020

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A1-1

The comment regarding the need for a timber harvest document is acknowledged. The commenter is referred to Section 3.2, Agricultural and Forestry Resources of the Draft EIR which states that a Timber Land Conversion Permit (TCP) was approved for the proposed project site by CAL FIRE in August of 1995. Additionally, as discussed in Section 3.11, Land Use and Planning, of the Draft EIR, a Timber Harvest Plan (THP) was developed for the project site in September 2017 and is valid through March 5, 2023. Consistency with this THP is discussed and analyzed in Section 3.11 of the Partial Recirculation Draft EIR. If CAL FIRE needs an additional copy of the TCP or THP, the County will provide these documents upon request.



# Letter A2

**From:** [Estlow, Trevor](#)  
**To:** [CEQAResponses](#)  
**Subject:** FW: Caltrans Comments for SCH# 2019049166, North McKay Ranch Subdivision DEIR  
**Date:** Monday, June 29, 2020 5:01:54 PM

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Please add this to the McKay DEIR comment folder.

Thanks.

-Trevor

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**From:** ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>  
**Sent:** Monday, June 29, 2020 4:57 PM  
**To:** Estlow, Trevor <TEstlow@co.humboldt.ca.us>  
**Cc:** state.clearinghouse@opr.ca.gov; Brian Gerving <berving@ci.eureka.ca.gov>; greg@hta.org; Marcella Clem <marcella.clem@hcaog.net>; rdumouchel@ci.eureka.ca.gov  
**Subject:** Caltrans Comments for SCH# 2019049166, North McKay Ranch Subdivision DEIR

Dear Trevor Estlow:

A2-1 Thank you for giving Caltrans the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed North McKay Ranch Subdivision. The project proposes to subdivide and develop 81 acres straddling the border between the City of Eureka and the County of Humboldt approximately 2.5 miles east of US Route 101. The development proposal includes the construction of 320 residential units: 146 single-family residences and 174 multi-family residential units to be built in nine phases. Approximately 22,000 square feet of commercial development will be located on-site and 21.73 acres of open space would be dedicated to the County to remain in public use. We have the following comments:

A2-2 The TIS dated May 9, 2018 estimated the project would generate 2,879 trips per day at full build out in 2040. The DEIR states that any change in land use that would result in more trips than those evaluated in this EIR would require a separate CEQA review. This includes the commercial development which uses a daily trip generation of 234 vehicles based on the on ITE land use 710 (general office building).

A2-3 Table 3.16.1 and Table 3.16-4 of the DEIR identifies the intersection of Walnut and Fern Streets as an all-way stop controlled intersection (AWSC) under existing conditions. This intersection is signaled under existing conditions. Please revise.

A2-4 Section 4.5.16 of the DEIR states: "All the new development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, roadway operations, and freeway operations. All projects would be required to mitigate for their fair share of impacts." We note that the Traffic Study did not analyze impacts to freeway operations, despite a request from Caltrans to include the interchange at Herrick Avenue in the scope of the traffic analysis in our letter of response to the Notice of Preparation for the EIR. We suggest revising the above DEIR statements to be consistent with the contents of the traffic analysis and its recommendations.

A2-5

Neither the traffic study nor the DEIR identify the cumulative impacts to traffic as a result of other approved projects in the area. The County previously circulated a mitigated negative declaration for the Mid-McKay Tract subdivision which included a potential to develop 852 new residences, with options for increasing that number to more than a thousand new residential units. Please address cumulative traffic impacts for other known developments in the unincorporated Cutten area. The one percent growth rate that was assumed will need to be justified for background growth to include a development as large as the mid-McKay Tract Subdivision.

A2-6

The DEIR briefly discusses SB743 and VMT levels of significance but cites that the County of Humboldt has not adopted thresholds of significance related to VMT and the County General Plan Policy C-P5 requires that LOS be reviewed for projects.

A2-7

In the Executive Summary discussion on significant unavoidable impacts, the DEIR makes a reference to the Sacramento Metropolitan Air Quality Management District thresholds of significance: "Because the proposed project would result in operational emissions that would exceed the Sacramento Metropolitan Air Quality Management District thresholds of significance, impacts related to GHG would remain significant and unavoidable." We assume the use of SMAQMD thresholds of significance has been incorporated as a surrogate standard in the absence of any thresholds established by Humboldt County for Greenhouse Gas Emissions. Please confirm.

A2-8

Section 4.5.8 of the DEIR (page 374 of 448) states that the on-going effects of the project will exceed the number of metric tons of carbon emitted from mobile sources (transportation) based on thresholds of significance established by other jurisdictions (SMAQMD) and result in significant and unavoidable impacts to Greenhouse Gas Emissions and Climate Change. The ongoing operation of the proposed project is stated to comply with CalGreen Building Codes, which includes requirements to increase recycling, reduce waste, reduce water use, increase bicycle use, and other measures that would reduce GHG emissions. We were unable to find any measures in either the project proposal or the proposed mitigation measures to increase bicycle use. We offer the following bicycle mitigation measures and strategies for the reduction of Greenhouse Gas Emissions:

- We request that all new road improvements constructed for the project include low-stress bicycle facilities that provide links to transit stops, schools, and other major neighborhood destinations, such as grocery stores.
- We recommend that the County require a bicycle parking analysis at nearby schools, grocery stores, restaurants, and other major destinations to ensure that there is adequate bicycle parking capacity to accommodate an increased number of cyclists generated by the project (using the future 2040 condition).
- We recommend that the proposed project incorporate bicycles by design with a goal of tripling the number of bicycle trips that residents choose to make.
- We suggest that the project contribute a fair share towards the development of a City of Eureka or greater Eureka area community-wide bicycle plan, which makes bicycle travel throughout the community safe and convenient for all bicycle riders of all ability levels.
- We suggest that the applicant contribute to a fair share towards a city- or community-wide bike-share program, including unincorporated neighborhoods beyond city limits.
- We suggest that the project pay a fair share fee to transit improvements or to assess the feasibility of establishing a transit assessment district or special assessment to pay for new transit services.

Mitigation Measure GHG-2 requires a network of on-site EV charging stations. Caltrans supports measures and incentives that promote a cleaner fleet mix. Caltrans offers to participate in community or region-wide planning efforts to plan for electric, fuel-cell, or other alternative fuel vehicles.

A2-9

The DIR page 2-23 states “Electrical Vehicle charging will be required at the commercial and multi-family units.” Page 4-8 of the DEIR states “To reduce operational GHG emissions, the project would implement MM GHG-2, which will require a network of on-site EV charging stations. In addition, MM GHG-3 would be implemented, which requires catalytic converters on all wood burning stoves.” However, the list of GHG mitigation measures on pages ES-15 and 3.8-11 only includes a mitigation measure for catalytic converters on wood burning stoves (called MM GHG-2). The network of EV charging stations referenced elsewhere is omitted from the list GHG mitigation measures. Caltrans requests that these omissions be corrected by adding the stated requirement for EV charging stations at the commercial and multi-family units to the official list of mitigation measures. Please also consider adding EV charging infrastructure for the single-family homes which are each being provided with two parking spaces.

Senate Bill 743, approved in 2013 and incorporated into the State’s CEQA Guidelines in 2018, better aligned CEQA with the State’s climate goals. CEQA now considers overall automobile use as the primary transportation impact. The change in how CEQA considers transportation impacts aims to reduce automobile use while increasing use of more sustainable modes that are essential to supporting our growing population and economy while meeting climate goals. Because criteria for determining the significance of transportation impacts must promote “the development of multimodal transportation networks” pursuant to Public Resources Code section 21099, subdivision (b)(1), project impacts to transit systems and bicycle and pedestrian networks must be considered. To align with the new SB 743 requirements, the Caltrans Local Development-Intergovernmental Review (LD-IGR) program now focuses on on-site and off-site improvements to reduce single occupancy vehicle trips; reduce per capita VMT; reduce GHG emissions; increase accessibility to destinations via cycling, walking, carpooling, and transit; and provide a safe transportation system, including safer connections between new development and the existing community and reduced impacts to multimodal access or conflicts between modes.

A2-10

Due to the existing traffic congestion at intersections linking Cutten to destinations in the Eureka area and beyond, and the significant and unavoidable impacts to Greenhouse Gas Emissions, we request that the County work with the City of Eureka and the Humboldt Transit Authority (HTA) to improve transit service in the Cutten area. For expanded transit service to be effective, new development should consider adopting a transit-first approach for accommodating increased travel demand from new development.

A2-11

We request that the County assess the feasibility of establishing a transit assessment district as a mitigation measure for cumulative traffic impacts to provide a consistent funding source for new transit service. A neighborhood shuttle route or demand-responsive service could be established to reduce short driving trips and serve the multi-family housing units. A transit assessment district could also support regional efforts to establish mobility-on-demand services that could include just

A2-11  
(Cont.) ↑ the project area to locations in Eureka. This neighborhood shuttle could also be incorporated into evacuation planning to reduce the number of vehicles exiting the area and reduce risk from wildfires. Caltrans can assist with transit planning efforts for the community and region, in partnership with HTA and the Humboldt County Association of Governments.

↑ We request that the project seek to further reduce Greenhouse Gas Emissions by assessing the accessibility of transit stops to and from the proposed project site. Deficiencies in bicycle and pedestrian facilities from the proposed project to existing transit service and other destinations may require additional mitigation to ensure safe and continuous travel. The nearest transit stop is on Walnut St approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately one mile to the north.

A2-12 ↑ The TIS states: "Eureka has historically experienced a high rate of pedestrian accidents, rating the third most dangerous incorporated California city of its size for pedestrians." The TIS notes "notable gaps in sidewalks on the side streets near the project." DEIS page 2-22 describes "Off-site roadway improvements include proposed construction of infill sidewalks along the south side of Arbutus Street between Walnut Street and Cedar Street, and on the north side of Redwood Street between Walnut Street and the project site." However, mitigation measure MM-TRANS-4 only requires sidewalks on newly constructed streets. Caltrans recommends off-site improvements to provide contiguous, ADA compliant, sidewalks and cross-walks connecting the project to nearby transit stops on Walnut St, grocery store, and the three schools in walking distance from the project. A Safe Routes to Schools analysis between the project and the three nearby local schools should also be conducted.

A2-13 ↑ The Class III bicycle facilities on Harris Street are expected to be negatively impacted by additional traffic from the project. The grade on Harris Street creates a significant differential in speed between vehicles and bicycles creating a higher level of bicycling stress that could result in potentially significant impacts to multimodal travel with project-generated increases in traffic. Higher traffic volumes effectively reduce connectivity for most cyclists when continuous Class II or Class IV bicycle facilities are not provided. There may be other locations which warrant more detailed assessment of impacts to bicyclists. We request that the County work with the City of Eureka to develop an area bicycle plan with a continuous bicycle network.

A2-14 ↑ We encourage the County to adopt thresholds of significance for both Vehicle Miles Traveled (VMT) and Greenhouse Gas Emissions. To avoid issues related to developing substantial evidence, the County may adopt the recommendations established by the Governor's Office of Planning and Research (see the Technical Advisory) and the California Air Resources Board (Scoping Plan-Identified VMT Reductions).

Please contact me with questions or for further assistance regarding the above comments.

Sincerely,

Jesse Robertson  
Transportation Planning  
Caltrans District 1

**Letter A2 Response**

**Jesse Robertson**

California Department of Transportation

June 29, 2020

A2-1	The introduction and background on the proposed project is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary.
A2-2	See Master Response 1
A2-3	See Master Response 1.
A2-4	See Master Response 1.
A2-5	<p>See Master Response 1.</p> <p>The following is for informational purposes only.</p> <p>The proposed Mid-McKay project is located at the Walnut Drive / Campton Road intersection. Campton Road provides a more direct route to the city center (County Courthouse). Trips from this project will most likely use this route for access to the city center. The ultimate project has not been approved. A Zone Reclassification and Minor Subdivision to create four large parcels is currently under review and has not been approved. Future division of these large parcels will require further review and approval from the County before they can be developed.</p> <p>According to the Humboldt County General Plan 2017, the current annual growth rate is about 0.6%. California Department of Finance projections indicate an anticipated average annual growth of 0.41 percent over the next 20 years which is lower than the 0.80 percent annual growth experienced in the past 30 years. The traffic study prepared by TJKM applied a one percent annual growth rate to 2018 traffic volumes to project future (year 2040) conditions. While this may growth rate may appear high, it results in a more conservative approach.</p>
A2-6	See Master Response 1.
A2-7	The commenter asserted that the Draft EIR referred to the Sacramento Metropolitan Air Quality Management District thresholds of significance in the absence of any thresholds established by the County for GHGs. This is correct, Section 3.8, Greenhouse Gas Emissions and Climate Change, of the Draft EIR discusses the use of the SMAQMD threshold due to the lack of a local threshold for GHG emissions.
A2-8	<p>The comment summarized the analysis in the Draft EIR related to the significant and unavoidable impacts to GHG emissions resulting from the proposed project and further asserted that the Draft EIR does not include mitigation for increases in bicycle use. Listed possible mitigation measures related to bicycle use are provided in the comment.</p> <p>From a broad geographic perspective, the project is an infill location located south of the city center. The project's location is consistent with VMT goals due to its proximity to a grocery store, veterinary clinic, gasoline station, gym, post office, restaurants, and other retail services as well as transit lines, and bicycle lane facilities. These destinations are located within a quarter mile of the project's boundary.</p> <p>In addition, the project is located about 3 miles from the City Center (County Courthouse), about a 15-minute bike ride or a 60-minute walk. The City of Eureka is the largest population center and offers the greatest variety of services. A project located within proximity to the City Center results in a lower VMT than projects located farther away as well as affording access to urban amenities such as sidewalks and bike lanes.</p> <p>For trips that may be longer, the project connects to transit stops on Walnut Drive; connects to the existing sidewalk network in Walnut Drive; and connects to an existing bike lane network in Walnut Drive. The surrounding bike routes are shown on the Humboldt County Association of Governments (HCAOG) bike map.</p> <p>The proposed project includes the construction of off-site improvements on Redwood Street and Arbutus Street to add infill sidewalks and to construct bike lanes that connect into the existing bike lane and existing sidewalk networks on Walnut Drive. Within the project boundary, the proposed project will be constructing sidewalks on all roads and bike lanes on Redwood Drive and Arbutus</p>



	<p>Street. Future improvements to the entire sidewalk and bike lane network are tied to the capital improvement plans for the City of Eureka and the County of Humboldt.</p> <p>There is no need to study off-street, off-site bike parking for the community as there is no authority to require a private property owner to upgrade their bike parking facilities; or even require a private landowner to allow the applicant to enter private property and construct bike parking facilities.</p>
A2-9	<p>The comment includes support for Mitigation Measure GHG-2, which requires a network of EV charging stations for the commercial and multi-family units. The commenter further states that the GHG mitigation measures on pages ES-15 and 3.8-11 of the Draft EIR only include mitigation for the catalytic converters and does not include the EV charging stations mitigation which is included on page 4-8 of the Draft EIR. This discrepancy has been corrected through a text revision. The commenter is referred to Master Response 2 GHG Emissions and Mitigation as well as Section 4.0 of this Final EIR which includes the full text revisions related to this discrepancy as well as a description as to why the EV electric charging stations are not included as mitigation.</p> <p>The commenter also requests that EV charging stations should be added to the single-family homes portion of the proposed project. This request is acknowledged and will be taken under consideration by the Planning Commission and Board of Supervisors. General Plan Policy E-P4 recognizes that the County will support the development and implementation of EV charging stations and other alternative fueling infrastructure.</p>
A2-10	<p>The comment provides background information on Senate Bill 743 and the change in the State's CEQA Guidelines to better align CEQA with the State's climate goals. The commenter further requests that the County work with the City of Eureka and the Humboldt Transit Authority to improve transit service in the Cutten area. The comment is acknowledged. The proposed project includes a commercial and residential uses in proximity to encourage walkability and reduce vehicle trips. Long term transit planning is out of the proposed project's scope. The County is working with the City of Eureka, and local stakeholders to identify priority projects.</p>
A2-11	<p>The comment requests that the County assess the feasibility of establishing a transit assessment district as a mitigation measure for cumulative traffic impacts and to provide for consistent funding for new transit service. The comment is acknowledged, however, the proposed project does not result in a cumulative transportation impact.</p>
A2-12	<p>See Master Response 1.</p>
A2-13	<p>The commenter requests that the County work with the City of Eureka to develop an area bicycle plan with a continuous bicycle network. The comment is acknowledged. Identification of a continuous bicycle network through regional planning efforts and future General Plan and Master Plan updates is not part of the proposed project. The comment does not require further analysis or revisions to the Draft EIR.</p>
A2-14	<p>See Master Response 1.</p>



# Letter O1

June 28, 2020

Trevor Estlow  
County of Humboldt Planning and Building Department  
3015 H Street Eureka, CA 95501  
via email: [CEOAResponses@co.humboldt.ca.us](mailto:CEOAResponses@co.humboldt.ca.us), [testlow@co.humboldt.ca.us](mailto:testlow@co.humboldt.ca.us)

Dear Mr. Estlow,

350 Humboldt wishes to express its appreciation for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the North McKay Ranch Project suburb proposal.

O1-1

350 Humboldt is the local affiliate of the international climate change action group, 350.org. The overall mission of our organization is to work locally toward reducing the impacts of the climate crisis in order to maintain a livable climate on the Earth. Our comments will be focused on those aspects of the DEIR that report on GHG emissions and land use decisions potentially impacting climate change. This is the second of two comment letters by 350 Humboldt steering committee members.

The DEIR is in general comprehensive and painstaking. But if we are going to meet climate goals we are going to have to begin to step beyond older ways of assessing projects of this magnitude.

## California climate goals

### California climate goals

As described by the DEIR California has a number of goals regarding Green House Gas emissions:

O1-2

- “Under AB 32, the CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels set in 1990, which must be achieved by 2020. The 2020 GHG emissions limit is 431 million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>), and California reached this goal in 2016.
- “On September 8, 2016, Senate Bill (SB) 32 was signed by California Governor Edmund Gerald Brown Jr.; this bill requires the state board to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.
- “Goal AQ-G3: Greenhouse Gas Emissions. Successful mitigation of greenhouse gas emissions associated with this Plan to levels of non-significance as established by the

O1-2  
(Cont.)

Global Warming Solutions Act and subsequent implementation of legislation and regulations.

- “Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.”
- The Association of Environmental Professionals goal of achieving “substantial progress along a post-2020 trajectory. “Given the recent legislative attention and case law regarding post-2020 goals and the scientific evidence that additional GHG reductions are needed through 2050 to stabilize CO2 concentrations, the Association of Environmental Professionals’ Climate Change Committee (2015) recommended in its Beyond 2020: The Challenges of Greenhouse Gas Reduction Planning by Local Governments in California (AEP 2015) white paper that CEQA analyses for most land use development projects can continue to rely on current thresholds for the immediate future, but that long-term projects should consider “post-2020 emissions consistent with ‘substantial progress’ along a post-2020 reduction trajectory toward meeting the 2050 target.” The Beyond 2020 white paper further recommends that the “significance determination... should be based on consistency with ‘substantial progress’ along a post-2020 trajectory.”

*We take the position that under California’s climate goals, a project cannot be approved unless emissions are mitigated to “levels of non-significance.” As argued in an June 2019 comment to Michael Wheeler by Earthjustice, the greenhouse gas emissions in the project are far from non-significant: “While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of existing and proposed new development, it is not appropriate for projects that only govern new development. Accordingly, the County should apply a net-zero emissions GHG threshold to ensure a legally defensible BIR. Because the Project will result in an increase in GHG emissions, the County should consider its GHG impacts significant.”*

### Miscalculation of carbon sequestration and carbon offsets

Other California policy specifically addresses preservation of large trees and mitigation of carbon sequestration that might be lost due to the project. The DEIR correctly points out the potential for sequestration loss:

O1-3

- “Policy AQ-P17: Preservation and Replacement of On-Site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.
- “The Center for Urban Forest Research Carbon Calculator was used to estimate the amount of CO2 that would be released as a result of the tree removal. Approximately 59.27 acres of forest trees, of which approximately 95 percent are coast redwood with an average diameter at breast height (DBH) of 20 inches, would be permanently removed from the project site. Assuming that 100 percent of the carbon stored would be emitted as CO2, the Carbon Calculator estimated that removal of each tree would result in 1.48 tons of carbon emission. Additionally, the removal of trees would result in a loss of carbon

sequestration potential. The Carbon Calculator estimated that coast redwoods with an average DBH of 20 inches sequester 0.156 tons per tree per year of CO<sub>2</sub>. Commercial projects typically have a lifespan of 30 years; therefore, the sequestration loss over the life of the project would be 4.68 tons of CO<sub>2</sub> per tree removed.”

Unfortunately, the DEIR makes the totally unsupportable assumption that the loss of sequestration only has to be counted over 30 years. Recent research shows that second growth redwood forests massively increase their sequestration of carbon for up to 1000 years, and that even at 100 years of age they are highly efficient carbon sinks. Recent research by Steve Sillett and colleagues of HSU (<https://www.sciencedirect.com/science/article/pii/S0378112718315160>), not taken account of in the DEIR, shows:

- *New allometric methods of measuring biomass and carbon sequestration in second growth redwood forests are now available. They show far more biomass and carbon sequestration than previously thought. Thus the estimates in the DEIR are very likely to be a large understatement both of the emissions to be caused by destroying the existing forest and of the sequestration of carbon accomplished by that forest.*
- *The sequestration of carbon accelerates with age of the forest, and a 150 year old second growth forest can sequester a very large amount of carbon; much higher than previous models suggest.*
- *Redwood increasingly predominates in second growth areas, adding to sequestration in ways the Carbon Calculator does not account for.*
- *Sillett states: "[S]ome redwood forests that were logged in the mid-1800s have already accumulated as much as 339 metric tons of carbon per acre—the equivalent of taking about 270 passenger vehicles off the road for one year. This level of carbon storage has profound implications when extended across 1.5 million acres of second-growth redwood forests. These results suggest that investments in actively restoring second-growth redwood forests will result in substantial carbon sequestration without having to wait several centuries for the benefits of old-growth forests.”*

***Thus this part of the DEIR should be modified by:***

- ***Using contemporary allometric measurement methods applied to this specific 59 acres.***
- ***Assigning a more realistic “project life” of at least 100 years. Looking around Humboldt, all the past “projects” (Trinidad, Scotia, McKinleyville) are all here and still emitting green house gases far after the expiration of 30 years. This was a rule of thumb appropriate to an era when we did not understand climate change and the crisis we face. Another way to put it, is that the financing for the project may end in 30 years but the loss of carbon sequestration will not.***
- ***Extending the carbon capture (sequestration) afforded by the forest farther into the future. (Sequestration is maximized at maximum growth, approximately 900 more years.) Whatever the project life (30 or 100 years), the mitigation payments for all sacrificed sequestration should be paid within that time. Since the sequestration time frame exceeds even seven generations, perhaps 200 or 300 years of loss of carbon sequestration should be assigned to the project. Although this sounds fanciful, it is what is required if we are to meet California’s emissions goals.***

## Reconsideration of the No Project alternative

O1-4

In reading the No Project alternative section, it is clear that the DEIR *assumes* the project as it is or something close to it. A true No Project alternative would apply all of the land use principles we know that reduce greenhouse gas emission. So, a project that could be approved would be one that fills in spaces in areas already built and builds vertically, it would reduce rather than increase emissions from transportation (as detailed in the letter from Colin Fiske and Tom Wheeler), it would require electricity as the only energy source (addressed by the Earthjustice letter), it would be close to existing jobs and businesses, and it would not destroy carbon sinks. The fact that the developer did not present such a project does not mean that the DEIR should ignore it as an alternative. The current Alternative section essentially says, “Yes what the developer proposed is a given except for a little fiddling around the edges.” This section should break new ground and point the developer away from a 1960s car-based suburb toward development that achieves economic goals while furthering Humboldt County’s Climate Action Plan. If we take a step back we will recognize that this project should never have been conceived in this time, so that the No Project alternative is the only one feasible for the County and the planet.

Thank you for considering these points.

Daniel Chandler, Ph.D.  
350 Humboldt, Steering Committee  
436 Old Wagon Road,  
Trinidad, CA 95570s

**Letter O1 Response**

**Daniel Chandler**

350 Humboldt

June 28, 2020

O1-1	The introduction and background of 350 Humboldt as well as the general comment on the Draft EIR is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR. See Master Response 1.
O1-2	The comment provided an overview of the state goals related to GHG emissions contained in the Draft EIR. The comment further asserts that the County should apply a net-zero emissions threshold and consider GHG impacts significant. The commenter is referred to Master Response 2, GHG Emissions and Mitigation, which discusses the use of the SMAQMD threshold. As discussed in Section 3.8 of the Draft EIR, operational GHG emissions resulting from the proposed project would exceed the SMAQMD thresholds of significance (and accordingly, a net zero threshold) and would result in a significant impact related to GHG emissions. No feasible mitigation was identified for GHG emissions, and therefore, a significant and unavoidable impact related to GHG emissions would occur. Applying a net-zero emissions GHG thresholds would not change the significant and unavoidable conclusion in the Draft EIR.
O1-3	<p>The comment provided an overview of California policies related to preservation of trees and carbon sequestration. The comment further asserted that the Draft EIR incorrectly assumes that the loss of sequestration has to be counted over 30 years, rather than 1,000 years.</p> <p>30-years is the typical lifespan of a development project, which is why it was used to calculate impacts for this analysis. According to the timber harvest plan, the site currently consists of a mosaic of second and third growth stands ranging in age from 0 to 90 years. The site has been harvested before and if not for the project would likely be harvested again. By implementing Mitigation Measure GHG-1, where the purchase of carbon offsets would be paid to the City of Arcata and would fund local conservation projects. Revenue from the City of Arcata carbon offset program help to fund local projects that sequester carbon. Therefore, the carbon sequestration potential lost from the removal of trees at the project site would be reestablished elsewhere on a local scale. Thus, the use of 30-years to calculate the loss of carbon sequestration is conservative.</p> <p>Furthermore, life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analysis was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (see Final Statement of Reasons for Regulatory Action, December 2009). Because the amount of materials consumed during the operation or construction of the Proposed Project is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials is also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted (OPR 2008).</p>
O1-4	The comment includes preference of the No Project alternative over the proposed project as currently proposed. The comment does not include any specifics regarding the adequacy of the analysis or environmental issues in the Draft EIR. See Master Response 1.





June 22, 2020

Trevor Estlow  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501

via email: CEQAResponses@co.humboldt.ca.us  
testlow@co.humboldt.ca.us

**RE: North McKay Ranch Subdivision Project Draft Environmental Impact Report**

Mr. Estlow:

O2-1

The Coalition for Responsible Transportation Priorities (CRTP) and Environmental Protection Information Center (EPIC) have reviewed the North McKay Ranch Subdivision Project (“project”) Draft Environmental Impact Report (DEIR). Generally, we consider the project location to be less than ideal for housing development, as it is located at the suburban-wildland interface, distant from services and employment centers. This will result in a car-oriented neighborhood, generating significant unnecessary vehicle miles traveled (VMT) and little use of other modes of transportation. We submit the following specific comments.

**Vehicular Traffic Analysis Inadequate**

O2-2

The DEIR relies largely on an analysis of vehicular level of service (LOS). As the document itself notes, impacts to LOS and other measures of congestion will no longer be considered environmental impacts under CEQA as of July 1, 2020. Instead, transportation impacts will be measured in terms of vehicle miles traveled (VMT). The main reason use of LOS is being replaced by VMT under CEQA is because the use of LOS encourages over-building of vehicle-serving infrastructure which in turn induces more vehicular traffic. In contrast, use of vehicle miles traveled (VMT) allows mitigation measures which reduce VMT by shifting mode share. The Governor’s Office of Planning and Research has thoroughly documented the disadvantages of using LOS and the benefits of VMT.<sup>1</sup> Yet the DEIR persists in focusing almost all of its analysis on LOS. We urge the County to abandon use of LOS under CEQA once and for all, both in this DEIR and other future processes.

The DEIR also attempts a VMT analysis, but it lacks analytical rigor and fails to provide reasonable support for its conclusion. The DEIR identifies the state’s significance threshold of 15% lower VMT per capita than existing development, admits that the project “would like have an average VMT per capita greater than the City of Eureka average,” but then guesses that it

<sup>1</sup> Governor’s Office of Planning and Research. 2018. Key Resources on SB 743: Studies, Reports, Briefs and Tools. Available at <https://opr.ca.gov/ceqa/updates/sb-743/>.

would have a lower VMT per capita than the “regional average.” On the basis of that reasoning alone, the DEIR concludes that the project’s VMT impacts are less than significant.

O2-2  
(Cont.)

The project clearly and unequivocally proposes a suburb of the City of Eureka. The appropriate population for VMT comparison is therefore the city and its immediately adjacent neighborhoods, not the largely rural surrounding region. Furthermore, the population of the region is not evenly distributed. A significant majority of the regional population actually lives in or around the relatively dense communities of McKinleyville, Arcata, Eureka and Fortuna. Thus, the fact that “the proposed project site is closer to the urbanized portion of the City of Eureka than most areas of the region”—the sole fact cited by the DEIR to justify the conclusion of less than significant VMT impacts—is irrelevant to any *per capita* regional comparison. Given the distribution of regional population, it is almost certain that the project’s residents will have equal or greater per capita VMT, and in any case not less than 15% less than average. Therefore, the project’s VMT impacts are clearly significant under the state’s standard.

Humboldt County’s 2017 Regional Transportation Plan also contains a specific objective to “Reduce motor vehicle miles traveled (VMT) and lower GHG emissions.” Thus, by failing to reduce VMT, the project also conflicts with this local plan, creating an additional significant impact.

O2-3

The significance of the VMT impacts requires the project to adopt feasible mitigation measures. One of the most effective VMT mitigations for a project in this location would be to provide for a dense mixture of local commercial and residential development, reducing the need for at least some of the trips for services and employment.<sup>2</sup> Unfortunately, the small area of commercially zoned property provided in the project is not sufficient for this purpose.

Other potential VMT mitigation measures are similarly weak or missing entirely. Provision of complete, connected bicycle and transit networks would be effective mitigation measures,<sup>3</sup> but these are completely lacking. These issues are discussed in greater detail below.

The project also fails to include any other transportation demand management (TDM) measures, which would serve as VMT mitigation. Notably, General Plan Policy C-P11 requires residential subdivisions resulting in 15 or more dwelling units to comply with County TDM programs. Potential TDM measures the project could adopt include:

- Provision of free bus passes to residents
- Car-share and bike-share programs
- Reducing the number of parking spaces provided

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<sup>2</sup> Frank, Lawrence D. and Gary Pivo. Impacts of mixed use and density on utilization of three modes of travel: single-occupant vehicle, transit, and walking. *Transportation Research Record* 1466: 44-52.

<sup>3</sup> For biking: Schoner, Jessica E. and David M. Levinson. 2014. The missing link: Bicycle infrastructure networks and ridership in 74 US cities. *Transportation* 41(6): 1187-1204.

For transit: Idris, Ahmed Osman, Khandker M. Nurul Habib and Amer Shalaby. 2015. An investigation on the performances of mode shift models in transit ridership forecasting. *Transportation Research Part A: Policy and Practice* 78: 551-565.

**Bicycle and Transit Impact Analysis Inadequate**

O2-4

The project proposes no bicycle facilities whatsoever. The DEIR concludes on p.3.16-20 that the project would not “conflict with a program, plan, ordinance, or policy addressing” bicycle facilities on the basis of the fact that the 2012 Humboldt Regional Bicycle Plan does not propose any bicycle facilities in the immediate project area. This conclusion is erroneous in multiple respects:

O2-5

- The Humboldt Regional Bicycle Plan was updated in 2018. The 2018 Update is the relevant document, not the 2012 Update.

O2-6

- The project conflicts with the 2018 Update’s goals, including the following: “In all urbanized areas, bikeways shall be established in new construction and reconstruction projects unless bicyclists are prohibited by law from using the roadway or the cost of establishing bikeways would be excessively disproportionate to the need or probable use; or where sparse population or other factors evidence an absence of need of paved travelways.”

O2-7

- The project conflicts with the 2017 Regional Transportation Plan (VROOM) “Balanced Mode Share/Complete Streets” Objective, which is described as follows: “Maximize multi-modal access to the roadway system and eliminate barriers to non-motorized transportation. Expand and maintain a regional network of inter-connected pedestrian and bicycle facilities for active transportation. Support and implement projects and policies that increase biking and walking, especially for short trips, first/last mile transit trips, and school trips. Create safe and effective walking and bicycling facilities that create neighborhood connectivity and continuity.”

O2-8

- General Plan Policy C-P1 calls for the “development of a circulation system that supports...access to higher density residential areas, local commercial facilities, neighborhood parks and schools, while maintaining maximum bicycle and pedestrian connectivity.” General Plan Policy C-P28 calls for bicycle facilities in new subdivisions, including connecting new neighborhoods to existing neighborhoods. The project conflicts with both of these policies by failing to provide any bicycle connectivity.

Similarly, the project proposes no transit facilities or connectivity. The DEIR notes that the nearest bus stops to the project are 0.5 miles and 1-1.2 miles away, and apparently concludes that because the project is not on top of an existing or planned bus route, it does not “conflict with a program, plan, ordinance, or policy addressing” transit. In fact, by failing to provide any reasonable access to transit, the project conflicts with adopts plans and policies as follows:

O2-9

- The 2017 Regional Transportation Plan contains an objective to “Expand and improve local and interregional transit services to improve mobility for people in Humboldt County.” The project lacks any expansion or improvement of transit to serve future residents.
- The 2017 Regional Transportation Plan contains an objective to “Coordinate long-range transit planning with land use policy, environmental policy, and development projects to help achieve a balanced transportation system.” The project does not coordinate with local transit planning in any way.

- O2-9  
(Cont.)
- General Plan Policy C-P24 states that “the County shall support HCAOG’s long term transit planning with the goal of increasing the percentage of public transit trips compared to automobile trips.” By conflicting with the above-referenced Regional Transportation Plan objectives (and their supporting policies), the project conflicts with this policy as well.
  - General Plan Policy C-P1 calls for the “development of a circulation system that supports...access to higher density residential areas, local commercial facilities, neighborhood parks and schools, while maintaining maximum bicycle and pedestrian connectivity.” The project does not provide such access for non-drivers.

**Greenhouse Gas Mitigation Inadequate**

O2-10

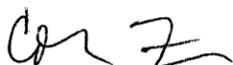
The DEIR notes that the largest source of project greenhouse gas (GHG) emissions is transportation. It further concludes that the project’s GHG emission impact is significant. Yet it proposes no transportation-related mitigation measures. As described above, provision of bicycle and transit facilities and connectivity, additional commercial uses, and TDM measures would all reduce VMT and thus GHG emissions. Some or all of these measures must be adopted as GHG mitigation measures.

O2-11

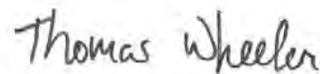
In conclusion, the DEIR’s analysis of vehicular, bicycle and transit impacts are all inadequate, along with its proposed GHG mitigation measures. The project’s VMT impacts, bicycle impacts, and transit impacts are all significant. The project must provide bicycle and transit facilities, connect with existing networks, and adopt other TDM measures as mitigation.

Thank you for your consideration of our comments.

Sincerely,



Colin Fiske  
Executive Director  
Coalition for Responsible Transportation Priorities  
colin@transportationpriorities.org



Tom Wheeler  
Executive Director and Staff Attorney  
Environmental Protection Information Center (EPIC)  
tom@wildcalifornia.org

Letter O2 Response

Colin Fiske

Coalition for Responsible Transportation Priorities

June 22, 2020

O2-1	The introductory text regarding the comment is acknowledged. Specific comments related to subsequent concerns are addressed below as necessary.
O2-2	See Master Response 1 and Master Response 4.
O2-3	See Master Response 1 and Master Response 4.
O2-4	See Master Response 1 and Master Response 4.
O2-5	The commenter asserted that the Humboldt Regional Bicycle Plan was updated in 2018 and the Draft EIR incorrectly references the 2012 Update. The comment is acknowledged. The 2018 Humboldt Regional Bicycle Plan includes the same proposed bicycle routes surrounding the proposed project area as well as overarching goals as the 2012 Humboldt Regional Bicycle Plan. The correction is noted in Section 4.0 Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR of this document.
O2-6	The commenter asserted that the proposed project conflicts with the 2018 Update's goals and gives a specific example of a goal to include bikeways in new construction and reconstruction unless bicyclists are prohibited by law from using the roadway or the cost of establishing bikeways would be excessively disproportionate to the need or probable use. The 2018 Bicycle Plan Update is a regional plan that lists priority infrastructure projects linking adjoining jurisdictions' bicycle routes and building a regional bicycle network. The Plan Update does not include any bikeways within the project site, nevertheless, the project will include roadway improvements in accordance with County standards that include bicycle lanes. The proposed project would not impede the implementation of the 2018 Update.
O2-7	The commenter asserted that the proposed project conflicts with the 2017 Regional Transportation Plan "Balances Mode Share/Complete Streets" objective. The interior roads within the subdivision are not currently proposed to have bike lanes. However, a connector trail running through the subdivision will connect the McKay Community Forest trail to Redwood Fields and/or Fern, Arbutus and Redwood Streets. The connector trail through the subdivision will provide a link to access the bike lane and/or bus route along Walnut Drive.
O2-8	The commenter asserted that conflicts with General Plan Policy C-P1. See Master Response 1 and Master Response 6.
O2-9	The commenter asserted that the proposed project does not include transit facilities or connectivity which further conflicts with the 2017 Regional Transportation Plan policies. This comment is superseded by the Partial Recirculation Draft EIR. See Master Responses 4 and Master Response 6.
O2-10	The commenter asserts that the mitigation measures listed in previous comments must be implemented to reduce GHG emission. CEQA requires lead agencies to impose feasible mitigation measures as part of the approval of a "project" in order to substantially lessen or avoid the significant adverse effects of the project on the physical environment. When imposing mitigation, lead agencies must ensure there is a "nexus" and "rough proportionality" between the measure and the significant impacts of the project. (CEQA Guidelines Section 15126.4, subd.(a)(4)(A)-(B), citing <i>Nollan v. Ca. Coastal Commission</i> (1987) 483 U.S. 825, <i>Dolan v. City of Tigard</i> (1994) 512 U.S. 374.) All mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies. (CEQA Guidelines, Section 15041.) But, if any suggested mitigation is found to be infeasible the lead agency must explain why and support that determination with substantial evidence, presented in their findings and a statement of overriding considerations. (CEQA Guidelines, Sections 15091 and 15093.) The applicant and County explored transportation-related mitigation options; however, applying transportation-related mitigation only slightly reduced GHG emissions, approximately 3.8%, and would still result in a significant impact. In addition, any potential transportation related mitigation would occur within the City of Eureka and would be considered a discretionary action of the City and thus outside the control of the County and therefore, determined to be infeasible.



O2-11	The conclusory text summarizing the comment is acknowledged. See Master Response 1.
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# Letter O3

**From:** [Estlow, Trevor](#)  
**To:** [CEQAResponses](#)  
**Subject:** FW: North McKay Ranch Subdivision DEIR comments  
**Date:** Monday, June 29, 2020 1:45:55 PM  
**Attachments:** [EPIC HBK CRTP McKay Ranch DEIR comments6-29-20.pdf](#)

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Please add this to the McKay DEIR comment folder.

Thanks.

-Trevor

**From:** Jennifer Kalt <jkalt@humboldtbykeeper.org>  
**Sent:** Monday, June 29, 2020 12:21 PM  
**To:** Estlow, Trevor <TEstlow@co.humboldt.ca.us>  
**Cc:** Tom Wheeler <tom@wildcalifornia.org>; Colin Fiske <colin@transportationpriorities.org>  
**Subject:** North McKay Ranch Subdivision DEIR comments

Trevor,

On behalf of the Environmental Protection Information Center (EPIC), Humboldt Baykeeper, and the Coalition for Responsible Transportation Priorities (CRTP), please accept the attached comments on the proposed North McKay Ranch Development.

Jennifer Kalt, Director  
Humboldt Baykeeper  
Office: 415 I Street in Arcata  
Mail: 600 F Street, Suite 3 #810, Arcata, CA 95521  
(707) 499-3678  
[www.humboldtbykeeper.org](http://www.humboldtbykeeper.org)



*Sent Via Email on Date Shown Below*

June 29, 2020

Trevor Estlow  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501

**RE: North McKay Ranch Subdivision Project Draft Environmental Impact Report**

Dear Mr. Estlow,

O3-1

On behalf of the Environmental Protection Information Center (EPIC), Humboldt Baykeeper, and the Coalition for Responsible Transportation Priorities (CRTP), please accept these comments on the proposed North McKay Ranch Development. We support the development of appropriately-sited and well-conceived housing that supports a diversity of housing needs, particularly low-income, affordable by design, and accessible housing. In this regard, we agree with the vision articulated for the project in the proposed project objectives. (DEIR at 2-8-2-9.) To fulfill this vision, however, this project needs work. If the County wishes to allow a new large greenfield development at this project site, additional project measures are necessary to reduce the impact of the housing on the adjacent community and on the natural environment. As outlined in the comments below, we do not believe that the project has fully complied with CEQA and more mitigation measures are required. Where possible, we have identified those things that are both necessary to comply with CEQA and would help fulfill the project objectives.

These comments reflect our good faith attempt to provide the developer and the County with our concerns and possible remedies to our concerns. We expect that these comments will be received in the same spirit. We would appreciate an opportunity to go over with the County and the developer in the near future.

**Project Description**

O3-2

As relayed by the DEIR, the project includes:

The proposed project would include the subdivision of a parcel, consisting of seven assessor parcel numbers (APN), for a total of approximately 81 acres, into

O3-2  
(Cont.)

↑ mixed-use lots to develop up to 320 residential units, approximately 22,000 square feet of commercial development, an off-water storage tank on approximately 0.3 acre, located 2.5 miles to the south. In addition, an off-site sewer line would be constructed. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the HCSD and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. (DEIR at 2-1.)

### Environmental Impacts and Mitigation Measures

The DEIR is incomplete as it relies upon unsupported, conclusory statements and fails to exhaust all feasible mitigation measures.

At its heart, the California Environmental Quality Act (CEQA) mandates that government decisionmakers understand the environmental ramifications of their decisions. CEQA serves “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* 47 Cal. 3d 376, 392 (1988). If CEQA is “scrupulously followed,” the public will know the basis for the agency’s action and “being duly informed, can respond accordingly to action with which it disagrees.” *Id.* Thus, CEQA “protects not only the environment but also informed self-government.” *Id.*

O3-3

Critical to this purpose is the reliability of information. CEQA demands that findings and other conclusions be supported by “substantial evidence in the record.” 14 CCR § 15064. Substantial evidence, in turn, “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion.” 14 CCR § 15384(a). *Facts* always need to exist to underpin a fair argument, including qualitative analysis: “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” 14 CCR § 15384(b).

CEQA further strives to result in better environmental decisionmaking. Critical to that is a full understanding of the way that project impacts can be avoided, minimized, or mitigated, either through alternatives to the proposed action or project mitigation measures.

CEQA mandates that government agencies must deny approval of a project presenting significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. Pub. Resources Code 21002. Only when feasible mitigation



measures have been exhausted may an agency find that overriding considerations exist that outweigh the significant environmental effects. Pub. Resource Code 21081; *see also* CEQA Guidelines 15091(a). This mandate—to avoid, minimize and mitigate significant adverse effects where feasible—has been described as the “most important” provision of the law. *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41, 271 Cal. Rptr. 393 (Ct. App. 1990).

To effectuate this “most important” provision, the government is tasked with investigating the potential adverse effects and all feasible alternatives and mitigation measures that decisionmakers may adopt. Pub. Resources Code 21100; CEQA Guidelines 15126. CEQA likewise requires alternatives and mitigation measures to be sufficiently detailed to “to foster informed decision-making and public participation.” *Save Round Valley Alliance v. County of Inyo*, 157 Cal.App.4th at pp. 1456, 1460 (2007).

Mitigation measures, in turn, include:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

CEQA Guidelines § 15370.

This list can also be read as a priority for decisionmakers, such that in considering mitigation, avoiding impacts is most preferred and compensating for impacts is least. *See* CEQA Guidelines § 15126.4. Upon inspection, the reasoning is obvious: avoidance produces certain results and does the least harm to the resources considered. By contrast, compensatory mitigation is less desirable because it allows for harm while providing only uncertain future benefits. For that and other reasons, compensatory mitigation is often required with a multiplier effect—that is, to use the example of the wetland, for every acre impacted, the compensatory mitigation might require the creation of five acres of wetland. In this same way, on-site mitigation is preferred over off-site mitigation. *See generally La Costa Beach Homeowners' Assn. v. California Coastal Com.*, 101 Cal. App. 4th 804 (2002) (evaluating the appropriateness of offsite mitigation under the California Coastal Act). Onsite mitigation is preferred as it compensates for the harm in the same general area where it is felt—providing a clear and constitutionally-mandated nexus. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); CEQA Guidelines § 15126.4(a)(4)(A). And the timing of mitigation matters, as mitigation *prior* to project impacts is preferred to after-the-fact mitigation. *See* CEQA Guidelines § 15126.4. Again, all of these points make intuitive

O3-3  
(Cont.)

↑ sense—we want to mitigate harms before they occur and in the area that they occur, unless there is special reason to deviate.

O3-3  
(Cont.)

Feasibility, as used by CEQA and the Guidelines, is where a mitigation measure is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” Public Resources Code 21061.1; CEQA Guidelines, § 15364. “In keeping with the statute and guidelines, an adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. While the response need not be exhaustive, it should evince good faith and a reasoned analysis.” *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1029 (1997) (internal citation omitted).

The ultimate determination of the sufficiency and feasibility of mitigation measures is the province of the action agency. These determinations must be supported by findings supported by substantial evidence. *See Federation of Hillside & Canyon Associations c. City of Los Angeles*, 83 Cal. App. 4th (2d Dist. 2000); *Concerned Citizens of South Los Angeles v. Los Angeles Unified School District*, 24 Cal. App. 4th 825 (2d Dist. 1994). Averments by project developers concerning the financial feasibility of mitigation are not dispositive of the question; rather, that is one piece of information that may be considered by the action agency.

### **The Project Fails to Adequately Consider VMT**

In a separate comment letter dated June 22, 2020, the Coalition for Responsible Transportation Priorities (CRTP) and EPIC articulated that the transportation analysis fails to adequately consider vehicle miles travelled, particularly because the choice of “threshold” was flawed and because factual conclusions were unsupported by evidence. We write again to stress our concerns.

O3-4

As to the threshold, the project combines both residential and commercial elements. The analysis provided appears to only examine residential VMT. Looking at the residential analysis, we again stress that because this project would form as a de facto suburb of Eureka, the appropriate threshold is a comparison to city VMT. The project site is partly within the Eureka Community Plan Area and this area for potential residential development is explicitly addressed. DEIR at 3-13-1.

↓ The DEIR admits that the per capita VMT is likely higher than that of Eureka. We agree. This development is on the very edge of the developed metropolitan area. While we agree, we note that this statement in the DEIR is unsupported by evidence in the administrative record. The DEIR further argues that the per capita VMT is likely less than the per capita VMT in the “region.” There are two analytical issues with this argument. First, the “region” is not defined. Second, the analysis is not supported by evidence in the record. While it appears that the DEIR completed LOS analysis, found in appendix H of the DEIR, there is seemingly no actual VMT analysis. This type of qualitative analysis fails the substantial evidence test required by CEQA.

O3-4  
(Cont.)

From the available information, particularly the DEIR's admission that the development would have a greater per capita VMT than the average per capita VMT for Eureka, the County should conclude that the development will have a significant impact. And if there is a significant impact, the County has to require mitigation to reduce that impact. Additional mitigation measures could include:

- Connection of the development to the planned Bay-to-Zoo trail through on-site and off-site pedestrian and bike infrastructure improvements. Improvements could include dedicated bike lanes on Fern St.
- Provision of free bus passes to residents.
- Car-share and bike-share programs.
- Reducing the number of parking spaces provided.
- Traffic calming measures to promote safe pedestrian usage.

**The Project Fails to Exhaust Feasible Measures to Mitigate Greenhouse Gas Emissions**

O3-5

The DEIR rightly concludes that this project will result in significant direct and cumulative greenhouse gas emissions. We agree. Because the project will result in significant impacts, the County has an obligation to mitigate the impacts below a place of significant or impose all feasible mitigation measures prior to issuing a finding of overriding considerations.

Unfortunately, the County jumped the gun, finding that it has exhausted all feasible mitigation measures.

Additional mitigation measures include but are not limited to:

- All electric development, replacing natural gas-based appliances and consumption.
- Reduction of emissions from transportation through reduced VMT, addressed above, and incorporation of EV charging infrastructure.
- Native planting to provide on-site sequestration of greenhouse gases.
- Removal of wood burning stoves from all residential development.

**Densification and Mixed-Use Development**

O3-6

We are encouraged that this development would provide low-income and multifamily development and would incorporate commercial space in the development. We further encourage densification of the project through incorporation of accessory dwelling units, a type of housing that is affordable by design. We further encourage greater commercial development and incorporation of commercial development in a manner than encourages walking/biking rather than driving.

**Inadequate Mitigation Measures for Impacts to Wetlands**

O3-7

We join the scoping comments submitted by the California Department of Fish and Wildlife that a 1:1 mitigation requirement for wetland impacts is insufficient as it fails to adequately mitigate

O3-7  
(Cont.)

wetland loss. Compensatory mitigation at a 3:1 ratio is often required of projects because of the significant time lag for constructed wetland to provide compensatory wildlife value.

The DEIR states that there will be permanent impacts to 0.338 acre of wetlands but the NOP and Wetland report (Appendix C) both say that 0.84 acres of wetlands will be impacted. How has the Project been altered to reduce the wetland impacts by nearly 0.5 acre?

While we support MM BIO-6, which includes restoration of the remaining wetlands onsite through invasive species removal, native plant installation, removal of historic fill, and habitat connectivity using stormwater and wildlife crossing culverts, MM BIO-5 is inadequate due to the low mitigation ratio proposed. The 1:1 mitigation ratio for compensatory wetland is inadequate, given 1) the overall lack of successful wetland creation in upland areas and 2) the temporal loss of wetlands during the 5-10 years it will take to replace wetland function. A 1:1 mitigation ratio is only appropriate when mitigation is already complete and ecosystem function has been replaced before the Project-related damage is done. Furthermore, “compensatory mitigation projects seldom result in wetlands with optimal condition” (Ambrose et al. 2007).<sup>1</sup>

Monitoring criteria for compensatory wetlands should include measures of ecosystem function rather than simply survival of planted individual trees, shrubs, and herbaceous plants. Measures such as percent cover of native vs. non-native plant species and hydrology are more accurate measures of success for compensatory wetland mitigation.

### **Inadequate Mitigation Measures for Impacts to Riparian Vegetation**

Small headwater streams are important to amphibian populations, as well as providing vital ecosystem services to downstream watersheds, and Riparian habitats are of disproportionate importance for many bat species because they are insect-rich environments and provide roosting, foraging sites, and drinking water.<sup>#</sup>

We support MM BIO-7, which includes a 100-foot setback (where feasible) from the 30 percent break in slope designated as non-buildable to reduce erosion and removal of trees, and recontouring the deteriorating logging road within the northern portion of the proposed project.

O3-8

However, MM BIO-8 is not adequate to mitigate impacts to riparian vegetation. The proposed mitigation does not restore any riparian vegetation; rather, it proposes to restore forest understory vegetation on a former logging road. Again, the 1:1 mitigation ratio proposed is too low, and fails to mitigate by replacing ecosystem functions that will be permanently destroyed by the Project. We suggest a mitigation measure similar to MM BIO-6, restoration of the remaining riparian vegetation onsite through invasive species removal, native plant installation, and removal of historic fill where feasible.

If compensatory riparian vegetation is used as mitigation, it should be at a much higher ratio than 1:1, and monitoring criteria should again include measures of ecosystem function rather than simply survival of planted individual trees, shrubs, and herbaceous plants. Measures such as

O3-8  
(Cont.) ↑ percent cover of native vs. non-native plant species and hydrology are more accurate measures of success for compensatory riparian vegetation mitigation.  
In addition, clear span bridges are the least damaging practicable crossing alternative and should be used for stream crossings instead of the large half-round culverts proposed in MM BIO-7.

### Night Light Pollution

O3-9 The DEIR appears to evaluate impacts of night light pollution only to humans, without consideration for wildlife as sensitive receptors. For example, the DEIR states that “The proposed water storage tank would be adjacent to an existing water tank that is surrounded by dense trees. As such, it would not create any significant new sources of light and glare and would result in a less than significant impact.”

Artificial light has the potential to introduce light pollution to adjacent wetland, marine, and riparian habitats. Adverse ecological effects of artificial night lighting on terrestrial, aquatic, and marine resources such as fish, birds, mammals, and plants are well documented (CDFW 2014).<sup>iii</sup>

### Household Trash Control and Wildlife Impacts

O3-10 In many rural areas where housing development encroaches on or abuts wildlife habitat like the McKay Community Forest, household trash control is important for preventing unnecessary conflicts that too often lead to death for bears and other scavengers considered to be a nuisance. Trash-related conflicts with wildlife should be prevented to avoid or minimize these impacts.

### Hydrology and Water Quality

We are concerned about the impacts to water quality, wetlands, riparian and aquatic habitat in Ryan Creek and its tributaries. According to the California Department of Fish and Wildlife, the Coho Salmon in Ryan Creek are considered a key population to maintain or improve.<sup>iii</sup> Any increases (whether temporary or permanent) in instream sediment or turbidity, stream channel aggradation, water temperature, loss of habitat structure or estuary habitat would likely contribute to the further decline of the Coho Salmon, as well as Steelhead and Coastal Cutthroat Trout.

O3-11 Increasing impervious surfaces in the Ryan Creek watershed will likely lead to increases in point source and non-point source pollution. Impervious surfaces should be minimized to the maximum extent feasible, and the best Low Impact Development (LID) methods should be used to prevent stormwater runoff from reaching Ryan Creek, its tributaries, wetlands and springs in the area. LID methods should also be incorporated to address some of the poor practices of past development if possible to mitigate unavoidable impacts of the proposed development.

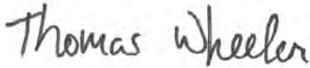
↓ It is difficult to comment on the adequacy of proposed measures to mitigate impacts to hydrology and water quality, since they mainly consist of developing future plans and adhering to minimum permit requirements. Mitigation measures should go above and beyond the minimum requirements where impacts are considered substantial, and certainly adding many acres of impervious surface

O3-11 (Cont.) ↑ to the Ryan Creek watershed will cause substantial impacts to Coho salmon and other aquatic species. At a bare minimum, the Project must adhere to permit requirements at the time each phase is permitted, rather than at the time the EIR is certified.

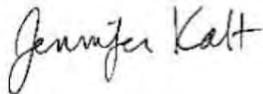
**Conclusion**

O3-12 We appreciate the opportunity to comment on the North McKay Ranch Subdivision DEIR. Please keep us informed at the earliest possible time to enable meaningful review and comment as the Project moves forward.

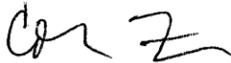
Sincerely,



Tom Wheeler  
Executive Director and Staff Attorney Environmental Protection Information Center (EPIC)  
[tom@wildcalifornia.org](mailto:tom@wildcalifornia.org)



Jennifer Kalt, Director  
Humboldt Baykeeper  
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Colin Fiske  
Executive Director  
Coalition for Responsible Transportation Priorities (CRTP)  
[colin@transportationpriorities.org](mailto:colin@transportationpriorities.org)

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<sup>i</sup> Ambrose, R. F. et al. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Report prepared for the California State Water Resources Control Board.  
[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/mitigation\\_finalreport\\_execsum081307.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/mitigation_finalreport_execsum081307.pdf)

<sup>ii</sup> California Department of Fish and Wildlife, 2014. Technical Memorandum: Development, Land Use, and Climate Change Impacts on Wetland and Riparian Habitats – A Summary of Scientifically Supported Conservation Strategies, Mitigation Measures, and Best Management Practices.

<sup>iii</sup> California Department of Fish and Wildlife, 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission, Sacramento, CA.

Letter O3 Response

Jennifer Kalt  
Humboldt Bay Keeper  
June 29, 2020

O3-1	The introduction of comments regarding the Draft EIR is acknowledged. The commenter does not provide any specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary. See Master Response 1
O3-2	The overview of the information provided in the Project Description of the Draft EIR is acknowledged. See Master Response 1.
O3-3	<p>The comment asserts that the Draft EIR is incomplete because it relied on unsupported, conclusory statements and fails to exhaust feasible mitigation measures. The comment further provided CEQA case law and an overview on CEQA requirements related to substantial evidence and mitigation measures. This comment is acknowledged; however, the comment does not specify how or where the Draft EIR fails to comply with CEQA requirements.</p> <p>The County has provided a good faith effort to analyze the environmental impacts of the proposed project using methodologies approved by the proposed project and with the assistance of experts in environmental analysis. The County has properly weighed comments from all sources and either made appropriate clarifications in the Final EIR or explained in good faith why it disagrees with the comment. Based on the Draft EIR's good-faith effort to disclose environmental impacts related to the proposed project, the County would then decide if the benefits of the proposed project outweigh its significant and unavoidable impacts in determining whether or not to adopt a Statement of Overriding Considerations, at their discretion. Additionally, Response O2-10, specifically addresses the request for multimodal transportation mitigation measures as not substantially lessening the impact of greenhouse gases and proposed improvements being outside the jurisdiction of the County.</p> <p>Subsequent assertions provided by the commenter are addressed in the remaining comments below.</p>
O3-4	See Master Response 1 and Master Response 4.
O3-5	The commenter asserted that the project fails to exhaust feasible measures to mitigate greenhouse gas emissions. The commenter is directed to Master Response 2.
O3-6	The commenter supports the low-income and multi-family portion of the project and further requested incorporation of accessory dwelling units into the proposed project. This comment is acknowledged and will be provided to the Planning Commission and Board of Supervisors for their consideration during review/consideration of the proposed project. See Master Response 1.
O3-7	<p>The comment asserts that the Draft EIR's use of the 1:1 ratio for wetland compensation is inadequate and should be 3:1 instead. The commenter also states permanent impacts to wetlands differ in the NOP and Appendix C. Additionally, the comment asserts that compensatory mitigation should include additional measures for success such as percent cover of native vs. non-native plant species and hydrology.</p> <p>The project design was further refined after the issuance of the NOP and wetlands were delineated to get a more accurate information on the acres of wetlands permanently impacted. The 1:1 mitigation is typical for on-site mitigation. The final determination of mitigation is left to the discretion of the lead agency. The U.S. Army Corps of Engineers provides some guidance for ratios for compensatory mitigation. The 1:1 ratio is consistent with wetlands that are not rare or unique and overall productivity and species diversity are relatively low. These wetlands may be impacted by man (or by fire or other natural events) and are not considered to be "pristine" examples and as a result, in some cases require less than 1:1</p> <p>As part of the permitting process, a mitigation and monitoring plan will be prepared that will provide detailed information, including proposed native plants, success criteria, annual monitoring and reporting per the jurisdictional agencies' recommendations.</p>
O3-8	The comment asserted that Mitigation Measure BIO-8 in the Draft EIR does not restore riparian vegetation and requests additional mitigation be added for restoration of riparian vegetation. The comment is acknowledged, and during the permitting process, mitigation requirements will be established by the appropriate permitting agencies regarding impacts to jurisdictional features.



	<p>Additionally, the commenter requested that clear span bridges be used for stream crossings instead of large half-round culverts which are proposed in Mitigation Measure BIO-7 in the Draft EIR. Stream crossing design will also be discussed with the permitting agencies to determine the most feasible approach to meet project goals while minimizing impacts to protected wildlife and their habitats.</p>
O3-9	<p>The comment asserted that night light pollution relative to wildlife was not discussed in the Draft EIR. Night work is not anticipated during construction to minimize impacts to nocturnal species. Because the surrounding area already consists of urban habitat, species within the area are already likely to be habituated to human presence and night light pollution; therefore, the new development is not anticipated to have any additional impacts on nocturnal species.</p>
O3-10	<p>The commenter requested that trash-related impacts from conflicts with wildlife be prevented or minimized. As discussed in Section 3.18, Utilities and Service Systems of the Draft EIR, solid waste would be collected by private waste haulers as contracted by the Applicant and permitted by the County. Use of specialized waste bins to prevent wildlife would be subject to the discretion of these private waste haulers and approved by the County. Further, MM UTIL-2 would be implemented and would include recycling bins for the multi-family portion of the proposed project. This would limit interaction with wildlife because these facilities would be enclosed.</p>
O3-11	<p>The comment asserted that the mitigation related to hydrology and water quality, specifically related to Ryan Creek, in the Draft EIR should go “above and beyond the minimum permit requirements”. Section 3.4, Biological Resources, of the Draft EIR includes mitigation requiring a 100-foot setback from Ryan Creek Tributaries as well as stream stabilization for stream crossings (Mitigation Measures BIO-7 and BIO-8, respectively on page 3.4-30 of the Draft EIR). As discussed under Impact BIO-4, these mitigation measures would effectively reduce potential impacts to Ryan’s Creek to a less than significant level. Further, Impact BIO-2 and Impact BIO-3 includes mitigation to reduce impacts to riparian areas and state and federal protected wetlands. Collectively, these mitigation measures are adequate to reduce potential impacts to Ryan’s Creek, and no additional mitigation was identified to reduce potential impacts. Mitigation measures are required to substantially lessen or avoid significant effects on the environment (CEQA Guidelines Section 15041(a)).</p>
O3-12	<p>The conclusory text summarizing the comment is acknowledged. The comment does not provide any further specific comments or concerns regarding the Draft EIR. See Master Response 1.</p>



**Letter O4**



Humboldt Trails Council  
Post Office Box 7164  
Eureka, CA 95502

June 29, 2020

Trevor Estlow, Senior Planner  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Via Email:      [CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)  
                     [testlow@co.humboldt.ca.us](mailto:testlow@co.humboldt.ca.us)

Dear Mr. Estlow,

O4-1

I am writing on behalf of the Board of Directors of the Humboldt Trails Council (HTC) to offer comments on the North McKay Ranch Draft Environmental Impact Report. The mission of the Humboldt Trails Council is to serve as a unified voice to support development and use of trails for recreation and transportation throughout Humboldt County. This project proposes to construct 320 residences in the unincorporated area of Cutten on the eastern edge of the City of Eureka, comprised of a mix of single-family homes, multi-family units and commercial space. HTC strongly supports the project goal of incorporating access to recreational trails. However, HTC finds the analysis of multi-modal transportation lacking with respect to creating a safe and efficient transportation system that includes bicycle and pedestrian facilities.

O4-2

**Connection to McKay Community Forest**  
HTC is supportive of the proposed development incorporating 20-foot-wide trail easements to the McKay Tract, where the Volunteer Trail Stewards program will be assisting in trail work in partnership with the County. The McKay Community Forest Trail Plan identified the need for an encroachment into the subdivision (Map 4-10), which is supported by this project design. It is vital for people to have access to recreational opportunities, such as those provided by the network of multi-use, hiking, mountain biking, and equestrian trails. The project would be further strengthened by including amenities at the trail access points, such as interpretive signs, a restroom with drinking water, bicycle racks, and a tool station. In addition, the new residential streets should have signs and sharrows to allow safe bike routes to the trail access points.

O4-3

The use of the trail network for transportation should also be analyzed. The most likely path for a commuter seeking an off-street, separated bike path will be to take the multi-use trail through the McKay Community Forest and out to Harris Street. The intersection of Harris Street and Hubbard Lane is not included in the project analysis, but should be due to the possible impact of an increase in commuter and recreational bicycle use. The existing sidewalk on Harris Street, which sees high speeds and multiple turn directions, is not sufficient to safely cross onto the East-West Class II bike path. The McKay Community Forest Plan Section 3.1-2 noted that the County "may consider future crosswalk enhancements such as traffic signs, high visibility crosswalk markings, bulb-outs, and/or a new street lights." Due to the cumulative effects of residential development occurring around the McKay Community Forest, including the 66 unit Garden Apartments on Hubbard Lane, this is an appropriate plan to consider street safety improvements within the phased approach of the North McKay development.

O4-4

#### **Connection to local and regional bicycle transportation plans**

A pillar of HTC's advocacy work is to connect people and places through trails. There is a noticeable lack of analysis of the impacts the project will have on multi-modal transportation. The DEIR would benefit from an analysis of how bicycle and pedestrian facilities would safely connect with each other from the project area to places of interest in the greater area, including employment centers in Eureka. HTC is concerned that the project only appears to consider traffic from the perspective of automobiles, ignoring the fact that people get places by walking, biking and using other alternative forms of transportation as well. In a regional trail context, the residents of this development will want to have safe multi-modal connections to the Humboldt Bay Trail, the Eureka Waterfront Trail, and the Bay-to-Zoo Trail, not just the McKay Community Forest. HTC supports the comments made by the Coalition for Responsible Transportation Priorities (CRTP) in the need for better analysis of Vehicle Miles Travelled (VMT).

O4-5

The importance of safe bicycle path connections is supported by goals and policies in the Humboldt County 2017 General Plan, the City of Eureka General Plan 2040, and the Humboldt County Association of Government (HCAOG) Bicycle Master Plan 2018 Update.

- Humboldt County General Plan C-P1 calls for development that supports maintaining maximum bicycle and pedestrian connectivity, and provides for user safety and connectivity on arterial or collector roads.
- C-P27 expands the intent of LOS analysis to include Quality of Service (QOS) which is intended to use walkability and bikeability audits to plan for the multi-modal quality and capacity of County roads and intersections.
- C-P28 encourages new subdivisions to have bicycle and pedestrian facilities that connect neighborhoods.
- Regional Bicycle Plan Policy 4.3 states: "HCAOG shall use the Bicycle Level of Service and Quality of Service (BLOS/BQOS) and the Bicycle Compatibility Index or Bicycling Level of Traffic Stress as tools for assessing bicycle facility needs and prioritizing projects. (2-10)
- The use of bicycle level of stress metrics is consistent with the Eureka Bicycle and Pedestrian Plan that is under development, which will include a level of stress analysis of existing bikeways and level of stress targets for all bikeways.

O4-6 The DEIR identifies proposed bicycle facilities in the area are (1) a north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on "W" Street, Hemlock Street, and Walnut Drive. The DEIR concludes that because the development of these facilities will not be prevented by the project, that there is no significant impact. The report further concludes based on a Level of Service (LOS) analysis that there will be a significant impact on roadways. The mitigation for the increase in traffic is to provide traffic signals at the identified impacted intersections. A fair share contribution was determined for intersections of S Street and Hodgson Street and W Street/Chester and Hodgson Street consistent with Implementation Measure 5 of the City of Eureka General Plan 2040. However, that measure calls for the traffic impact fee to assess an equitable share of costs associated with cumulative traffic impacts on facilities for all modes of travel. Traffic lights are not an adequate mitigation without including plans for safely accommodating bicycle travel as well.

O4-7 Additional analysis should be based on the existing Levels of Traffic Stress (LTS) or Quality of Service (QOS) at the identified impacted intersections, and how the LTS would be impacted by the proposed project. Studies show that commuters tend to evaluate a route by its level of traffic stress.<sup>1</sup> The most stressful intersection defines a route. Given that the project will increase car traffic and create even busier intersections, the impact on level of perceived safety of the road may be a significant impact. HTC notes that Mitigation Measure Trans-1 calls for a Traffic Management Plan prior to commencement of project activities that would include identification of a safe access route to Redwood Fields Park and adjacent schools. This would seem to presuppose a significant impact that has not been adequately analyzed. Without a methodological analysis of LTS, the impact of the project with regard to creating safe routes to Zoe Barnum High School, Eureka High School, and Zane Middle School is not identified. The project could mitigate this impact by identifying intersection improvements and paying a fair share contribution specific to bicycle lanes and other traffic calming measures consistent with complete street goals. Routes with a Level of Traffic Stress rating of LTS2 should be identified to adequately mitigate this impact. HTC would like to see a map included in the FEIR that identifies these connections to all local and regional bike paths with relation to traffic safety for cyclists.

Thank you for your consideration of these comments.

Sincerely,



Stephen Luther  
HTC Board Member

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<sup>1</sup> Mekuria, Mazza, Peter Furth and Hilary Nixon. *Low Stress Bicycling and Network Connectivity*. Mineta Transportation Institute Report 11-19, May 2012. <<https://transweb.sjsu.edu/research/low-stress-bicycling-and-network-connectivity>>.

**Letter O4 Response**

**Stephen Luther**

Humboldt Trails Council

June 29, 2020

O4-1	See Master Response 4.
O4-2	The commenter provides general approval of the 20-foot-wide trail easement to the McKay Tract and requests additional amenities be added to the proposed project related to the trail. This comment is acknowledged and will be provided to the Planning Commission and Board of Supervisors for their consideration during review/consideration of the proposed project. The comment does not address environmental issues evaluated in the Draft EIR or address the adequacy of the analysis in the Draft EIR, therefore no further response is necessary.
O4-3	See Master Response 1 and Master Response 4.
O4-4	See Master Response 1 and Master Response 4.
O4-5	The commenter provides a list of goals and policies that support the importance of safe bicycle path connections. The comment is acknowledged. No further specific comments or concerns regarding the Draft EIR are provided in the comment, therefore, no further response is necessary.
O4-6	See Master Response 1 and Master Response 4.
O4-7	See Master Response 1 and Master Response 4.



# Letter I1

June 29, 2020

Trevor Estlow  
County of Humboldt  
Planning and Building Department 3015 H Street  
Eureka, CA 95501

via email: CEQAResponses@co.humboldt.ca.us testlow@co.humboldt.ca.us

RE: North McKay Ranch Project

I1-1 | Thanks for the opportunity to comment on the Draft Environmental Impact Report for the North McKay Ranch Project. My chief concerns in reviewing a project like this are its impacts on climate change, so my comments will chiefly be limited to the areas of Greenhouse Gas Emissions and land use changes that may impact climate change.

I am cognizant of the need for expanded housing opportunities in Humboldt County. I'm particularly supportive of increased housing availability for low and very low income residents, especially those who have faced or may face homelessness, and those on disability or Social Security, TANF, or similar programs.

I In reviewing the DEIR, I found that an overarching concern for me regarding this project is its location. The placement of a moderately large mixed-use project such as North McKay Ranch — with its 778 new residents and 22,000 square feet of commercial space at full build-out — is an issue that ripples across many areas that impact climate change, as services need to be extended, residents have farther to travel to shop, work, and recreate than they would if living within established service limits, and existing land use is altered to emit, rather than sequester, significant amounts of CO2 and other Greenhouse Gases (GHG).

I1-2 | Specifically we question the DEIR's assertion that the project conforms to Humboldt County General Plan policies. Policy P-21 calls for prioritizing "development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services ... neighborhood commercial centers and work opportunities." Policy P-28 asserts that "bicycle and pedestrian facilities should be encouraged to connect neighborhoods." Also in doubt is the project's conformance with the Eureka Community Plan Goal 2610.1 "to concentrate new development around existing public services."

Contrasting with these policies is the DEIR's admission that the nearest Eureka Transit stops are between 0.5 and 1.2 miles from the project site (depending on specific transit route). While the DEIR deems this to be a "less than significant" distance, I would recommend that planners consider how a mobility impaired, disabled resident would see it. Walking 1.2 miles will take a bus rider nearly half the 2.5-mile distance between the project site and downtown Eureka, where bus riders often seek the above-mentioned "public services ... commercial centers and work opportunities." (The

distance from transit stops alone may limit the project's appeal for many residents seeking low-income housing.)

I1-2  
(Cont.)

The DEIR documents the challenges that Harris and Harrison streets, major travel corridors from the project to central commercial areas, present to bicyclists. With high traffic volumes, narrow lanes, and inconsistent bike paths, bicycling from the project to Eureka schools, jobs, or stores is unlikely to be a safe, sustainable alternative to automobile use. But transportation mitigations described in the DEIR are essentially limited to additional stoplights and intersection improvements.

This leads to one of the major impacts the Humboldt County policies described above were intended to avoid. Vehicle Miles Traveled (VMT) of more than 11 million miles/year at full build-out makes transportation the largest single category of GHG emissions, making GHG emissions a "significant and unavoidable impact" without mitigation.

The DEIR proposes several mitigation measures to reduce GHG emissions. In chapter 3.8 "Greenhouse Gas Emissions," annual operation of the project is assessed as emitting 2,066 metric tons of CO<sub>2</sub>e by 2030. (Additional amounts of CO<sub>2</sub>e are assessed as being released directly through the logging of forests on the project property, and also through the permanent loss of carbon sequestration those trees would have provided, potentially in perpetuity, if left standing.)

To reduce the impacts of GHG emissions, two mitigation measures are enumerated and are described in some detail. Starting with the second of those, MM GHG-2 would be employed:

I1-3

"which requires catalytic converters on all woodburning stoves and the EPA-certified woodburning fireplaces and the prohibition of woodburning devices in the multifamily residential units" (presumably to boost efficiency of fuel burned and reduce black carbon emissions).

The DEIR asserts that 528 MTCO<sub>2</sub>e would be reduced through this measure (which in a confusing editing error is named "MM GHG-3" both in Table 3.8-6 of the GHG Emissions chapter, as well as in "Chapter 4: Cumulative Effects" of the DEIR). The effectiveness of this mitigation is assessed using the CalEEMod software, which is described as being a widely used program for assessing GHG emissions for planning purposes in California.

Determining the effectiveness of mitigation to reduce a "significant and unavoidable impact" is a crucial question; indeed, it is nearly the crux of what planners rely on environmental analysis and review to do. I have no ability to evaluate the CalEEMod software, and I'm willing to assume it is capable of producing accurate results. But the use of such software can only be as accurate in modeling the real world as the assumptions that are fed into it. In this case, there is no information in the DEIR on what those assumptions are, and that is a crucial missing piece. In other words, how many woodstoves are assumed to actually be utilized by project residents? What forms the

basis for that assumption? (The point is that not everyone would opt to use a woodstove over using some other form of space heating, and the effectiveness of this mitigation hinges on some unknown number of residents adopting them for use.)

I1-3  
(Cont.)

And if woodstoves are used to a significant degree, how will that impact the use of other space heating technologies and the GHG emissions that they otherwise cause? Does the DEIR posit that MM GHG-2 functions as a mitigation partly because the wood burned is assumed “carbon neutral”? This is not made clear.

Further, since catalytic converters on woodstoves can function properly for as few as two to six years (according to the EPA and woodstove manufacturers), and are expensive to replace, what assumptions were made regarding the question of how many of these stoves will be properly maintained and operated? Poorly operated woodstoves can cause serious indoor and outdoor health hazards, which are not addressed in the DEIR.

Beyond this poorly documented mitigation, the DEIR makes an effort in “Chapter 4: Cumulative Effects” at proposing incentives toward Electric Vehicle (EV) use in order to mitigate GHG impacts. On page 4-8 is the sentence:

I1-4

“To reduce operational GHG emissions, the project would implement MM GHG-2, which will require a network of on-site EV charging stations.”

Apparently named in error, *no other reference to this mitigation concept or analysis of its effectiveness could be found in the DEIR.* This error, and the lack of any following information about the proposed mitigation, suggests a carelessness in research, writing, and editing that provides little confidence in the findings of the finished product as a whole.

Beyond the woodstove plan, to bring operational GHG emissions to the annual 1,100 MTCO<sub>2</sub>e amount that is deemed acceptable in the plan, the DEIR chiefly relies on paying annual carbon offset fees to the City of Arcata to support its Community Forest. This mitigation, MM GHG-1, is initially proposed in the DEIR to mitigate the permanent loss of carbon sequestration due to land use changes onsite: the logging of the young redwood forest that currently forms 95% of the vegetative cover. Later in the DEIR, MM GHG-1 is again called on to mitigate GHG impacts caused by transportation (the annual 11 million VMT at full build-out).

I1-5

This is a poor strategy for managing impacts. Such offsets do nothing to actually reduce the GHG emissions of a particular project. Instead of considering mitigation measures that might actually reduce GHG emissions, such as forgoing the extension of natural gas infrastructure to the project in favor of providing a community of all-electric homes and commercial buildings (as are now mandated in new construction in a number of California cities and counties), or analysing the potential mitigation effect of the EV charging network idea, or best yet, analysing the potential for meeting project goals through an infilling alternative that would keep development within existing service

I1-5  
(Cont.) ↑ areas and better allow alternative transportation modes, the DEIR falls back on a measure that only relies on the willingness of the project developer to trim profits by paying annual offset fees.

I know from having attended workshops and being active in the Planning Division's Climate Action Plan process that staff involved in that effort are working hard at identifying feasible ways to reduce the county's current level of GHG emissions, and finding serious challenges in doing so.

I1-6 The North McKay Ranch project, as described in this DEIR, will only make managing climate change more difficult. Mitigations appear poorly thought out and limited in scope. Why does the plan determine that mitigating to a limit of 1,100 MTCO<sub>2</sub>e is acceptable, when the State of California seeks carbon neutrality by the year 2045, just 25 years from now? The Sacramento Air Quality Board possesses no magic in resolving this global crisis. The project will set us back in the work toward carbon neutrality even in the limited confines of Humboldt County.

I1-7 I appreciate the opportunity to provide comments on this DEIR, and will be interested in continuing to follow any further consideration of the North McKay Ranch project.

Sincerely,

Patrick Carr  
1704 Virginia Way  
Arcata, CA 95521

**Letter I1 Response**

**Patrick Carr**

June 29, 2020

I1-1	The introduction and overview of concerns on the Draft EIR is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR. See Master Response 1. Specific concerns related to subsequent comments are addressed, as necessary in this comment below.
I1-2	The commenters expressed concern regarding the location of the project, specifically related to distance to services. The project is proposing commercial and residential uses that are located in walking and biking distance to major commercial and employment centers. The commenter is referred to Master Response 1 regarding VMT impacts Master Response 3 regarding General Plan Consistency.
I1-3	<p>The commenter provided an overview of the analysis and modeling results of the GHG analysis contained within the Draft EIR and requested that information regarding the assumptions used for the modeling be provided.</p> <p>Additionally, the commenter noted the discrepancy in the naming of the GHG mitigation. The commenter is referred to Master Response 2 in Section 2.0 as well as Section 4.0 of this Final EIR which includes the full text revisions related to this discrepancy.</p> <p>The assumptions used for modeling are included in the CalEEMod output files, Appendix B of the draft EIR (see page 72 of the PDF for the number of wood stoves, gas fireplaces, catalytic and noncatalytic woodstoves). Regarding MM-GHG-3, which includes the installation of EV charging stations. This mitigation measure was removed and was instead included as a design feature of the project, as described in the Project Description.</p> <p>The commenter stated that operational emissions were 2,066 MTCO<sub>2e</sub> per year in 2030; this represents the unmitigated emissions. The mitigated emissions would be 1,538 MTCO<sub>2e</sub> per year in 2030.</p>
I1-4	<p>The comment asserted that there is a discrepancy in the listed mitigation measures related to GHG emissions in the Draft EIR. The commenter is referred to Master Response 2 in Section 2.0 as well as Section 4.0 of this Final EIR which includes the full text revisions related to this discrepancy as well as a description as to why the EV electric charging stations are not included as mitigation.</p> <p>Although EV charging stations are not included as a mitigation measure, they are included in the project description as a design feature of the project.</p>
I1-5	<p>The commenter stated that MM GHG-1 for woodstoves is intended to reduce GHG emissions to below the 1,100 MTCO<sub>2e</sub> per year and that the Draft EIR relies on paying annual carbon offset fees to the City of Arcata and that MM GHG-1 is intended to address the GHG impacts caused by transportation.</p> <p>The commenter misunderstands the analysis in Section 3.8 Greenhouse Gases. Most greenhouse gas emissions from the project comes from transportation like the overall greenhouse gas inventory for the County. The mitigation measures that were incorporated into the project have been determined to be feasible (see Master Response 2).</p>
I1-6	The comment regarding the use of the SMAQMD 1,100 MTCO <sub>2e</sub> threshold in the GHG analysis rather than a net zero threshold is acknowledged. The commenter is referred to Master Response 2 in Section 2.0, which discusses the use of the SMAQMD threshold. As discussed in Master Response 2 of Section 2.0, the use of the 1,100 SMAQMD threshold is a conservative threshold and does not change the adequacy of the analysis or the conclusion of significant and unavoidable related to GHG emissions in the Draft EIR, therefore no further response is necessary. In addition, the SMAQMD threshold was developed specifically for land development projects and accounts for the SB 32 2030 targets for GHG emissions.
I1-7	The conclusory text is acknowledged. The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR. See Master Response 1.



# Letter I2

2480 Redwood Street  
Eureka, CA 95503  
June 29, 2020

Trevor Enslow  
[TEslow@co.humboldt.ca.us](mailto:TEslow@co.humboldt.ca.us)  
Humboldt County Department of Planning and Building  
3015 H Street  
Eureka, CA 95503

Re: Draft Environmental Impact Report for the North McKay Tract General Plan Amendment, Zone Reclassification, Final Map Subdivision and Planned Development Permit

I2-1 | My husband and I have lived at 2480 Redwood Street for 24 years. I attended the scoping meeting in Cutten last year and submitted comments to Michael Wheeler by email, however my comments were not included in those that Michael Wheeler later sent me (at my request). Following are my concerns with the DEIR.

I2-2 | **Transportation.** When this property was originally rezoned for development, there was not adequate planning for traffic impacts. Over the years, several alternatives for new roads, which were less than ideal, have been eliminated. Two new road extensions are planned, but these feed all traffic onto Walnut Street, which provides the only route in or out of Cutten. Traffic on Walnut Street has increased dramatically over the years. I commuted from Redwood Street to Arcata for 23 years, and when local schools and Humboldt State University are in session, traffic is backed up for blocks. The light at Fern and Walnut has helped create some gaps in traffic, but nothing has decreased the volume of cars.

I2-2 | The DEIR suggests new traffic signals be added on Walnut at Cypress, Arbutus, Redwood and Hemlock. Along with the existing signal at Fern, that would create 5 traffic signals within a half mile. Again, this might create gaps in traffic and allow pedestrians to cross, but will do nothing to decrease the number of cars. I can imagine that most cars from the subdivision will head to Redwood Street to avoid the signals, and that traffic from further out in Cutten will cut over to Cedar Street to avoid the lights.

And the traffic problems do not end at Walnut Street. All those cars greatly impact the residential streets of Hodgson, Dolbeer, S, Bainbridge, Russell, Chester and Harrison as commuters zoom through to get to the hospitals, downtown, or Arcata.

I2-3 | **Public Transportation.** While a bus line runs along Walnut Street, this does not provide sufficient practical alternative transportation. I always had wanted to use public transportation to commute to Arcata, but it would have taken a transfer to a Humboldt Transit bus in downtown Eureka, making for a very long trip. Bus stops on Walnut are not .2 mile from the edge of the subdivision, making it a fairly long walk for much of the housing. While public transportation may be used by some residents, it would not significantly reduce the number of car trips.

I2-4 | **Parks and Recreation.** The DEIR states that “The proposed project would not necessitate the construction of new park or recreational facilities, or cause substantial physical deterioration of existing park and recreation facilities.” I disagree. The map of the subdivision shows dedicated “open space” on the property, and at least some of this is land that is geographically or environmentally unsuited for

building. Open forested land, with marshy areas and steep slopes, is also unsuitable for most people's recreation and would not satisfy the requirements of the Quimby Act.

The Redwood Fields, which is surrounded by this subdivision, is not open to the general public but is used by sports clubs and is closed when not in use.

The nearest offsite park is Sequoia Park, which would be a long walk for children or families. Sequoia Park and Sequoia Zoo are undergoing improvements that will likely increase the number of visitors. In non-Covid times, the picnic area and playground are heavily used. Families commonly stake out a picnic table soon after dawn to have a family picnic or party later in the day. Sequoia Park is not sufficient to provide recreational opportunities for the project's residents. There is a need within this subdivision for playgrounds and accessible open areas for families to recreate, especially to serve the large number of multi-family units.

The Humboldt Community Forest will provide recreation for those who can access trails. The DEIR mentions two possible access points to the future trails in the Humboldt Community Forest, however the maps do not show any accommodation for parking at those access points. Nor are there any bike or walking trails shown in the subdivision for travel within the subdivision or access to the Community Forest. The planned Bay to Zoo trail through Eureka will increase hiking and bike riding through town, and, especially for bike riders, many will want to extend a ride into the Community Forest. The bike and walking trails within the subdivision would also be an important way for residents to safely leave their cars, and perhaps some children will even walk to school.

**Safety.** At present, there are inadequate evacuation routes from Cutten. Should there be a wildfire, or a gas emergency caused by the large gas pipeline that runs down Redwood Street and along the power lines, there is little chance that the Cutten area could be evacuated today without gridlock on Walnut St. The added 300-500 cars would make evacuation an impossibility. Again, the traffic impacts of this subdivision have yet to be solved.

I am not in favor of reducing the edges of the McKay Community Forest by 70 feet to provide defensible space for this subdivision. The required 100 feet of defensible space should be included in a redesign of the site plan.

Thank you for accepting my comments.

Lorraine Dillon

12-4  
(Cont.)

12-5

**Letter I2 Response**

**Lorraine Dillon**

June 29, 2020

I2-1	<p>The introductory text and background on comments is acknowledged. The County recognizes that the commenter attended the public comment meeting, as shown on the sign in sheet for the public scoping meeting included in Appendix A of the Draft EIR. Subsequent emailed comments provided by the commenter were received on June 20, 2020 and the general concerns within these comments were addressed in the Draft EIR. There is no record of emailed comments to Michael Wheeler.</p> <p>Specific comments related to subsequent concerns are addressed, as necessary in this comment below.</p>
I2-2	<p>See Master Response 1 and Master Response 4.</p>
I2-3	<p>See Master Response 1 and Master Response 4.</p>
I2-4	<p>The commenter asserts that the proposed project does not include adequate recreation areas. The commenter is referred to Section 3.14, Public Services, and Section 3.15, Recreation of the Draft EIR, which discusses the availability of recreational resources in the area, as well as the impacts related to recreation resulting from the proposed project. As discussed in these sections, the Quimby act requires three acres of park area per 1,000 persons, unless the amount of existing neighborhood and community park exceeds that limit. The proposed project would include 21.73 acres of forest lands to be preserved through the establishment of a permanent easement which would be dedicated to the County, thus satisfying Quimby Act requirements. Additionally, the proposed project would include 20-foot-wide trail easements that would connect to the surrounding McKay Community Forest. These recreational areas would more than satisfy the Quimby Act requirements of three acres of park lands per 1,000 residents. Further, the Redwood Fields Park is characterized as a “12-acre, non-profit operated park” in the Draft EIR and Sequoia Park Zoo is also described as 0.5-miles from the proposed project on page 3.15-1 and 3.14-3 of the Draft EIR. Redwood Fields is open to the public during daylight hours and contains a play structure, bocce ball court, basketball court and BBQ and picnic area.</p> <p>For general concerns related to bicycle facilities and connections, the commenter is referred to Master Response 4.</p>
I2-5	<p>The commenter asserts that there are currently inadequate evacuation routes from Cutten, and that the additional traffic added by the proposed project residents would make evacuation in the event of an emergency impossible in the area. Additionally, the commenter has concerns regarding the 70-foot defensible space rather than 100-foot defensible space. The commenter is referred to Master Response 3, for a discussion on the defensible space requirements and the analysis is contained within the Section 3.19, Wildfires, of the Draft EIR.</p>



**Letter I3**

6/27/20

Trevor Estlow, Sr.Planner

County of Humboldt Planning andBuilding Dept

Trevor

13-1 | I am writing to express my **STRONG** disapproval to the suitability of the proposed McKay Ranch subdivision, and I speak for many others in my Cutten neighborhood.

Simply put, it's the wrong size project, in the wrong neighborhood, and at the wrong time.

13-2 | The size of this development will lead to traffic demands on our local streets that they are not designed for, and the impact of another 2,000 to 3,000 vehicles on that street system, which the addition of 145+ houses, plus another 175 apartments will certainly add to our streets, and cannot be mitigated. At peak hours, it will severely affect access of many of our local streets, and roads.

That same traffic will seriously impact the availability of parking at our local markets, pharmacies, commercial services, as well as the hospital, and the many medical service complexes, and offices in our Cutten and N. Eureka neighborhoods.

Most of the current available major employment sources are found miles away, ensuring the adverse affects of this traffic burden especially at peak driving hours.

And while on the subject, just where **ARE** all these jobs going to materialize from ? Especially during a pandemic, which is showing no signs of going away any time soon.

13-3 | And who is going to be buying, and driving all these electric cars that are proposed ? You think lower income apartment dwellers are going to buying expensive all electric cars ? Give me a break !

13-4 | The residents of our neighborhoods who live close by this development will be living with continuous and prolonged construction zone and delays for extra traffic, home and apartment units under construction, and construction of the additional water and sewer infrastructure that this development will require.

13-5 | Both the types of houses and apartments proposed are unsuitable, and out of place in this location, unless we want Cutten and surrounding neighborhood to look like similar low quality subdivisions in Santa Rosa, and Redding, and all up and down the Central Valley as far as Bakersfield.

13-6 | Don't help turn part of the McKay forest into a neighborhood resembling the suburbs of Fresno or Merced, complete with little strip malls on the corners I ask you to vote to put a stop to this project.

Sincerely

Ken Gregg

**Letter I3 Response**

**Ken Gregg**

June 27, 2020

I3-1	The commenter's introduction and general opposition of the proposed project is acknowledged. The comment does not provide any specific comments or concerns regarding the Draft EIR. See Master Response 1. Specific comments related to subsequent concerns are addressed below as necessary.
I3-2	See Master Response 1 and Master Response 4.
I3-3	The commenter asserted that EV charging stations are unnecessary due to the low-income housing portion of the proposed project. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1.
I3-4	The commenter expressed concerns regarding the prolonged construction impacts that would occur in the are due to the proposed project. The commenter is referred to Section 2.0, Project Description of the Draft EIR, which discusses the phased development of the proposed project. This phased approach to construction of the proposed project would allow for periods of higher intensity construction activities with other periods involving little to no construction activities. Additionally, the construction activities would be spread out within the approximately 81-acre project site, which means that construction activities and associated impacts would also be spread out as the phased development occurs, thus not resulting in any one location being substantially affected by construction. Further, the commenter is referred to the various resource-specific sections in Chapter 3.0 of the Draft EIR, which adequately mitigated construction impacts to a less than significant level.
I3-5	The commenter asserted that the proposed project location is unsuitable and would lead to a low-quality subdivision feel within the Cutten area. The comment does not provide any specifics regarding how or why the location is unsuitable and does not address any environmental concerns contained in the Draft EIR. See Master Response 1.  For general concerns related to the look and feel of the proposed project, the commenter is referred to Section 3.1, Aesthetics, of the Draft EIR which discusses the visual impacts of the proposed project, as well as associated mitigation measure MM AES-1 on page 3.1-5 of the Draft EIR to reduce potential impacts to a less than significant level.
I3-6	The commenter's general disapproval of the proposed project is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; see Master Response 1.



# Letter I4

Brett Gronemeyer

Eureka, CA 95503

June 29, 2020

**Trevor Estlow**, Senior Planner

County of Humboldt

Planning and Building Department, Planning Division

3015 H Street

Eureka, CA 95501

Dear Mr. Estlow,

I4-1 | I am a resident of the City of Eureka who lives on a street often used by Cutten area residents to access Eureka and all points north. I knew my street was a busy when I purchased my home, but I have seen a significant increase due to changes in the traffic patterns over the years that do not appear to have been recognized in the preparation of this project's DEIR document

I4-2 | In Section 3.16.1 Environmental Setting, under the Existing Roadway System, it lists the local roadways serving the project. I find it odd that Harris Street is included, but not many of the streets connecting Walnut Drive to Harris Street. The missing streets are: Chester, Dolbeer, Harrison, Russell, and W. These streets should be included as streets that serve the proposed project as a significant portion of the Average Annual Daily Traffic (AADT) conveyed by these streets originates in the Cutten area.

I4-3 | Under Bicycle Facilities, it is portrayed that existing streets, with a few exceptions, are generally adequate for families and bicyclists of all skill levels. As a local bicyclist, I disagree as many of these streets are used as arterials by Cutten area traffic making it challenging for most adult bicyclists. For example, under pre-COVID-19 conditions, W Street often has vehicles parked on both sides of the street during daytime hours. Because of heavy pedestrian use of the sidewalks, this leaves bicyclists no choice but to ride in the lane. Due to high traffic volumes, it is often difficult for motorists to find sufficient gaps to safely overtake bicyclists, which creates stress for all parties. Similar conditions are present on the other area arterial type streets where Class II bikeways are not present.

It can be argued that the bicycle facilities within Sequoia Park, while they may offer recreational opportunities, are of limited use to commuter bicyclists due to geometrics, terrain, locked gates, and/or deferred maintenance. They should not be included as bicycle facilities in regards to transportation use in this DEIR.

14-4 In Table 3.16-1: Intersection Level of Service Summary - Existing Conditions, I noticed intersections that convey significant volumes of Cutten traffic were not included in the list. These intersections include: Dolbeer at Manzanita, Manzanita at Harrison, Harrison at Chester, and Harrison at Wilson. These 4 intersections should be included in the Study Area because since the mid-2000's a large portion of Cutten traffic has diverted from using W Street and Dolbeer Street north of Manzanita to using Harrison to access Harris Street, greater Eureka, and beyond. The intersection of Harrison and Manzanita should also be studied not only because of increased traffic, but because it is a conventional T-intersection with non-conventional right of way control. Operation of that intersection may deteriorate with the addition of traffic generated by the proposed development.

14-5 In Section 3.16.5, under Mitigation Measures - Alternative Transportation Impacts, It notes pedestrian access and safety within the vicinity is generally adequate, which is surprising based upon the missing sections of sidewalk mentioned in the description of existing conditions in a previous Section (3.16.1). Also, many of the two-way stop controlled intersections (TWSC) identified in the DEIR, and in my comments above, are difficult for pedestrians to cross the non-stop controlled street and could benefit from improvements to increase yielding by motorists.

14-6 In the same part of Section 3.16.5 (Mitigation Measures), I take exception to the part that essentially says because the Humboldt Regional Bicycle Plan does not propose any bicycle facilities within the immediate project area, the (project's) impact would be less than significant. The absence of proposed bicycle facilities in a bicycle plan is not evidence itself that a proposed development would not have significant impacts to the surrounding streets for bicyclists. In addition, Bicycle facilities were in fact proposed by the Bike Plan for Dolbeer and W Streets (as mentioned in the DEIR) which would be used by bicyclists for access between the development and greater Eureka.

14-7 To summarize, my 2 main concerns are: 1) The DEIR did not adequately identify, nor study, all the streets and major intersections that would link the proposed development to Eureka, and 2) The DEIR did not propose any mitigations to improve bicycle and pedestrian facilities to offset impacts caused by the increase in motor vehicle traffic calculated to be generated by the project.

Thank you for the opportunity to comment on this DEIR,

Brett Gronemeyer

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**Letter I4 Response**

**Brett Gronemeyer**

June 29, 2020

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I4-1	See Master Response 1 and Master Response 4.
I4-2	See Master Response 1 and Master Response 4.
I4-3	See Master Response 1 and Master Response 4.
I4-4	See Master Response 1 and Master Response 4.
I4-5	See Master Response 1 and Master Response 4.
I4-6	See Master Response 1 and Master Response 4.
I4-7	The conclusory text is acknowledged. The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR; see Master Response 1.



# Letter I5

**Estlow, Trevor**

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**From:** David Holper <5holpers@sbcglobal.net>  
**Sent:** Wednesday, May 20, 2020 9:06 AM  
**To:** CEQAResponses  
**Subject:** Re: North McKay Ranch

To Humboldt County Planning Commission,

15-1 | In terms of the proposed North McKay Ranch, I attended a public meeting at Cutten School about this development. What struck me is that neither the County nor the Developer offered any solution to the traffic problems such a development would pose to Cutten. As anyone familiar with the neighborhood is aware of, there is already a traffic problem in both mornings and afternoons at the intersection of Walnut and Hemlock/Dolbeer. Adding hundreds of additional residents to this area without remedying this traffic problem will pose significant traffic problems to residents.

15-2 | In addition, in this era of global warming, fire preparedness is essential due to extended fire seasons and drying forests. I would have expected an extensive plan for how to deal with these issues, but again, there was nothing in the proposal to address these concerns.

15-3 | Given these two egregious oversights, I not in support of the plan until these two concerns are addressed.  
At that same meeting, I asked the roughly 30 people in attendance to raise their hands if they were also opposed to this plan. Granted, such a straw poll is not indicative of the total population of the Cutten area; however, almost everyone in the room raised their hand to voice their objection to this proposal. I hope you will keep this public opposition forefront in your minds as you consider going forward with this proposal.

David Holper

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**Letter I5 Response**

**David Holper**

May 20, 2020

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15-1	See Master Response 1 and Master Response 4.
15-2	See Master Response 1 and Master Response 4.
15-3	The commenter's general disapproval of the proposed project is acknowledged. The comment does not provide any further specific comments or concerns regarding the Draft EIR; see Master Response 1.



# Letter I6

6088 Elk River Road  
Eureka, CA 95503  
jerrymartien@gmail.com

29 June, 2020

Attn: Trevor Estlow  
County of Humboldt Planning and Building Department  
3015 "H" Street Eureka, CA 95501  
Phone: (707) 445-7541  
Email: CEQAResponses@co.humboldt.ca.us

Re: North McKay Subdivision Project

Dear Trevor Estlow and Planners,

I6-1 [ The project should be recognized for its departure from the standard subdivision model. However, its specifics—or lack of specifics—tells me that many of the same old planning methods are at work here.

I6-2 [ 0.0 Process. Although I asked more than once to be notified of any change in status of this plan, I received no notice of last year's scoping session and only a few days ago learned that the plan was out for comment.  
Last year's pre-approval and speedy annexation of an 11-acre portion of the project is typical of this practice: years of inaction followed by sudden changes and poorly noticed deadlines. The parcel was for the developer's daughter, I was told by your now retired planner.

I6-3 [ 3.2 Agriculture & Forest. The County has made a token show of concern about CO2 reduction—there's a committee!—but even that effort is not reflected here. The removal of 60 acres of trees will not be mitigated by the payment of \$82.24 per tree. Equivalent restock of forest should be required.

I6-4 [ 3.4 Biological Resources. Roads, crossings, and logging and development on steep slopes will add to the degradation of Ryan Creek. Assurances to the contrary are much like what we've heard in Elk River. Logging and construction on the same soils, same steep slopes, will produce similar results: silt and degradation of water quality and riparian species. The proposed mitigations are not adequate.

I6-5 [ 3.7 Geology. Again, we have some of the same soils in Elk River, get the same assurances. Weasel words like mitigation "where feasible" translate to silt and loss of habitat and water quality. Strike "where feasible" wherever it occurs.

I6-6 [ 3.12 Noise. The plan neglects the issue of noise coming *into* the project area. I'm not certain how clearly the Redwood Acres stock car races will be heard there, but when the wind is right I

I6-6 (Cont.) ↑ hear them several miles farther away. Won't noise and traffic conflicts lead to calls to restrict activities at this popular venue?

I6-7 3.16 Transportation. This has been a glaring deficiency of the project since it was first proposed. Cutten has been developed with little regard to transportation, and traffic and congestion have increased markedly since I lived there 50 years ago. I've complained to HCSD's directors about annexations and urban sprawl and the costs that are now being felt by rate payers, property owners, and anyone even thinking of driving through Cutten. Some of this additional traffic will spill over through Ridgewood and down to Elk River Road, which isn't even mentioned. Mostly I pity those poor souls at rush hour at the intersection of Dolbeer and Harris, waiting for an average of 821.7 seconds at rush hour. At least require better bicycle and pedestrian access and a bus stop nearer than half a mile.

I6-8 3.19 Wildfire. The shortcomings of the traffic plan will go from comic to tragic when the inevitable wildfire comes through the degraded forest left by Green Diamond. The fire plan's inadequacy—bigger numbers on the houses is my favorite—should be obvious to anyone who's recently watched California towns going up in flames. I find no assurance that "consultation" with Cal Fire will result in an adequate plan. They approved the THP's that have left the forest a tinder box just waiting for a spark—which PG&E's transmission lines, as we know, are able to provide. The project should not be approved without specific strategies, including a fuels reduction program and long-term fire readiness plan—In consultation with communities who are presently doing this work. As the plan admits, in its bureaucratic never-mind way: *The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*

I6-9 It's strange that we are making a plan that carries significant risk of injury or death. Aren't such plans often called "premeditated"? Thank you for anything you can do to improve that outcome.

Sincerely,

Jerry Martien

Letter I6 Response

Jerry Martien

June 29, 2020

16-1	The comment noted the proposed project's departure from standard subdivision model, however, expresses concerns related to the lack of specifics in the Draft EIR. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1. Specific comments related to subsequent concerns are addressed, as necessary in this comment below.
16-2	The commenter asserted that they were not notified of the release of the Draft EIR. The Draft EIR was made available for public review starting on May 15, 2020 and June 29, 2020 and a NOC was filed with the OPR to begin the public review period in accordance with PRC Section 21161. The Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as parties specifically requesting a copy of the Draft EIR in accordance with PRC 21092(b)(c). The commenter did not request a copy of the Draft EIR. He was referred to the website for electronic copies and told to contact staff with any questions. Consistent with noticing requirements, public notice was sent to all residents within 300 feet of the proposed project, as well as those requesting notification. In addition, a display ad was placed in the Times-Standard newspaper on Friday, May 15, 2020.
16-3	The commenter asserted that the removal of trees because of the proposed project would not be adequately mitigated with implementation of mitigation through payment of trees. By implementing Mitigation Measure GHG-1, where the purchase of carbon offsets would be paid to the City of Arcata and would fund local conservation projects. Revenue from the City of Arcata carbon offset program help to fund local projects that sequester carbon. Therefore, the carbon sequestration potential lost from the removal of trees at the project site would be reestablished elsewhere on a local scale.
16-4	The commenter asserted that the proposed mitigation for impacts to Ryan's creek are inadequate. The comment is acknowledged, however, does not provide specifics regarding the mitigation in the Draft EIR or how they are inadequate. The commenter is referred to Section 3.4, Biological Resources of the Draft EIR which discusses potential impacts to Ryan's Creek and mitigation, including setbacks and stream stabilization (i.e., Mitigation Measures BIO-7 and BIO-8, respectively), which reduce potential impacts related to Ryan's Creek to a less than significant level.
16-5	The commenter requested that "where feasible" be removed from the mitigation language. The comment is acknowledged. Mitigation measures GEO-1 on page 3.7-10, and HYD-1 on page 3.10-9 of the Draft EIR shall be implemented for the development of the proposed project and are feasible.
16-6	The commenter asserted that the issue of noise coming into the project area, specifically related to the Redwood Acres stock car races, is not discussed in the document. A significant outstanding issue under CEQA is whether the analysis of the impact of existing environmental conditions on a proposed project is required. Since the central purpose of CEQA is to analyze a project's adverse impact on the environment, this issue has been called "CEQA-In-Reverse". In <i>California Building Industry Association v. Bay Area Quality Management District</i> (2015) 62 Cal.4th 369, the California Supreme Court answered this question. The Court ruled that CEQA generally does not require the analysis and mitigation of the impact of existing environmental conditions on a project's future users or residents, except in limited circumstances, such as when a project may exacerbate the existing environmental conditions, such as contributing to air pollution or substantially increasing the ambient noise. The Draft EIR evaluated the proposed project's noise impacts in Section 3.12 Noise and concluded that the proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, accordingly, it would not exacerbate the existing ambient noise conditions. Therefore, the Draft EIR does not require a discussion of the impact of the stock car races on the project.
16-7	See Master Response 1 and Master Response 4.
16-8	The commenter asserted that the wildfire analysis and associated mitigation include a fuel reduction program and long-term fire readiness plan. The commenter is referred to Master Response 3, for a discussion related to the wildfire analysis and associated mitigation in the Draft EIR.



16-9	The conclusory text is acknowledged.
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# Letter I7

**From:** [Estlow, Trevor](#)  
**To:** [CEQAResponses](#)  
**Subject:** FW: Opposition To McKay Tract Development  
**Date:** Monday, June 29, 2020 4:26:12 PM

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Please add this to the McKay DEIR comment folder.  
Thanks.  
-Trevor

**From:** Pamela Maxfield <[humcotherapist@gmail.com](mailto:humcotherapist@gmail.com)>  
**Sent:** Monday, June 29, 2020 4:16 PM  
**To:** Bohn, Rex <[RBohn@co.humboldt.ca.us](mailto:RBohn@co.humboldt.ca.us)>; Estlow, Trevor <[TEstlow@co.humboldt.ca.us](mailto:TEstlow@co.humboldt.ca.us)>; Wilson, Mike <[Mike.Wilson@co.humboldt.ca.us](mailto:Mike.Wilson@co.humboldt.ca.us)>  
**Subject:** Fwd: Opposition To McKay Tract Development

----- Forwarded message -----

From: **Pamela Maxfield** <[humcotherapist@gmail.com](mailto:humcotherapist@gmail.com)>  
Date: Mon, Jun 29, 2020 at 4:07 PM  
Subject: Opposition To McKay Tract Development  
To: <[rbohn@co.humboldt.ca.us](mailto:rbohn@co.humboldt.ca.us)>

To Rex Bohn:

- 17-1 | I am not feeling very articulate, so I am endorsing the letter below, written by Ken Greg. I feel very strongly about this.
- 17-2 | I am writing to express my STRONG disapproval to the suitability of the proposed McKay Ranch subdivision, and I speak for many others in my Cutten neighborhood. Simply put, it's the wrong size project, in the wrong neighborhood, and at the wrong time. The size of this development will lead to traffic demands on our local streets that they are not designed for, and the impact of another 2,000 to 3,000 vehicles on that street system cannot be mitigated. At peak hours, it will severely affect access to many of our local streets, and roads. That same traffic will seriously impact the availability of parking at our local markets, pharmacies, commercial services, as well as the hospital, and the many medical service complexes, and offices in our Cutten and N. Eureka neighborhoods. Most of the current, major employment sources are found miles away, ensuring the adverse affects of this traffic burden especially at peak driving hours. And while on the subject, just where ARE all these jobs going to materialize from for the people buying these houses and renting these apartments ? Especially during a pandemic, which is showing no signs of going away any time soon. And are all these apartment dwellers the ones that are going to be driving all these all electric cars ? The residents of our neighborhoods who live close by this development will be living with continuous and prolonged construction zone and delays for extra traffic, home and apartment units under construction, and construction of the additional water and sewer infrastructure that this development will require. Both the types of houses and apartments proposed are out of place in this location, unless we want
- 17-3 |
- 17-4 |
- 17-5 |

17-5

(Cont.)

↑ Cutten, and surrounding neighborhoods with this type of subdivision, to look like similar low quality subdivisions in Santa Rosa, and Redding, and all up and down the Central Valley as far as Bakersfield. And I haven't heard either you , or the developer, step up and offer any potential solutions to any of these problems.

Your plan will turn part of our home into the kind of ugliness that one sees established in the suburbs of Fresno or Merced, complete with ugly, little strip malls on the corners.

I am asking you to put a stop to this atrocity created by irresponsibility and greed.

Pamela Maxfield  
(707) 443-4715

**Letter I7 Response**

**Pamela Maxfield**

June 29, 2020

17-1	The commenter's introduction and general opposition of the proposed project is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; see Master Response 1. Specific comments related to subsequent concerns are addressed, as necessary in this comment below.
17-2	See Master Response 1 and Master Response 4.
17-3	The commenter questioned whether the residents of the apartment are expected to use electric vehicles. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1.
17-4	The commenter expressed concerns regarding the prolonged construction impacts that would occur in the are due to the proposed project. The commenter is referred to Section 2.0, Project Description of the Draft EIR, which discusses the phased development of the proposed project. This phased approach to construction of the proposed project would allow for periods of higher intensity construction activities with other periods involving little to no construction activities. Additionally, the construction activities would be spread out within the approximately 81-acre project site, which means that construction activities and associated impacts would also be spread out as the phased development occurs, thus not resulting in any one location being substantially affected by construction. Further, the commenter is referred to the various resource-specific sections in Chapter 3.0 of the Draft EIR, which adequately mitigated construction impacts to a less than significant level.
17-5	<p>The commenter asserted that the proposed project location is unsuitable and would lead to a low-quality subdivision feel within the Cutten area. The comment does not provide any specifics regarding how or why the location is unsuitable and does not address any environmental concerns contained in the Draft EIR; see Master Response 1.</p> <p>For general concerns related to the look and feel of the proposed project, the commenter is referred to Section 3.1, Aesthetics, of the Draft EIR which discusses the visual impacts of the proposed project, as well as associated mitigation to reduce potential impacts to a less than significant level. The proposed project would incorporate applicable local design guidelines into the final development plan and development standards for each phase, thus ensuring an aesthetically compatible development that is consistent with surrounding areas.</p>



# Letter I8

Linda Perata (Homeowner)  
Dolbeer Street  
Eureka, CA 95501

To: Trevor Estlow, Senior Planner  
County of Humboldt Planning and Building Department, Planning Division  
3015 H Street, Eureka, CA 95501  
[CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)

Cc: Rex Bohn, 1<sup>st</sup> District Supervisor

June 29, 2020

Dear Planning Commission:

I8-1 | I am writing to express some of my concerns regarding the North McKay Ranch Subdivision Project. I am a new resident to Eureka who recently purchased a home on Dolbeer between Russ and Wood Streets. Upon learning about the McKay Project recently and its sizeable scope, I knew that I wanted to voice my concerns with the other residents that are equally concerned with this project.

Some of my concerns in reviewing the DEIR are as follows:

I8-2 | 1) The negative and profound impact this project will have on the existing wetlands (a portion that will be filled), on its wildlife including special species of fish, nesting birds and other existing species. A major concern is that it is apparent disturbances to the ecosystem and displacement of wildlife is unavoidable by the McKay Project.

I8-3 | 2) The negative impact this project will have relating to the aesthetics and the viewshed in the area. One of the striking and unique features of Eureka is the surrounding natural beauty of the redwood forested areas and something that has personally attracted me to this area. It would be a shame to see 81 acres of these beautiful and majestic redwoods torn down and destroyed; ruining the beautiful viewshed and aesthetics of the area.

I8-4 | 3) The negative impact as it relates to increased traffic on the roads in the area that are already overtaxed. I am concerned about the unavoidable increase of air pollution with the addition of hundreds of vehicles on our roads and how this adversely affects traffic safety and negatively impacts walkability in the area.

18-5

4) The health risks of noise pollution and air quality during construction. I am concerned about how this will affect the health and wellbeing of nearby residents to this project who will be dealing with noise and dust during the next 20 years of construction.

18-6

5) The reduction of home values and property tax increases. How will this project affect property values and taxes? Will low income housing in this project lower existing property values? Will there be increased utility bills to support the infrastructure needed for this project?

18-7

I am not opposed to development that will meet the demands of housing needs, but I believe the McKay Project is not a fit for our unique area. Loss of valuable surrounding natural beauty, wildlife, and increased risks to the health and safety of its residents are too great a price to pay for such a project. I sincerely hope the Planning Commission would consider a better way, that could satisfy growing housing needs while serving what is best for all the community.

Thank you,

Linda Perata

**Letter I8 Response**

**Linda Perata**

June 29, 2020

18-1	The commenter provided general concerns regarding the proposed project but did not address any specific environmental concerns; see Master Response 1. Specific comments related to subsequent concerns are addressed, as necessary in this comment below.
18-2	The commenter stated that the proposed project would have impacts to the existing wetlands and displacement of wildlife. Section 3.4, Biological Resources of the Draft EIR discusses potential impacts and associated mitigation measures that would be implemented to reduce impacts to wetlands and wildlife.
18-3	The commenter expressed concerns related to the change in the viewshed of the area as a result of the proposed project. Section 3.1, Aesthetics of the Draft EIR analyzes the potential impacts related to changes in the viewshed as a result of the proposed project. Impacts related to changes in the viewshed were determined to be less than significant with mitigation incorporated. In addition, as noted on page 2-1 of the Draft EIR, approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee.
18-4	See Master Response 1 and Master Response 4.
18-5	The commenter expressed concerns related to noise pollution and air quality during construction. Section 3.3, Air Quality, and Section 3.12, Noise of the Draft EIR discuss construction related impact of air quality and noise, respectively. Mitigation measures are included in these sections to address air quality emissions (MM AIR-1), and noise (MM NOI-2 through NOI-4) from construction and were found to have a less than significant impact with inclusion of these mitigation measures.
18-6	<p>The commenter expressed concerns related to reduction of home values and increases in property taxes. Concerns related to property values are not within the scope of CEQA, as CEQA is related to environmental issues. Pursuant to the CEQA Guidelines, a discussion on property taxes is considered an economic and social impact, and under CEQA, the term 'environment' means the physical conditions that exist within the area which would be affected by a project (PRC Section 21060.5).</p> <p>CEQA Guidelines Section 15064(e) provides that economic and social changes (such as property value) resulting from a project shall not be treated as significant effects on the environment (see also CEQA Guidelines Sections 15358(b), 15064(e), and 15382). As a result, evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment do not provide substantial evidence of a significant impact that require analysis under CEQA.</p>
18-7	The conclusory text is acknowledged.



# Letter I9

**From:** [Estlow, Trevor](#)  
**To:** [CEQAResponses](#)  
**Subject:** FW: McKay development  
**Date:** Tuesday, June 23, 2020 9:34:20 AM

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Please file this with the other comments.

Thanks.

-Trevor

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**From:** Cindy Shepard <Cindy.Lu.Who@outlook.com>  
**Sent:** Monday, June 22, 2020 5:43 PM  
**To:** Estlow, Trevor <TEstlow@co.humboldt.ca.us>  
**Subject:** McKay development

I want to add my voice to those who are protesting this development.

We are in a stagnant economy locally and our population is very stable. We have empty buildings all over town. We do not need more housing (with the exception of low income housing).

What we DO need is our green belt areas. Growing up in Eureka, there were redwood trees all over. They are mostly gone now. We need to preserve our green areas for cleaner air, wildlife, and to help prevent the effects of global warming.

If we needed housing, if our economy was booming and our population growing, then this project might fulfill a need. But under our current socio-economic status, the only purpose this project serves is to put money in the hands of the developers.

Please respect our green belt areas and refuse this project.

Cynthia L. Shepard  
Eureka, CA

she/her

preferred method of communication: email

I9-1

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**Letter I9 Response**

**Cynthia Shepard**

June 22, 2020

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I9-1	The comment includes a general disapproval of the proposed project and requested that green belt areas be preserved; see Master Response 1. As noted on page 2-1 of the Draft EIR, approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. Section 3.1, Aesthetics, of the Draft EIR analyzes the potential impacts related to changes in the viewshed because of the proposed project. The commenter expresses opposition to the proposed project and urges the county to deny the proposed project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
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**Letter I10**

**Alicia Sidebottom**

2222 Home drive  
Eureka Ca 95503  
707-444-2527  
asidebottom1@gmail.com

June 24, 2020

County of Humboldt

Dear Planning Commisioners,

I10-1 | This letter is to express my household’s disagreement with the planned North McKay Ranch Subdivision . We have many objections based on science and economics that include environmental impacts to our area and the City of Eureka.

I10-2 | These objections are the increase in traffic without the infrastructure to handle the inflow,The increased taxes for property owners as well as decrease in value, Possibilities of Forest Fires,increase in destruction of our Natural resources ( Specifically our forest and the creatures who live there),increase noise ,and increase of crime with the in flow of population. I also feel it will lead to forced incorporation into the city limits of Eureka to provide the infrastructure for the constituents. This is outlined in the EIR and other proven evidence. The impacts should be included in the outcome of the decision and the impact on the current residents should be considered before the want of a contractor.

I10-3 | There is housing available ( varied price and vacancy) in the Cutten Ridgewood area and by building would cause excess of empty rentals and residents. There is no benefit to allowing the developer to move forward with the project besides personal economic gain, lacking benefits for the community at large.Excessive amounts of Retail space is available in and around Eureka that is not being utilized and is going to blight. It would be disastrous to build more space for nonexistent business. The effort should be directed towards the rebuilding of the community we already have .

I10-4 | As a home owner and long time resident of Cutten I am Strongly Opposed to the Development of the North McKay Ranch Subdivision.

I10-5  
(Cont.)

↑ We bought our home here twenty-two years ago with the future of being residents in a small forested suburbs but this development is forcing us to live in a community where profits of an individual are considered before the benefit of the whole. Please Vote No to the Development of the North McKay Ranch Subdivision

Sincerely yours,

Alicia Sidebottom

**Letter I10 Response**

**Alicia Sidebottom**

June 24, 2020

I10-1	The commenter expressed general concerns regarding the proposed project. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1. Specific comments related to subsequent concerns are addressed below as necessary.
I10-2	The comment includes concerns related to traffic, property taxes, wildfires, natural resources, noise, and crime rates. Environmental concerns about traffic, noise, wildfires, natural resources, and noise are discussed in the applicable resource sections in Chapter 3.0 of the Draft EIR and Partial Recirculation Draft EIR. Where applicable, mitigation is required. Property taxes is not an environmental concern and is not covered under CEQA. CEQA Guidelines Section 15064(e) provides that economic and social changes (such as property value) resulting from a project shall not be treated as significant effects on the environment (see also CEQA Guidelines Sections 15358(b), 15064(e), and 15382). As a result, evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment do not provide substantial evidence of a significant impact that requires analysis under CEQA.
I10-3	The commenter asserted that the proposed project would lead to forced incorporation into the city limits of Eureka. The Draft EIR does not state that the project site would be annexed into the City of Eureka. In addition, the project site does not lie in the City of Eureka’s Sphere of Influence. As noted in the Draft EIR, page 2-1, the proposed project would require annexation into Humboldt Community Services District for the provision of utilities.
I10-4	The commenter raised concern regarding excessive housing and existing underutilized commercial spaces. As noted on page 3.13-9 of the Draft EIR, the proposed project would provide up to nine percent of the housing stock required under the County’s Regional Housing Need Allocation.
I10-5	The commenter provided conclusory text and general disapproval of the proposed project. See Master Response 1.



# Letter I11

**From:** [Meg Stofsky](#)  
**To:** [CEQAResponses](#)  
**Cc:** [Wilson, Mike](#)  
**Subject:** McKay Development  
**Date:** Saturday, June 27, 2020 2:28:07 PM

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To: Trevor Estlow, Senior Planner  
County of Humboldt  
Planning and Building Department, Planning Division

From: Margaret (Meg) Stofsky

Home owner at 2534 Manzanita Ave.

Eureka, CA 95503

Dear Planning Commission:

I11-1 | I am writing to you as one of many homeowners that will be negatively affected by the proposed McKay Forest development project. My biggest concern echoes the concerns of CAL Fire about the significant risk of fire posed by the project. This fact could make it hard or impossible to get fire insurance for our house and property, with sits next to the McKay forest. The proposal and current topographic environment at the Manzanita cul-de-sac make it a virtual tinderbox, without adequate infrastructure to prevent total loss to the already existing homes (more than 30). This level of risk is totally unacceptable to impose on those of us who live here now!

I11-2 | In addition, the McKay Community Forest will be reduced to 21 acres, a ridiculously small amount for what is billed as a community asset!

I11-3 | I also have concerns for road safety, which has already been negatively affected at the intersection of Manzanita and Harrison, which we have previously brought to the attention of Supervisor Mike Wilson. When I am driving home, I frequently have cars almost rear-end my car when I have to come to a stop at the top of Harrison in order to safely make a left onto Manzanita to get to my house. There is no stop sign and I cannot see cars coming from the right, down Manzanita until I get into the middle of the where the two streets intersect. Most people driving up Harrison are going to turn right at the top where it sharply curves right and intersects with Manzanita, so they don't even slow down. Moreover, from the opposite side of where Manzanita (off Dolbeer) intersects with Harrison, there is no stop sign to slow cars down, the majority of which make a left onto Harrison. It just dangerous and there are no provisions in the current plan to mitigate any of these issues.

I11-4 | Finally, I have concerns about the fact that the housing market and general economic slowdown due largely but not entirely to COVID-19 make this a very risky plan for this time and place. The single family homes that have recently been built on the Manzanita cul-de-sac were going for more than \$400,000. Eureka certainly needs affordable housing but the median income of the population does not support the cost of a mortgage on \$400000 homes! There has been ample publicity, even before COVID-19, about the huge loss of small businesses in recent months and there is nothing in the projections for the economic outlook that suggests there will be jobs and businesses to support the people and families that supposedly will buy the proposed 300+ houses and multi-family dwellings. Nor are there any plans to get more

111-4 ↑ funds to the already badly underfunded and understaffed school district and social services  
(Cont.) ↓ network for the influx of children and families that might result should this plan go through.

111-5 ↑ I ask that the Planning Commission reject this project as proposed, unless the developer  
↓ radically reduces its scope and radically improves its negative impact.

Sincerely,

Margaret (Meg) Stofsky

**Letter I11 Response**

**Margaret Stofsky**

June 27, 2020

I11-1	The commenter expressed concerns related to wildfires. Refer to Master Response 3 in Section 2.0, for a discussion related to the wildfire analysis and associated mitigation in the Draft EIR.
I11-2	The commenter asserted that the McKay Community Forest will be reduced by 21 acres as a result of the proposed project. The proposed project area is currently zoned as Residential One-Family (R-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). Under the proposed project the site would be rezoned to R-1, R, GO, Apartment Professional, and Neighborhood Commercial (C-1) with a P overlay. Additionally, as discussed in Section 2.1.2 of the Draft EIR, the project site has historically been used for timber harvesting activities under the McKay Tract timber properties and has not been part of the McKay Community Forest. Further, as shown in the recent McKay Community Forest Property Acquisition, the project site is not currently included, nor is it planned for future inclusion, into the McKay Community Forest (Humboldt County 2020). However, as discussed in Section 2.0 of the Draft EIR, the project would include 21.73 acres of permanent open space as well as trail connections to the McKay Community Forest which would allow for recreational opportunities around and to the McKay Community Forest area.
I11-3	See Master Response 1 and Master Response 4.
I11-4	The commenter expressed concerns regarding the need for the project with the economic downturn in the area. As noted on page 3.13-9 of the Draft EIR, the proposed project would provide up to nine percent of the housing stock required under the County's Regional Housing Need Allocation. Additionally, the commenter is referred to Section 3.14, Public Services of the Draft EIR, which discusses payment of development fees for school facilities (i.e. Mitigation Measure PS-1 on page 3.14-12 of the Draft EIR).
I11-5	The commenter provided conclusory text and general disapproval of the proposed project. The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR, see Master Response 1.



# Letter I12

**From:** [melinda.walsh@att.net](mailto:melinda.walsh@att.net)  
**To:** [CEQAResponses](#)  
**Cc:** [testlow@co.humboldt.ca.us](mailto:testlow@co.humboldt.ca.us)  
**Subject:** North- McKay Ranch Subdivision COMMENTS ON DEIR  
**Date:** Monday, June 29, 2020 4:18:52 PM

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I12-1 | Hello, my name is Melinda Walsh, a property owner at the corner of Arbutus and Cedar St, Eureka CA, additionally a property owner on Excelsior Rd.

I12-2 | First the size of the DEIR is overwhelming and it is highly disappointing that no public meeting was held considering the magnitude of this project.

I12-3 | Second, due to the size of the project the County of Humboldt has not designated a sufficient volume of staff to assist the public with answering questions related to this DEIR.

Since there is no public meeting will you please confirm to me the receipt of my input?

1. Appendix H is deficient, there has been no study done that reflects the impact of this additional traffic to vehicles turning South out of the subdivision. In addition I do not believe that Exhibit H can be relied on to be accurate, as some of the dates of the timing plan appear to have occurred when Cutten school was in parent conference week.

On page 11 Appendix H the reports states 20 percent to/from traffic will flow south to southwest via Walnut.  
20% of 2,879 is 576 trips.

I12-4 | The intersections that were studied highly focused on vehicles turning right out of the proposed subdivision toward the City of Eureka; however for vehicles turning left (south) there is no consideration and no intersections were studied as to where those 576 trips south would travel.

**There must be a study done for the intersections of: Walnut/Holly, Holly and Excelsior, Excelsior and Fern, Walnut and Campton, and Campton by Grant School, as well as how traffic will be impacted at H and Harris Street, then of course the additional vehicles that will travel down "I" Street to downtown Eureka.**

There is no way the intersections mentioned above will work with an additional 576 trips.

In addition I question the findings on page 11 of Appendix H related to the number of vehicles that will be turning north out of

the subdivision versus turning south, as all intersections north, will soon be far too congested.

I12-4  
(Cont.)

**The increased traffic must be further mitigated, and the best part of the traffic needs to be able to flow directly from the subdivision to Harris St.**

**This may mean that additional land may have to be acquired to accomplish the project, yet it could occur.**

It is not good planning to rely on the existing roadways for this project, these existing roadways that will be impacted already include public schools ( a total 5) and a public park. For the safety of pedestrians this additional proposed traffic is not acceptable.

I12-5

**2.Alternatives, I believe the alternatives considered are deficient. No alternative has been mentioned for most of the traffic to flow from the subdivision to Harris St, this would relieve many concerns related to the current property owners in the "Cutten Area"**

3. If the majority of the traffic cannot leave the subdivision than I would like to see an alternative, with few structures built to limit the impact of traffic and the negative impact this additional development will have on landowners in the Cutten Area.

In Summary:

I12-6

1. Appendix H is not reliable due to not enough intersections studied, and the data compilation seems to be flawed.
2. Not enough consideration has been given to the 5 schools, baseball fields, public park that generate pedestrian traffic as well as the current volume of traffic.
3. Streets will need to widened, additional stop signs, or traffic signals will be required, in addition to what is mentioned in the DEIR.
4. The subdivision needs to find a direct access to Harris Street directly from the subdivision.
5. For the most part, this subdivision will not provide "affordable" housing, the house costs will be too high for many of our community first time home buyer.
6. The project is too large for the existing roads, even with mitigation, an additional route out of the subdivision must be established.

Sincerely,

Melinda Walsh

Office Address: 614 Harris St Eureka CA 95503 Phone 707-443-9930

**Letter I12 Response**

**Melinda Walsh**

June 29, 2020

I12-1	The commenter's introduction is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary. Specific comments related to subsequent concerns are addressed below as necessary.
I12-2	<p>The commenter expressed concerns over the size of the Draft EIR and the lack of a public meeting. Although Section 15141 of the CEQA Guidelines (14 CCR Section 15141) states that the text of a draft EIR should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages, this must be weighed in conjunction with Section 15151 of the CEQA Guidelines (14 CCR Section 15151) which states that an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. Due to the ever-expanding regulatory context, CEQA case law, technical modeling complexity, and amount of information required to develop a sufficient degree of analysis for decision makers and the public to make informed decisions, draft EIR's may exceed 150 pages or even 300 pages for complex projects. The Draft EIR for the proposed project was written in plain language and complies with the CEQA-prescribed level of technical detail (14 CCR Section 15147) while placing the bulk of the technical background information in the appendices of the document. This ensured a streamlined Draft EIR, with the appropriate evidence to support the conclusions and inform decision makers.</p> <p>Additionally, public hearings may be conducted, but are not required, as part of public review of a Draft EIR (14 CCR Section 15087(i)). The Draft EIR was released for public review and input pursuant to the CEQA Guidelines (14 CCR Section 15105) from May 15, 2020 through June 29, 2020. Additionally, a public scoping meeting was held on June 13, 2019 during the release of the NOP, pursuant to Section 15082(c)(1). Furthermore, due to changing regulatory requirements regarding the assessment of VMT impacts, a PR Draft EIR was circulated for public comment between October 18, 2021 and December 1, 2021.</p>
I12-3	The commenter asserted that due to the size of the Draft EIR, additional County staff should be made available to answer questions. Additionally, the commenter requests confirmation of receipt of the comment. The commenter was provided confirmation of receipt of email on June 30, 2020 during a phone call to discuss the project. During this call, additional questions were answered. County staff is available via phone or email during normal business hours. Questions regarding the proposed project specifically can be directed to Desmond Johnston via the contact information contained within Section 1.3 of the Partial Recirculation Draft EIR.
I12-4	The comment asserted that Appendix H in the Draft EIR is deficient and needs to account for vehicles turning south out of the subdivision and questions the adequacy of the dates used Exhibit H of Appendix H. This comment is superseded by the Partial Recirculation Draft EIR. See Master Response 1 in Section 3.0.
I12-5	<p>The commenter questioned the adequacy of the alternatives discussed and requested that an alternative with reduced units and an alternative with traffic flowing to Harris Street be discussed and analyzed in the Draft EIR. In accordance with CEQA Guidelines (Section 15126), the Draft EIR developed a reasonable range of alternatives which could attain most of the basic objectives of the Project, considered alternatives which could reduce or eliminate any significant environmental impacts, and evaluated the comparative merits of the alternatives. CEQA does not require an EIR to consider any particular number of alternatives, nor does it mandate certain types of alternatives. CEQA also, does not require that any particular alternative be analyzed, even if a specific, proposed alternative was submitted for agency consideration. "The range of alternatives required in an EIR is . . . to set forth only those alternatives necessary to permit a reasoned choice" regarding the proposed project. (CEQA Guidelines Section 15126.6(f)). This range is determined, in part, by the particular scope and purpose of the project under review.</p> <p>As discussed in Section 5.4, Alternatives Considered, in the Draft EIR, three alternatives were considered; the No Project alternative, the Site Plan Redesign Alternative, and the Reduce Density Alternative. Both the Site Plan Redesign Alternative and the Reduced Density Alternative include a reduced number of units analyzed. It was determined, based on this analysis, that the Reduced Density Alternative is the environmentally superior alternative, however final approval of the</p>



	<p>proposed project or any alternative would be subject to review and approval by the Planning Commission and Board of Supervisors during the certification hearing of the EIR.</p>
I12-6	<p>The conclusory text and summary of comments is acknowledged. This comment is superseded by the Partial Recirculation Draft EIR. See Master Response 1 in Section 3.0. Additionally, the commenter asserted that the proposed project will not provide affordable housing. A discussion on costs is an economic and social topic that is not considered as part of CEQA requirements as CEQA requires a discussion on environmental concerns (14 CCR Section 15132 and PRC Section 21060.5). Further, the CEQA Guidelines state that economic or social information may be included in an EIR in whatever form the agency desires; however, economic or social effects of a project shall not be treated as significant effects on the environment (14 CCR Section 15131(a)).</p> <p>The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary. Concerns related to specific comments have been addressed in the previous comments within this letter, accordingly.</p>
<b>Letter I13</b>	
I13-1	<p>The commenter provided general concerns related to impacts to wildlife as a result of the proposed project. Refer to Section 3.4, Biological Resources, of the Draft EIR which discussed potential impacts to species including plants, wildlife, and associated habitats, as well as mitigation that would reduce potential impacts to biological resources to a less than significant level. Further, any additional mitigation or protection for species or habitat may be required during the regulatory permitting process, which would be subject to review and determination by the applicable agencies.</p>



# Letter I13

**From:** [Estlow, Trevor](#)  
**To:** [CEQAResponses](#)  
**Subject:** FW: McKay Ranch  
**Date:** Monday, June 29, 2020 8:15:00 AM

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Please add this to the McKay DEIR comment folder.

Thanks.

-Trevor

**From:** ann White <steppy999@gmail.com>  
**Sent:** Monday, June 29, 2020 12:58 AM  
**To:** Estlow, Trevor <TEstlow@co.humboldt.ca.us>  
**Subject:** McKay Ranch

I13-1

I object to the McKay Ranch project. This project is harmful to wildlife. The McKay Ranch property is important to the Spotted Owl and Coho salmon as well as many other species of wildlife. Native Bees, Butterflies and insects. The McKay Ranch is a protective buffer zone for the adjoining forests. The project will not only displace native plants and animals it will ruin the very reason that we all live here. Our forests and open spaces are what set us apart from all the overcrowded cities in California. I object to the McKay Ranch development. ANN WHITE

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**Letter I13 Response**

**Ann White**

June 29, 2020

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I13-1	The commenter provides general concerns related to impacts to wildlife as a result of the proposed project. Refer to Section 3.4, Biological Resources, of the Draft EIR which discusses potential impacts to species including plants, wildlife, and associated habitats, as well as mitigation that would reduce potential impacts to biological resources to a less than significant level. Further, any additional mitigation or protection for species or habitat may be required during the regulatory permitting process, which would be subject to review and determination by the applicable agencies.
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## 3.0 COMMENTS AND RESPONSES TO THE PARTIAL RECIRCULATION DRAFT EIR

### 3.1 LIST OF COMMENTERS

A list of public agencies, organizations, and individuals that provided comments on the Partial Recirculation Draft EIR (PR Draft EIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so that comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

**Table 3-1 List of Commenters**

Commenter(s)	Comment Date	Commenter Number
<b>State Agencies</b>		
Jesse Robertson, California Department of Transportation (CalTrans), District 1	December 1, 2021	Letter A1
Lori Schmitz, California Water Quality Control Board	October 25, 2021	Letter A2
Matthew Marshall, Redwood Coast Energy Authority	December 1, 2021	Letter A3
Beth Burks, Humboldt County Association of Governments	December 1, 2021	Letter A4
Colette Santsche, Humboldt Local Agency Formation Commission	December 1, 2021	Letter A5
<b>Organizations</b>		
Colin Fiske, Coalition for Responsible Transportation Priorities Tom Wheeler, Environmental Protection Information Center (EPIC) Jennifer Kalt, Humboldt Baykeeper	November 11, 2020 <sup>1</sup>	Letter O1
<b>Individuals</b>		
Claire Brown	November 15, 2021	Letter I1
Daniel Chandler	November 15, 2021	Letter I2
David Holper	October 15, 2021	Letter I3
Elyse Kelly	October 18, 2021	Letter I4
Emily Morris	November 18, 2021	Letter I5
Jerry Martien	December 1, 2021	Letter I6
Nancy Ihara	November 15, 2021	Letter I7

<sup>1</sup> Date on letter is November 11, 2020, but it was received in 2021 for the Partial Recirculation Draft EIR.



Commenter(s)	Comment Date	Commenter Number
Patrick Carr	December 1, 2021	Letter I8

### 3.2 COMMENTS AND RESPONSES

This chapter includes the written comments received during DEIR comment periods and the County responses to significant environmental information raised by those comments (CEQA Guidelines, 14 CCR § 15132). Written comments are organized and grouped by affiliation of the commenter: State, Regional, and Local Agencies and Tribes, Organizations, and Individuals. The written comments received were annotated in the margin according to the following organization and grouped with the corresponding response as follows:

- Agencies Comment Letters and Responses: A#-1, 2, 3, 4, 5
- Organization’s Comment Letters and Responses: O#-1
- Individuals’ Comment Letters and Responses: I#-1, 2, 3, 4, 5, 6, 7, 8

In addition, master responses to comments raised in multiple comment letters on the PR Draft EIR have been prepared to address comments related to general issues that are common throughout several comment letters. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue are addressed in a coordinated, organized manner in one location. This reduces repetition of responses. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross reference to the appropriate master response. For example, if a comment identifies a question concerning vehicle miles traveled (VMT), the response will include the statement, “refer to Master Response-1.”

Numerous comments covered similar issues, particularly with regards to VMT, and multimodal transportation improvements. To reduce repetitive responses, this document includes a “Master Responses to Comments” specifically focusing on the above noted concerns raised through the PR Draft EIR public review.

#### Master Responses

#### Master Response 4 – Transportation – Level of Service, Vehicle Miles Traveled Methodology, Multimodal Transportation, Bicycle Lanes, Transit, Transportation Demand Management

##### Level of Service

Several commenters questioned the discussion of Level of Service (LOS) in the Partial Recirculation Draft EIR and stated that LOS is not an environmental impact.

LOS was not evaluated as an environmental impact under CEQA, the LOS discussion in Section 3.11, Land Use and Planning was an evaluation of General Plan consistency with adopted County General Plan policies. Similarly, in Section 3.16, Transportation, LOS is discussed in terms of General Plan consistency.



The Partial Recirculation Draft EIR specifically notes that LOS is no longer an environmental impact under CEQA in Section 1, Introduction. There are no mitigation measures being implemented under CEQA that address LOS. Proposed circulation improvements are being implemented as conditions of approval for General Plan consistency. This is like other conditions of approval that may be implemented outside of CEQA to ensure consistency with County goals and policies.

### Vehicle Miles Traveled (VMT) Methodology

Numerous comments were received during the public review period of the Partial Recirculation Draft EIR regarding the VMT methodology and the use of County-wide averages for determining VMT impacts.

As discussed in Section 3.16, Transportation of the Partial Recirculation Draft EIR and Appendix K VMT Assessment, the evaluation followed the guidance provided by the Governor's Office of Planning and Research (OPR) in its Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). OPR's Technical Advisory recommends methodologies for quantifying VMT, significance thresholds for identifying a transportation impact, and screening criteria to quickly identify if a Project can be presumed to have a less than significant impact. Lead agencies are to adopt local guidelines appropriate for their jurisdiction. Although the County released proposed VMT Screening Criteria and Thresholds of Significance in August 2020, those thresholds have yet to be finalized. As such, the VMT analysis for project was prepared in accordance with OPR's Technical Advisory guidance.

Under OPR's recommendations, lead agencies have the discretion to set or apply their own thresholds of significance or rely on thresholds recommended by other agencies.

Each land use type within the project was evaluated under OPR's guidance. According to OPR's Guidance, local-serving retail of less than 50,000 square feet can be presumed to have a less than significant impact; the project would develop 22,000 square feet of commercial uses.

The VMT threshold for residential uses was determined in accordance with OPR's Guidance. For residential uses, the project's home-based (HB) VMT per capita is to be compared against an appropriate baseline, which for this analysis, the regional/Humboldt County VMT plus a 15% reduction was used as the threshold as used since the project is located in the unincorporated community in the Humboldt County. For the Project's residential component, the HB VMT per capita is 5.3. For this project's analysis, the regional area is defined as the entirety of Humboldt County. The average regional HB VMT per capita for Humboldt County is 10.8 VMT per capita based on the CSTDM data. Consistent with the Technical Advisory, a 15% reduction is applied to existing conditions, resulting in a regional threshold of 9.2 VMT per employee. Since the Project's HB VMT per capita of 5.3 is less than the regional area threshold of 9.2 HB VMT per capita, the Project's residential component would have a less than significant impact on VMT.

In summary, in the absence of a formally adopted VMT threshold for the County, the County relied on OPR as an expert agency to screen and evaluate the project in accordance with OPR's Technical Advisory.

Based on the analysis in Section 3.16 in the PR Draft EIR, the proposed project was found to result in a less than significant impact on VMT.



## Multimodal Transportation

There were many comments regarding the project's impact on bicycle and pedestrian facilities. The Regional Bicycle Plan does not propose any bicycle infrastructure within the project site but includes proposed improvements in the vicinity of the project site. The proposed project would not impede the development of bicycle lanes within the vicinity of the project site. Those bicycle lanes would be developed by the applicable jurisdictions in coordination with HCAG and other cooperating agencies.

### Addition of Bicycle Lanes

At the time that the County proposed adding Class II bike lanes to Harris Street, the County contacted the City of Eureka to coordinate an effort with the City to extend the bike lanes west of Harrison Avenue. The City was able to install class II bike lanes on Harris Street from S Street to I Street due to the width of the road. However, the stretch of Harris Street from S Street to Harrison Avenue has a narrower road that would necessitate removing parking from one side of the road in order to accommodate Class II bike lanes. Based upon opposition from the community, the City Council opted to establish a Class III bike route with sharrows painted on the roadway. At such time as the City chooses to eliminate parking from one side of the road, Class II bike lanes can be installed.

This stretch of road also contains a significant dip which requires significant exertion for bikes to climb. Many bikes use Hodgson Street and Chester Street to bypass this dip.

The City and County currently have a good working relationship for coordinating projects and the County intends to continue supporting this effort as it creates better projects and saves the taxpayers money.

As funding becomes available, the County works towards implementing bike lanes. The County prefers to time the installation of bike lanes when roads are resurfaced or slurry sealed as it reduces installation costs of not needing to grind off any existing striping in order to install the bike lanes.

The project's conditions of approval (COA) include the construction of offsite improvements to Arbutus Street and Redwood Streets to add infill sidewalks and bicycle lanes. Additionally, an in-lieu traffic signal at Walnut/Arbutus is a COA that will connect V Street through to Arbutus Street. This will then connect Arbutus Street west of Walnut Drive to the existing traffic signal at Walnut and Fern.

The project will also be conditioned to include bicycle racks at the multi-family housing development that do not have garages.

### Transit

Transit will be provided by other agencies. As growth occurs, the transit agency determines where new stops should be added. Requiring transit stops ahead of growth may not be supported by the transit providers. Discussions with the transit providers about where future stops may be needed is planned. This would potentially allow for those stops to be reserved/improved in as part of the project in anticipation of future use.



## Transportation Demand Management

The County has not adopted an official transportation demand management program. However, the proposed project does implement measures that reduce solo-occupant vehicular trips. These measures include, but are not limited to, the following: construction of off-site sidewalks to provide non-vehicular connectivity to the existing sidewalks on Walnut Avenue; construction of off-site bicycle lanes to provide non-vehicular connectivity to the existing bike lanes in Walnut Avenue; construction of on-site trail connections to the McKay Community Forest which will provide non-vehicular connectivity to existing Harris Street bike lanes and sidewalks once constructed. Within the project boundary, the proposed project will be constructing sidewalks on all roads and bike lanes on Redwood Drive and Arbutus Street.

In addition, the project's location is consistent with VMT goals due to its proximity to a grocery store, veterinary clinic, gasoline station, gym, post office, restaurants, elementary school, middle school, and other retail services as well as transit lines, and bicycle lane facilities. These destinations are located within a quarter mile of the project's boundary.

The project also proposes approximately 22,000 square feet of commercial space, which will further help to reduce VMT.

## Master Response 5 – Greenhouse Gases

Several commenters raised the issue of greenhouse gases in their comments on the Partial Recirculation Draft EIR.

When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised Draft EIR or by an attachment to the revised Draft EIR.

Section 1.1, Background, in the Partial Recirculation Draft EIR, specifically discussed the portions of the Draft EIR that were being recirculated; those sections were Section 3.11, Land Use, and Section 3.16 Transportation. Section 1.3, Recirculation Draft EIR Process of the Partial Recirculation Draft EIR specifically requested commenters limit their comments to the revised sections of the Draft EIR.

Accordingly, pursuant to Section 15088.5(f)(2), Humboldt County will only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated (See Section 2, Response to Comments on Draft EIR), and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated (see Section 3, Response to Comments on Partial Recirculation Draft EIR).



## Master Response 6 – Consistency with the General Plan

Several commenters stated that they found the project to be inconsistent with the General Policies for transportation, traffic calming, and bicycle and pedestrian friendly development. Ultimately, the determination of consistency with County General Plan goals and policies remains with the County. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, although the County believes that, in this instance, the proposed project is compatible with the General Plan policies for transportation and multimodal transportation, a general plan consists of a wide range of competing interests—such as the provision of services and housing—and a project need not satisfy each and every policy. “[I]t is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement.” (*Sequoia Hills Homeowners Association v. County of Oakland* (1993) 23 Cal.App.4th 704, 719.) Finally, inconsistency with general plan or community plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact.



# Letter A1

## California Department of Transportation

DISTRICT 1  
P.O. BOX 3700 | EUREKA, CA 95502-3700  
(707) 445-6600 | FAX (707) 441-6314 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



December 1, 2021

1-HUM-101-74.7/79.4  
North McKay Ranch  
SCH# 2019049166

Mr. Desmond Johnston, Senior Planner  
Planning & Building Department  
County of Humboldt  
3015 H Street  
Eureka, CA 95501

Dear Mr. Johnston:

A1-1 Thank you for giving us the opportunity to comment on the Recirculated portions of the Draft Environmental Impact Report (RDEIR) for the proposed North McKay Ranch Major Subdivision, General Plan Amendment, and Zoning Ordinance Amendment. The proposed development consists of 320 residential units and two commercial units on seven (7) parcels, consisting of 81 acres. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management. The project is located in Humboldt County within the unincorporated community of Cutten. We have the following comments:

A1-2 **Vehicle Miles Traveled**  
We agree that due to the proximity of the project site in the Cutten area to job centers in Eureka, the Vehicle Miles Traveled (VMT) per resident is less than 15% below the regional average VMT and expected to have a less than significant impact on VMT reduction goals.

A1-3 Caltrans has a responsibility to help California achieve a carbon-neutral future by the year 2045. The Caltrans Strategic Plan for 2020-2024 calls for Caltrans to enhance and connect the multimodal transportation network and to lead Climate Action. By the time the proposed subdivision is projected to be fully built, the State expects to be less than five years from reaching carbon neutrality. In anticipation of a future with lower carbon emissions and lower energy consumption, we offer the following considerations for incorporating more sustainable transportation measures and/or lower carbon standards into the design of the proposed subdivision.

A1-4 **Land Use**

A1-4  
continued

With respect to the proposed land use designation changes, we do not believe that the requested changes are adequate enough to influence the travel behavior of subdivision residents. The effects of individual land use factors on transportation tend to be cumulative. Areas that contain a combination of land use density, mix, connectivity, and walkability tend to have significantly lower overall per capita vehicle ownership and use, and higher use of alternative modes than average. The design of the proposed subdivision does not capitalize on its proximity to jobs and services by promoting travel modes that will help the State to achieve the current climate goals.

A1-5

The subdivision will develop 59 acres with 320 dwelling units, resulting in a density of 5.4 dwelling units per acre. These numbers reflect single-family detached housing on both large and small lots as well as multifamily residential. While the numbers vary slightly according to source, low density residential uses range from 1 to 7 units per acre. Medium density residential uses range from 8 to 25 dwelling units per acre. To make transit a meaningful mode of transportation for subdivision residents, we recommend increasing the minimum average density for the subdivision to between 8 and 12 dwelling units per acre.

We encourage the County to allow mixed use (combined residential and commercial-use) buildings on the lots zoned for commercial use.

Because it is difficult to adapt a subdivision to meet climate action goals once it has been built, the County should evaluate where the existing County General Plan, zoning ordinances, and other planning codes can be adapted to incorporate the Climate Action Plan or other climate-oriented laws.

A1-6

### **On Site Roadways**

The description of Arbutus and Redwood street extensions do not clearly state how the 68-foot cross-section will be delineated or utilized. Adequate right of way would appear to support two twelve-foot travel lanes, two five-foot bike lanes, two eight-foot parallel parking "lanes," two six-foot sidewalks, and two two-and-one-half-foot landscape strips. If trade-offs are needed to compromise on the design of the facility, we recommend that the extensions of Arbutus and Redwood prioritize the continuity of bike lanes over on-street parking and any turn lanes. Both sides of the street should have sidewalks present to ensure a continuous path of travel for pedestrians.

We encourage the development of alleys in compact, walkable residential districts, but with a narrower paved or graveled width (usually 10 to 12 feet) and an easement for utilities (usually 20 feet overall). In a residential grid, alleys should connect across blocks to make garbage pickup easier. In commercial areas, most communities that

have alleys require them to be at least 24 feet wide to allow dumpster access and deliveries.

The use of cul-de-sacs, such as Canyon Court and South Canyon Lane, reduces the connectivity of streets and creates more out of direction travel for bicyclists and pedestrians, resulting in a bias toward vehicular travel and impediments to bicycle and pedestrian travel.

A1-6  
continued

Where not impeded by terrain, cul-de-sacs located at the periphery of the subdivision should allow for future connections to adjacent properties in order to maintain the continuity and connectivity of the road network for the proposed subdivision. We support the proposed future extension of Arbutus Street.

We support the proposal to include trails that will connect subdivision residents to pedestrian corridors that provide access to markets, jobs, and other services.

Some research indicates that people walk more and drive less in areas with traditional pedestrian-oriented commercial districts where building entrances connect directly to the sidewalk than in areas with automobile-oriented commercial strips where buildings are set back and separated from the street and sidewalk by parking lots. We encourage the County to require build-to-property-line standards for commercial and mixed-use buildings, rather than adhering to setback requirements that discourage pedestrian activity.

### **Parking**

Abundant, free parking encourages driving and helps create dispersed, automobile-dependent land use patterns. Parking Management can help shift automobile travel to alternative modes, and improves access by creating more clustered, multi-modal land use patterns. Parking Management strategies can significantly help to reduce traffic congestion, road and parking facility costs, vehicle emissions, and urban sprawl, and can increase the diversity of transportation modes.

A1-7

Due to the low residential densities proposed, we encourage the County to limit the use of on-street parking and to prioritize the utilization of public rights of way for multiple modes of transportation, not parking.

Parking Management may be appropriate where:

- Smart Growth and Transit Oriented Development are desired.
- Higher density development is desired.
- Traffic congestion or vehicle emissions are significant problems.
- Excessive pavement is undesirable.

As the number of parking spaces per employee in a commercial center declines, use of alternative modes tends to increase. We recommend shared parking for commercial businesses and public and community facilities. We encourage the County to develop parking standards and guidance for parking management plans to limit the potential for over-supply.

A1-7 continued The multi-family lots appear to offer two, or nearly two, parking spaces per dwelling unit, which results in large, unsecured, off-street parking areas. Ironically, these parking areas require landscaping (for more than five spaces) in an area just cleared of timber for the purpose of parking and is prioritized over the development of additional housing units.

Automobile travel tends to be sensitive to parking supply and price. By offering multi-family residents one free parking space per unit, additional parking can be provided for an additional fee or limited to available on-street parking.

A1-8 Thank you for your effort to incorporate the above comments. Feel free to contact me for further assistance with the above comments at (707) 684-6879 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

*Jesse G. Robertson*

JESSE ROBERTSON  
Transportation Planning  
District 1 Caltrans

e-copy: State Clearinghouse  
Greg Pratt, Humboldt Transit Authority

**Letter A1 Response**

**Jesse Robertson**

California Department of Transportation (Caltrans), District 1

December 1, 2021

A1-1	The commenter provided introductory greetings and stated that the agency had reviewed the Draft EIR and provided a summary of the project. See Master Response 1.
A1-2	The commenter stated that they agree that due to the proximity of the project site in the Cutten area to job centers in Eureka, VMT per resident is less than 15% below the regional average VMT and expected to have a less than significant impact. The comment is in line with the findings in the PR Draft EIR and no further response is required.
A1-3	The commenter provided information on Caltrans responsibility to help California achieve a carbon-neutral future by the year 2045, provided information on Caltrans Strategic Plan for 2020-2024 and noted that the State expects to be less than five years from reaching carbon neutrality when the project is fully built, as such they offered several suggestions in further comments. The comment is appreciated and noted for the record. No further response or change to the PR Draft EIR is necessary.
A1-4	The commenter stated that they do not believe the requested land use changes are adequate enough to influence the travel behavior of subdivision residents and noted that areas that contain a combination of land use density, mix, connectivity, and walkability tend to have significantly lower overall per capita vehicle ownership and use, and higher use of alternative modes than average. The General Plan Amendment for the proposed project would allow for the development of commercial uses as well as include a higher density of development in the area. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment. No further response is required.
A1-5	The commenter provided recommendations for increasing the density of the subdivision to between 8 and 12 units per acre and encouraging residential and commercial uses on lots zoned for commercial use. Lastly, the commenter recommends the County evaluate where the existing General Plan, ordinances, and other planning codes can be adapted to incorporate Climate Action Plan or other climate-oriented laws. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment. No further response is required.
A1-6	The commenter stated that the description of Arbutus and Redwood Street extensions do not clearly state how the 68-foot cross-section will be delineated or utilized and provided recommendations for prioritizing bike lanes over on-street parking and any turn lanes and that both sides of the street should have sidewalks present to ensure a continuous path of travel for pedestrians. The commenter provided additional recommendations for creating a walkable community. As discussed in Section 3.16, Transportation, the project would create a pedestrian-friendly neighborhood with landscaping and buffered sidewalks ranging from five to six feet wide. There are existing facilities and streets in the project vicinity for bicyclists with a range of skill levels. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary. The final design of Arbutus and Redwood Street extensions would be consistent with County Public Works standards. As discussed in Section 3.16, Transportation, all proposed transportation improvements to accommodate the project will be reviewed by and constructed to the standards of the Public Works Department to ensure that no hazardous design features will be developed as part of the project. The comment did not raise a specific environmental concern or address the adequacy of the PR Draft EIR; no further response is required.
A1-7	The commenter provided information on how abundant free parking encourages driving and helps create dispersed, automobile dependent land use patterns. The commenter offered recommendations for limiting parking and parking management strategies, particularly with respect to commercial uses and the multi-family uses.



	The comment did not raise a specific environmental concern or address the adequacy of the PR Draft EIR; furthermore, parking does not require an analysis under CEQA. The proposed project would be built in accordance with County standards for parking. No further response is required.
A1-8	The commenter provided closing remarks to end their comment letter. See Master Response 1.



# Letter A2



October 25, 2021

Humboldt County  
Attn: Desmond Johnston  
3015 H Street,  
Eureka, CA 95501



HUMBOLDT COUNTY (COUNTY), PARTIAL RECIRCULATION OF ENVIRONMENTAL IMPACT REPORT (EIR)] FOR THE NORTH MCKAY RANCH SUBDIVISION PROJECT (PROJECT); SCH #2019049166

Dear Mr. Desmond Johnston:

Thank you for the opportunity to review the Environmental Impact Report for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits administered under the Safe Drinking Water Act and will require a new or amended water supply permit for the above referenced Project. A project requires a permit if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations title 22, chapter 16 et. seq).

The proposed Project includes constructing a residential and commercial mixed-use development, a sewer line, a water storage tank, and upgrading the water main on Walnut Street between Holly Avenue and Cypress. The Project will occur on 81-acres of land over 20 years.

A2-1

The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The 320 residential units may include a mix of 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee.

The proposed off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The Project would also require the new utility service area be annexed into the Humboldt County Services District.

A2-2

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the County's recirculated draft EIR.

- The construction of a new water distribution tank will require an amended domestic water supply permit from the State Water Board, DDW, Klamath District, (Title 22, Division 4, Chapter 16, Article 2, 64556 [a][1].) In addition, the regulations require the water system to submit plans and specifications to the District prior to its construction. The recirculated EIR included a water modeling analysis attached as Appendix J. The

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

A2-2  
continued

study indicated an estimated 250,000-gallon tank would need to be added to ensure water pressure is sustained. Please add, under section 2.4.1 Discretionary and Ministerial Actions, that a drinking water supply permit amendment will be needed. Please also add, under 2.4.2 Responsible and Trustee Agencies, that the State Water Board, DDW is a responsible agency.

A2-3

Please note, the original draft EIR mentioned that "CDPH is responsible for regulating public drinking water systems, including enforcing Title 22 Standards, which also define secondary drinking waters standards, established primary for reasons of consumer acceptance (i.e., taste) rather than for addressing health issues," (PDF page 220). For future reference, the authority for regulating drinking water systems is now vested with the State Water Board, DDW.

Once the EIR is certified, please forward the following items in support of Humboldt Community Services District's permit application to the State Water Board, Klamath District Office:

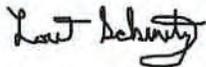
A2-4

- Copy of the original circulated EIR, draft and final recirculated EIR, Findings, Statement of Overriding Consideration (SOC), and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR, MMRP, Findings, and SOC;
- Copy of the stamped Notice of Determination filed at the Humboldt County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

A2-5

Please contact Scott Gilbreath of the Klamath District Office, at (530) 224-4876 or [Scott.Gilbreath@waterboards.ca.gov](mailto:Scott.Gilbreath@waterboards.ca.gov) if you have any questions regarding permitting requirements.

Sincerely,



Lori Schmitz  
Environmental Scientist  
Division of Financial Assistance  
Special Project Review Unit  
1001 I Street, 16<sup>th</sup> floor  
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Scott Gilbreath  
Water Resources Control Engineer  
Klamath District

**Letter A2 Response**

**Lori Schmitz**

California Water Quality Control Board

October 25, 2021

A2-1	The commenter provided introductory remarks and a summarized the project description. See Master Response 1.
A2-2	<p>The commenter noted the State Water Board, Division of Drinking Water (DDW) is a responsible agency under CEQA and noted several regulatory requirements the project will need to address. The commenter noted the new water distribution tank will require an amended domestic water supply permit from the State Water Board, DDW, Klamath District and requested that permit be noted under Section 2.4.1 Discretionary and Ministerial Actions. The commenter also requested that the State Water Board, DDW be listed as a responsible agency under Section 2.4.2 Responsible and Trustee Agencies.</p> <p>The comments do not raise any environmental concerns or question the adequacy of the EIR. The requested changes will be noted in Section 4.0 Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR of this Final EIR.</p>
A2-3	<p>The commenter noted that the original draft EIR mentioned that “CDPH is responsible for regulating public drinking water systems....”; for future reference the authority for regulating drinking water systems is now vested with the State Water Board, DDW.</p> <p>The comments do not raise any environmental concerns or question the adequacy of the EIR. The comment is noted for the record.</p>
A2-4	<p>The commenter requested that once the EIR is certified, that several documents be forwarded to the State Water Board, Klamath Office in support of Humboldt Community Services District’s permit application.</p> <p>The comments do not raise any environmental concerns or question the adequacy of the EIR. The comment is noted for the record; the County will provide the requested documents in support of Humboldt Community Service District’s permit application.</p>
A2-5	The commenter provided closing remarks to end the agency’s comment letter. See Master Response 1.





# REDWOOD COAST Energy Authority

Humboldt County • Arcata • Blue Lake • Eureka • Ferndale • Fortuna • Rio Dell • Trinidad • Humboldt Bay Municipal Water District

December 1, 2021

**BOARD OF  
DIRECTORS**

Desmond Johnston, Senior Planner  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Sarah Schaefer  
CITY OF ARCATA

Chris Curran  
CITY OF BLUE LAKE

*via email:* [CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)  
[djohnston@co.humboldt.ca.us](mailto:djohnston@co.humboldt.ca.us)

Scott Bauer  
CITY OF EUREKA

**RE: North McKay Ranch Subdivision Partially Revised Draft Environmental Impact Report**

Stephen Avis  
CITY OF FERNDALE

Mike Losey  
CITY OF FORTUNA

Mr. Johnston,

Sheri Woo  
HUMBOLDT BAY  
MUNICIPAL WATER  
DISTRICT

Redwood Coast Energy Authority, a joint powers agency, was formed in 2003 by the County of Humboldt and the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad, and the Humboldt Bay Municipal Water District. Through its activities since formation, RCEA has established Humboldt County and its communities as leaders in reducing energy demand, increasing energy efficiency, and advancing the use of clean, efficient, and renewable local resources to increase regional self-reliance. RCEA's goals include: "To lead, coordinate and integrate regional efforts that advance secure, sustainable, clean and affordable energy resources, and to develop a long-term sustainable energy strategy and implementation plan."

Mike Wilson  
COUNTY OF HUMBOLDT

Frank Wilson  
CITY OF RIO DELL

Dave Grover  
CITY OF TRINIDAD

RCEA thanks the County for the opportunity to comment on the Revised Draft Environmental Impact Report (DEIR) and provides these comments to state how the County can ensure consistency between the North McKay Ranch Subdivision project, the General Plan's Energy Element, and the RePower Humboldt Comprehensive Action Plan for Energy (CAPE) strategic plan.

The Humboldt County General Plan Energy Element designates RCEA as the lead on countywide strategic energy planning, policy making and implementation.

The Energy Element details RCEA's role as follows:

As the regional energy authority, the Board of Supervisors has designated RCEA to implement Energy Element strategies on a regional basis through a Comprehensive Action Plan for Energy. This action plan will be maintained by

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A3-1

the RCEA Board and periodically presented to the Humboldt County Board of Supervisors for review. The County will also implement Energy Element strategies through policies, implementation measures, and standards contained in this Plan. (12-3)

**E-G1. Countywide Strategic Energy Planning.** An effective energy strategy based on self-sufficiency, development of renewable energy resources and energy conservation that is actively implemented countywide through Climate Action Plans, General Plans and the Redwood Coast Energy Authority's Comprehensive Energy Action Plan. (12-3)

**E-P5. Regional Energy Authority.** Recognize the Redwood Coast Energy Authority (RCEA) as the regional energy authority, which will foster, coordinate, and facilitate countywide strategic energy planning, implementation and education through a Comprehensive Action Plan for Energy. (12-4)

**E-IM2. Comprehensive Action Plan for Energy.** Support efforts to implement the Redwood Coast Energy Authority (RCEA) Comprehensive Action Plan for Energy. (12-9)

RCEA's RePower Humboldt Comprehensive Action Plan for Energy (CAPE) strategic plan, updated in December 2019, includes strategies to be implemented between 2020 and 2030. These updated strategies were formed after conducting public meetings over a period of three months with over 200 residents participating and approximately 1,200 written comments received.

At its November 18, 2021, meeting, the Redwood Coast Energy Authority Board of Directors voted unanimously to approve and submit comments on the North McKay Ranch Subdivision Draft Environmental Impact Report pertaining to RePower Humboldt strategic plan goals listed below.

1. Humboldt County General Plan Policy E-P5 recognizes RCEA's CAPE/RePower Humboldt plan as the governing document to "foster, coordinate, and facilitate countywide strategic energy planning, implementation and education." The DEIR therefore needs to assess the project's consistency with the RePower Humboldt plan.
2. The project is large and will be completed over the course of 20 years, so it will have a major impact on the region's ability to meet the RePower targets.
3. The project must show major net reductions in vehicle miles traveled (VMT) to be consistent with the RePower Humboldt target of a 25% reduction in countywide VMT by 2030, and a 65% reduction in greenhouse gas emissions from transportation by 2030.
  - a. Consistency with this target will require adoption of mitigation measures including completion of bicycle and pedestrian networks in the project area, transit improvements, and transportation demand management strategies.

A3-1  
continued

A3-2

A3-2  
continued

4. The project must be consistent with the RePower Humboldt target of a 20% reduction in building greenhouse gas emissions by 2030, with a trajectory to achieve a 90% reduction by 2050.
  - a. Consistency with this target will require all-electric construction and a commitment to no natural gas hook-ups.
5. These targets align with the draft Regional Transportation Plan update and the draft Humboldt County Regional Climate Action Plan, both of which are currently under development.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Marshall". The signature is written in a cursive, flowing style.

Matthew Marshall  
Executive Director, Redwood Coast Energy Authority

**Letter A3 Response**

**Matthew Marshall**

Redwood Coast Energy Authority

December 1, 2021

<p>A3-1</p>	<p>The commenter provided introductory remarks and provided a summary of the Redwood Coast Energy Authority's (RCEA) purpose and role. The commenter noted that the Humboldt County General Plan designates RCEA as the lead on countywide strategic energy planning, policy making, and implementation. The commenter noted that RCEA's RePower Humboldt Comprehensive Action Plan for Energy (CAPE) strategic plan was updated in December 2019 and includes strategies to be implemented between 2020 and 2030.</p> <p>The comment does not specifically reference the analysis in the PR Draft EIR or any specific CEQA issue. See Master Response 1.</p>
<p>A3-2</p>	<p>The commenter noted that the RCEA Board of Directors unanimously approved submitting comments on the North McKay Ranch Subdivision Project pertaining to the RCEA strategic plan goals at its November 18, 2021 meeting. The commenter noted Humboldt County General Plan Policy E-P5 recognizes RCEA's CAPE/RePower plan as the governing document to "foster, coordinate, and facilitate countywide strategic energy planning, implementation and education." and asserted that the DEIR needs to assess the project's consistency with the RePower Humboldt Plan. The Draft EIR and PR Draft EIR comprise a project-level EIR, the RePower Humboldt Plan is intended to be applied at a community-wide level with regional implementation goals and policies; therefore, the appropriate place to evaluate consistency with the RePower Plan is in a planning level document such as a General Plan Update.</p> <p>The commenter noted that the plan is large and will be completed over 20 years and will have a major impact on the region's ability to meet the RePower targets. The comment does not specifically reference the analysis in the PR Draft EIR or any specific CEQA issue; see Master Response 1.</p> <p>The commenter stated that project must show major reductions in VMT to be consistent with RePower Humboldt target of 25% reduction in countywide VMT by 2030, and a 65% reduction in greenhouse gas emissions by 2030 and suggested consistency with this target will require adoption of mitigation measures including completion of bicycle and pedestrian networks in the project area, transit improvements, and transportation demand management strategies.</p> <p>The RePower Plan targets are applicable on a countywide basis and do not represent a project-specific target. As discussed in Section 3.16, Transportation of the PR Draft EIR, the project achieves a greater than 15% below regional VMT to have a less than significant impact on transportation and no mitigation is required. Regarding greenhouse gas emissions, please refer to Master Response 1.</p> <p>The comment does not raise a significant environmental concern or address the adequacy of the EIR, see Master Response 1.</p>



# Letter A4



## HCAOG

*Regional Transportation  
Planning Agency*

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### *Members:*

*City of Arcata  
City of Blue Lake  
City of Eureka  
City of Ferndale  
City of Fortuna  
City of Rio Dell  
City of Trinidad  
County of Humboldt*

December 1, 2021

Desmond Johnston, Senior Planner  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
CEQAResponses@co.humboldt.ca.us

**Re: North McKay Ranch Subdivision Comment Letter on  
Recirculated Draft EIR**

Dear Mr. Johnston,

The Humboldt County Association of Governments (HCAOG) is committed to assisting member jurisdictions in crafting new development proposals that will contribute to an efficient and sustainable regional transportation system. Our aim is to provide feedback on projects that have the potential to impact regional efforts to meet targets for greenhouse gas emission reductions, vehicle miles traveled (VMT), mode shift, and traffic safety.

HCAOG appreciates this opportunity to provide comments on the North McKay Ranch Subdivision Project, Partial Recirculation of the Draft Environmental Impact Report.

HCAOG is keenly aware of the housing needs of our region and supports well-planned housing developments. For the North McKay Ranch Project, HCAOG is particularly supportive of the mixed-used components of the project and the inclusion of 174 multi-family residential units and 18 affordable single-family units.

However, we have serious concerns about pedestrian safety, greenhouse gas emissions from transportation sources, the VMT methodology, and the lack of cohesive multimodal plans for the project. With additional analysis and mitigations, HCAOG believes the project can support our regional objectives, which include:

- Increase multi-modal mobility, and improve overall safety for motorists, bicyclists, pedestrians, and transit users.
- Coordinate transportation systems with land use for efficient, sustainable use of resources and minimize the consumption and use of finite resources such as fossil fuels.

A4-1

A4-2

## Safety

General Plan policy C-P34: Traffic Calming is discussed in table 3.11-1. The policy reads:

Use traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.

A4-3

The discussion of Policy C-P34 is limited to the project proposal incorporating intersection improvements that will help minimize traffic congestion in the vicinity of the proposed project. While this may be true, the aim of CP-34 is to increase safety for **all users** rather than minimize traffic congestion. Reducing congestion is not a proxy for increasing safety. In 2020, despite less cars on the road due to COVID-19, there was an 11% increase in speeding-related crashes.<sup>1</sup> HCAOG believes the consistency analysis should address safety for all users rather than traffic congestion to be responsive to the General Plan policy intent.

## Level of Service (LOS)

HCAOG recommends removing the discussion of Policy C-P5: Level of Service Criteria, from Table 3.11-1. As noted in the table discussion “Pursuant to Section 15064.3, this project’s effect on automobile delay shall not constitute a significant environmental impact.” Office of Planning and Research guidance confirms that even if a general plan contains an LOS standard and a project is found to exceed that standard, that conflict should not be analyzed under CEQA.<sup>2</sup> HCAOG recommends removal of this discussion, as this policy is not for the purpose of avoiding or mitigating an environmental effect.

A4-4

## Greenhouse gas emissions

While the greenhouse gas (GHG) section of the Draft EIR is not being recirculated, we take this opportunity to comment on GHG impacts because of the close relationship with vehicle miles traveled (VMT). The DEIR acknowledges the majority of the operational emissions are generated by mobile sources (i.e. vehicle travel resulting from the project). HCAOG strongly recommends mitigation measures be applied to the project to reduce the impact of vehicular emissions to a less than significant level. Measures should be identified and quantified in a project-specific Greenhouse Gas Emissions Reduction Plan.

A4-5

The greenhouse gas analysis relies on the threshold of significance set by Sacramento Metropolitan Air Quality Management District (SMAQMD). To apply this threshold in good faith, the plan should also adhere to SMAQMD’s recommended Best Management Practices (BMPs) which are required for projects in their air district to demonstrate consistency with the Climate Change Scoping Plan. The two standard BMPs are: 1) no natural gas and 2) make all EV Capable spaces EV Ready.<sup>3</sup> The project document should expand on its statement that electric vehicle charging

<sup>1</sup> US Department of Transportation, National Highway Traffic Safety Administration, 2020 Fatality Data Show Increased Traffic Fatalities During Pandemic,” June 3, 2021 < <https://www.nhtsa.gov/press-releases/2020-fatality-data-show-increased-traffic-fatalities-during-pandemic> >

<sup>2</sup> <https://opr.ca.gov/ceqa/sb-743/faq.html#general-plans-with-los>

<sup>3</sup> SMAQD Greenhouse Gas Thresholds for Sacramento County,

<https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf>

A4-5 continued | will be required at the commercial and multi-family units, and quantify greenhouse gas reductions from EV Ready electrical infrastructure.

### VMT analysis

A4-6 | HCAOG recommends the VMT analysis consider only the greater eureka area in discerning the regional threshold of significance, rather than a county-wide comparison. General Plan Policy C-P7 states that “projects with potentially significant transportation impacts should integrate transportation planning through joint use of area-wide traffic models.” The analysis relies on the California Statewide Travel Demand Model which divides Humboldt County into 18 Traffic Analysis Zones (TAZs). The VMT analysis uses the average across the entire County as the baseline. This creates a situation where TAZ 106, where the project is located and which has a home-based VMT of 78,000, to be compared to TAZ 108, the Hydesville/Bridgeville area that has a home-based VMT of 190,767. Taking the average across the County does not provide a reasonable context for VMT given the project’s location on the outskirts of Eureka. Instead, the VMT analysis should use the greater eureka area (meaning those TAZs comprising and contiguous with the City of Eureka) as the baseline.

HCAOG strongly encourages the County to include mitigation measures shown to reduce VMT and the associated greenhouse gas emissions. To reduce single occupancy vehicle trips, infrastructure and incentives should encourage transportation by alternative modes. Quantifiable measures include trip reduction or incentive programs such as bus vouchers or electric bike promotion, improving transit service frequency, and enhancing road, bike and pedestrian networks. The County would also benefit by incorporating GHG reduction measures from its Draft Climate Action Plan. HCAOG’s Regional Transportation Plan (October 2021 draft) sets a target to reduce vehicle miles travelled per capita by at least 25% by 2030.

### Multimodal planning

The project document would benefit from increased analysis of multimodal transportation options. A key consideration should be the barrier effect of increased vehicular traffic. The barrier effect refers to the incremental delay, discomfort, and risk that increased motor vehicle traffic speeds and volumes impose on pedestrians and bicyclists.<sup>4</sup> In the Active Transportation discussion on page 3.16-13 it states that:

A4-7 | The Project would not block, remove, or create barriers for walking and biking, but rather it would provide facilities to encourage non-motorized mode of transportation throughout the Project site, which would reduce local vehicle trips.

Although not a physical barrier, increased vehicle trips may in fact create a barrier to others using the multimodal system in the vicinity. The full project buildout would generate a total of 2,879 daily trips, accounting for between eight and 40 percent of traffic growth beyond existing traffic volumes. Without additional analysis it is difficult to quantify the overall effects on active transportation. HCAOG strongly encourages the County to incorporate fair share contributions for infrastructure that will demonstrably make it easier, more comfortable and safer to be a pedestrian and bicyclist in areas impacted by project-generated traffic. At minimum, the project should not increase the level of stress for pedestrians and bicyclists in the surrounding area.

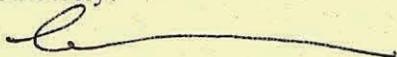
<sup>4</sup> Todd Litman, *New Mobilities: Smart Planning for Emerging Transportation Technologies*. 2021.

A4-8

HCAOG encourages the County to analyze and mitigate for the impact of the project's vehicular traffic on the walkability and bikeability of the surrounding street network. Currently, the project document simply states that pedestrian access is "adequate" and that there is "good bike access" for the project. A key metric to gauge the functionality of an on-street bicycle network is the Level of Traffic Stress (LTS). This metric is a product of vehicular speed/volume and degree of separation between cars and bikes. Bicycle Level of Service and Quality of Service (BLOS/BQOS) are two additional metrics recommended in HCAOG's 2018 Regional Bicycle Plan.

Thank you for the opportunity to comment on this project.

Sincerely,



Beth Burks, AICP  
Executive Director

**Letter A4 Response**

**Beth Burks, AICP**

Humboldt County Association of Governments

December 1, 2021

A4-1	<p>The commenter provided introductory remarks and a summary of Humboldt County Association of Government's (HCAG) aim to provide feedback on projects that have the potential to impact regional efforts to meet greenhouse gas emission reductions, VMT, mode shift, and traffic safety. The comment does not specifically reference the analysis in the PR Draft EIR or any specific CEQA issue. See Master Response 1.</p>
A4-2	<p>The commenter noted that HCAG is keenly aware of the housing needs of the region and supports well-planned housing developments and their support of the mixed-use components of the project and the 174 multi-family residential units with 18 affordable single-family units. The commenter included an overview of the commenter's concerns regarding transportation sources, VMT methodology, and the lack of cohesive multimodal plans for the project. Responses to specific concerns are addressed in A4-3 through A4-8.</p>
A4-3	<p>The commenter stated that the County's consistency determination for Policy C-P34 did not evaluate safety for all users but rather focused on traffic congestion. Ultimately, the determination of consistency with County General Plan goals and policies remains with the County. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. See Master Response 6.</p>
A4-4	<p>The commenter recommended removing the discussion of Policy C-P5 from Table 3.11 because automobile delay is no longer a significant environmental impact. The PR Draft EIR stated that the LOS was no longer being evaluated as an environmental impact, however, County Policy C-P5 was evaluated in Table 3.11 to determine the project's consistency with General Plan policies. See Master Response 6.</p>
A4-5	<p>The commenter provided comments on the greenhouse gas evaluation in the PR Draft EIR because of the close relationship with VMT, however, the greenhouse gas section was not recirculated. Please refer to Master Response 1.</p>
A4-6	<p>The commenter expressed concerns with the VMT analysis and the selection of traffic model and thresholds of significance. Refer to Master Response 4.</p>
A4-7	<p>The commenter provided recommendations for increasing the analysis of multimodal transportation options. CEQA provides the Lead Agency, in this case, the County the discretion to determine the level of analysis in a CEQA document. CEQA Guidelines Section 15151 Standards for Adequacy of an EIR, states, "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."</p> <p>Section 3.16, Transportation, noted that the Humboldt Regional Bicycle Plan Update 2018 prepared by the HCAOG (HCAOG 20128) lists various proposed bicycle routes in the project area: (1) a proposed north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on "W" Street, Hemlock Street, and Walnut Drive, but the regional plan did not propose any bicycle facilities within the immediate project area. As such, development of the plan would not impede the development of bicycle routes. The proposed project will be conditioned to provide its fair-share of roadway improvements, which will include bicycle and trail improvements.</p>
A4-8	<p>The commenter provided recommendations for the County to analyze and mitigate the impacts of a project's vehicular traffic on the walkability and bikeability of the surrounding street network. As noted in Response A4-7, the County has the discretion to determine the level of analysis in evaluating transportation impacts.</p> <p>The Humboldt Regional Bike Plan – Update 2018 is described as "foremost a regional plan intended primarily to facilitate projects and programs that will help build a bikeway system that makes</p>



	<p>bicycling throughout Humboldt County a safe, convenient, and practical means of transportation for all residents and visitors.” The Bike Plan is intended to be implemented at the regional level with individual projects contributing their fair-share for improvements in accordance with the local jurisdictions requirements. The Bicycle Level of Service and Quality of Service are metrics that would best addressed at the regional level.</p>
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# Letter A5



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December 1, 2021

Desmond Johnston, Senior Planner  
Humboldt County Department of Planning and Building  
Planning Division  
3015 H Street  
Eureka CA 95501  
[ceqaresponses@co.humboldt.ca.us](mailto:ceqaresponses@co.humboldt.ca.us)

## RE: LAFCo Comments on Partial Recirculation of the Draft Environmental Impact Report for the North McKay Ranch Subdivision Project

A5-1

The North McKay Tract Subdivision proposal includes annexation into the Humboldt Community Services District (HCSD) for water and wastewater services and will be within Humboldt Bay Fire's (HBF) service boundary for fire protection services. Humboldt LAFCo will be processing the annexation application subsequent to County action and reviewing HCSD's ability to adequately serve the project. As such, Humboldt LAFCo serves as a responsible agency as defined by the California Environmental Quality Act (CEQA) and will rely on the environmental document prepared by the Humboldt County Planning and Building Department, as lead agency, to support its decision on the proposed annexation and service capabilities analysis.

A5-2

LAFCo staff has the following comments:

1. Humboldt LAFCo Consistency Analysis. The DEIR and Recirculation includes a summary of the required factors that are analyzed during annexation proceedings. The following comments are provided for Table 3.11-3:
  - a. Section 56668(f): This section is intended to discuss the proposed annexation boundary and how it relates to parcel lines and other agency boundaries. The current DEIR analysis does not address the proposed HCSD boundary or how it relates to the City of Eureka's boundary and SOI.
  - b. Section 56668(g): This section was combined with 56668(h) which has resulted in incorrect lettering for all subsequent sections discussed.
  - c. Document Section 56668(l): This section needs to be re-lettered to Section 56668(m). Additionally, the DEIR analysis does not directly address the County's RHNA numbers and how the proposed project helps in achieving those targets.
  - d. Document Section 56668(o): This section needs to be re-lettered to Section 56668(p). Additionally, the wording of the referenced section is incorrect. It is recommended that the language be updated to reflect the current CHK Act Guidelines.

A5-2  
continued

- e. Section 56668(q): This section is missing from the DEIR analysis. This section states: "Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.
- f. These required factors will be further expanded upon during the HCSD annexation process conducted through Humboldt LAFCo.

A5-3

2. Utilities. The water demand analysis provided as Appendix J provides a clear and concise assessment of the water system upgrades needed to support the proposed project. While the DEIR states that the developer will enter into an agreement for cost sharing of infrastructure upgrades, it is recommended that funding mechanisms for long term maintenance, repair, and replacement be discussed as well.

A5-4

3. Conversion of Open Space. LAFCo seeks to protect open space and deter urban sprawl on the fringes of communities. The proposed project would permanently convert approximately 59 acres of existing timberland/open space lands to urban uses. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. This dedicated open space area abuts existing community fields and would provide some buffer between a portion of the new development and the existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.

As part of the annexation process, LAFCo will further evaluate the conversion of open space land to urban uses in accordance with Government Code Section 56377 and Humboldt LAFCo policies. LAFCo encourages the adoption and implementation of effective measures to mitigate the loss of open space lands, and to preserve adjoining lands to prevent their premature conversion to other uses.

Again, thank you for the opportunity to comment on this project. Please contact staff at (707) 445-7508 if you have questions regarding this letter.

Sincerely,

*Colette Santsche*

Colette Santsche, AICP  
Humboldt LAFCo Executive Officer

**Letter A5 Response**

**Colette Santsche**

Humboldt Local Agency Formation Commission (LAFCo)

December 1, 2021

A5-1	<p>The commenter provided introductory remarks and summarized LAFCo's role as a responsible agency. See Master Response 1.</p>
A5-2	<p>The commenter provided a summary of required factors that are analyzed during annexation proceedings and provided several comments to Table 3.11-3 LAFCo Consistency Analysis.</p> <p>The commenter stated that Section 56668(f) did not discuss the proposed annexation boundary and how it relates to parcel lines and other agency boundaries. The discussion of boundaries was provided in Section 56668(a). Table 3.11-3 will be revised to provide the discussion in Section 56668(a).</p> <p>The commenter noted that Section 56668(g) was combined with 56668(h), which resulted in incorrect lettering for all subsequent sections discussed. This will be corrected in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The commenter noted that Section 56668(l) needs to be re-lettered to Section 56668(m) and that the DEIR needs to address RHNA numbers and how the proposed project helps in achieving those targets. The section will be renumbered in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR. RHNA numbers were discussed in Section 3.13, Population and Housing in the Draft EIR. The proposed project would provide up to nine percent of the housing stock required under RHNA.</p> <p>The commenter noted Section 56668(o) in Table 3.11-3 needs to be re-lettered to Section 56668(p). Additionally, the wording of the referenced section is incorrect. It is recommended that the language be updated to reflect the current Cortese-Hertzberg-Knox Act Guidelines. The section and text will be revised in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The commenter noted that Section 56668(q) was missing from Table 3.11-3. The section will be included in the revised Table 3.11-3 in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The above revisions do not represent inadequacies in the analysis or change the consistency findings. They are simply clarifications/insignificant modifications of the information presented.</p>
A5-3	<p>The commenter summarized the findings of the water demand analysis provided in Appendix J and recommended that the funding mechanisms for long-term maintenance, repair, and replacement of infrastructure be discussed.</p> <p>As discussed in Section 3.11, Land Use and Planning, the proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees. Ongoing long-term maintenance would be addressed by HCSD through user fees.</p> <p>The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment; see Master Response 1.</p>
A5-4	<p>The commenter noted the conversion of 59 acres of existing timberland/open space to urban uses and the 21.73 acres that would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee and stated that as part of the annexation process LAFCo will further evaluate conversion of open space land to urban uses in accordance with Government Code Section 56377.</p> <p>The PR Draft EIR found that the project would be consistent with Humboldt County's policies for open space as such, no mitigation measures were required. The proposed project area currently contains a forested area that has been subject to timber harvesting activities within the last 30 years. The Eureka Community Plan identifies the parcels for development, and the parcels are currently zoned for residential development. The site is located within the HCSD SOI. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the Draft EIR in the comment; see Master Response 1. LAFCo's discretion to further evaluate the conversion of open space is noted for the record.</p>





O1-2  
continued

measures. The new document simply moves the analysis from the Transportation section, where it is no longer allowed, to the Land Use section, under the guise of consistency with the Humboldt County General Plan, and reclassifies the related infrastructure changes from “mitigation measures” to “conditions of approval” (see Tables 3.11-1 and 3.16-2). In our June 22, 2020 comments, we explained in detail why LOS analysis simply does not belong in CEQA documents any longer, and we refer you that explanation once again. We urge you to remove LOS analysis from the DEIR entirely.

### **The Project is Inconsistent with the Humboldt County General Plan**

Tables 3.11-1 and 3.16-2 purport to assess the consistency of the project with various Humboldt County General Plan policies. These assessments as they pertain to transportation-related policies are completely inadequate. In particular:

- Policy C-P11 requires residential subdivisions to comply with County Transportation Demand Management (TDM) programs. The Recirculated DEIR’s assessment of consistency with this policy refers to signalized intersection improvements and plans to deal with traffic impacts from construction. Neither of these measures is in any way related to the definition of TDM. TDM consists of strategies specifically meant to reduce single-occupancy vehicle usage in order to maximize transportation efficiency.<sup>1</sup> The County’s TDM programs are largely adopted through the Regional Transportation Plan (RTP). For example, General Plan Policy C-P22 calls for the County to “support the implementation of guiding goals, policies and objectives of the Public Transit and Paratransit Service Element of the Regional Transportation Plan as amended.” Relevant 2017 RTP policies include:
  - Policy PT-1 calls for funding for increased transit trip frequency.
  - Policy PT-4 calls for “transit-friendly development.”
  - Policy PT-5 calls for enhancing pedestrian access to bus stops.
  - Policy PT-7 calls for developing local funding sources for transit system expansion, including developer impact fees.

O1-3

Yet the project is not transit-friendly, provides no enhanced pedestrian access to bus stops, and provides no funding for improving transit service for future residents. In fact, the project contains no TDM measures at all, and is therefore inconsistent with both Policy C-P11 and policies such as C-P1 and C-P24 which call for support for non-SOV modes.

- Policy C-P34 calls for the use of traffic calming measures wherever feasible and appropriate. The Recirculated DEIR’s assessment of consistency with this policy refers to intersection improvements to reduce traffic congestion. Such improvements have nothing to do with traffic calming, which is defined as strategies to reduce vehicular speed—the exact opposite of reducing congestion. In fact, the project contains no traffic

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<sup>1</sup> Association for Commuter Transportation. Undated. What is TDM?  
<https://www.actweb.org/i4a/pages/index.cfm?pageID=3473>

O1-3  
continued

calming measures, despite such measures being clearly feasible and appropriate, and therefore runs afoul of Policy C-P34.

- Policy E-P5 recognizes the Redwood Coast Energy Authority (RCEA) and its Comprehensive Action Plan for Energy (CAPE) as the governing document for “countywide strategic energy planning, implementation and education.” The Recirculated DEIR does not mention this policy. However, the CAPE calls for a 25% reduction in countywide VMT by 2030 and a 65% reduction in greenhouse gas (GHG) emissions from transportation by 2030. The project includes no measures to reduce VMT nor to reduce GHG emissions from transportation and thus is clearly inconsistent with these targets without further mitigation.

O1-4

### **The Project Creates Obstacles to Active Transportation and Transit**

The brief and unsupported bicycle and transit impact analysis (p.3.16-8) retains all of the fatal flaws noted in our letters dated June 22, 2020 and June 29, 2020. Furthermore, the newly stated conclusion that the project “would not block, remove, or create barriers for” walking, biking or transit is unsupported by any reasonable analysis or evidence. The Recirculated DEIR states that the project “would provide facilities to encourage non-motorized transportation” (p.3.16-13), but describes no such facilities aside from sidewalks provided to meet legal standards. Moreover, the document itself admits that the nearest transit stop (for a low-frequency bus route) is 0.5 miles from the project site; in fact, many of the project’s residences will be significantly further away than that. In contrast, 0.25 miles is generally considered the appropriate distance for generating substantial bus ridership, and increasing distance from stops results in dramatic declines in ridership and corresponding VMT impacts.<sup>2</sup> The Recirculated DEIR also admits that “there are limited bicycle facilities in the Project vicinity” (p.3.16-13), and the project does not include any bicycle or transit improvements. The project’s distance from services and employment centers and lack of meaningful access to active transportation and transit is itself an obstacle to using these modes of transportation, resulting in higher VMT.

O1-5

### **The Project’s VMT Analysis Remains Fatally Flawed**

The Recirculated DEIR’s VMT analysis, while slightly more detailed than the previous version, retains its fatal flaw: the use of county-wide per capita average VMT as the basis for comparison, rather than Eureka-area per capita VMT (p.3.16-11). We reiterate our critique of this approach from our letter dated June 22, 2020, and repeat for emphasis: “The project clearly and unequivocally proposes a suburb of the City of Eureka. The appropriate population

<sup>2</sup> Tal, Gil, Susan Handy and Marlon G. Boarnet. 2013. Policy brief on the impacts of transit access (distance to transit) based on a review of the empirical literature. California Air Resources Board. [https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts\\_of\\_Transit\\_Access\\_%28Distance\\_to\\_Transit%29\\_Based\\_on\\_a\\_Review\\_of\\_the\\_Empirical\\_Literature\\_Policy\\_Brief.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Transit_Access_%28Distance_to_Transit%29_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf).

O1-5  
continued

for VMT comparison is therefore the city and its immediately adjacent neighborhoods, not the largely rural surrounding region.” We also note with disappointment that the Recirculated DEIR omits the previous version’s admission that the project’s per capita VMT will likely be higher than that of Eureka, which we repeat is the relevant standard of comparison. We urge the County to adopt a reasonable policy formalizing such a standard of comparison for VMT analysis under SB 743 as soon as possible.

**The Project’s GHG Impact Assessment is Flawed and Proposed Mitigation Inadequate**

Although the DEIR’s Greenhouse Gas Emissions chapter is not being recirculated, the project’s GHG impact is tied inextricably to its transportation impacts, so we comment again on these impacts here:

O1-6

- The CAPE calls for a 20% reduction in GHG emissions from fossil fuel use in buildings by 2030, on track for a 90% reduction by 2050. The project intends to connect its residences with natural gas service, presumably for space heating, water heating, cooking, and other uses, which is inconsistent with the CAPE’s goal of reducing fossil fuel emissions from buildings. It is therefore also inconsistent with General Plan Policy E-P5.
- Implementation of MM GHG-2, removal of woodburning devices in multi-family residential (presumably for space heating), would result in an increase in projected GHG emissions from the Energy Consumption source category, given that the heat from woodburning devices must be offset by another source, presumably natural gas. Table 3.8-2 should reflect this increase.
- The DEIR is incorrect in concluding that the project has exhausted all feasible GHG mitigation measures. As noted in our letter dated June 29, 2020, additional feasible mitigation measures include all-electric development, native plant landscaping, removal of woodburning devices from all residential development, and actions to reduce VMT including construction of bike infrastructure, provision of free bus passes to residents, car-share and bike-share programs, traffic calming, and a reduction in the number of parking spaces provided.

O1-7

In conclusion, the Recirculated DEIR’s analysis of vehicular, active transportation and transit, and GHG impacts all continue to be inadequate. The project’s land use impacts, VMT impacts, active transportation impacts, transit impacts, and GHG impacts are all clearly significant. The project must adopt mitigation measures including new bicycle and transit facilities connecting with existing networks, traffic calming measures, TDM measures, all-electric construction, native landscaping, and removal of woodburning devices. Furthermore, to ensure compliance with the General Plan and the CAPE, the DEIR must demonstrate that these measures collectively achieve a reduction in annual VMT equal to 25% of new long-term annual operational VMT induced by the project, and a legislative-adjusted<sup>3</sup> reduction in annual GHG

<sup>3</sup>After crediting for state legislative impacts from SB 32, RPS, Advanced Clean Cars, and Advanced Clean Trucks

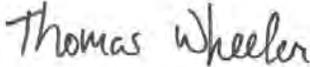
O1-7  
continued | emissions equal to 65% of new annual operational GHG emissions resulting from new long-term  
annual operational VMT induced by the project.

Thank you for your consideration of our comments.

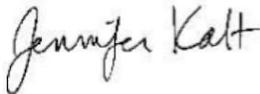
Sincerely,



Colin Fiske  
Executive Director  
Coalition for Responsible Transportation Priorities  
145 G Street, Suite A  
Arcata, CA 95521  
colin@transportationpriorities.org



Tom Wheeler  
Executive Director and Staff Attorney  
Environmental Protection Information Center (EPIC)  
145 G Street, Suite A  
Arcata, CA 95521  
tom@wildcalifornia.org



Jennifer Kalt, Director  
Humboldt Baykeeper  
600 F Street, Suite 3 #810  
Arcata, CA 95521  
jkalt@humboldtbykeeper.org



Caroline Griffith, Co-Executive Director  
Northcoast Environmental Center  
PO Box 4259  
Arcata, CA 95518  
carolineneemail@gmail.com

**Letter 01 Response**

**Colin Fiske, Coalition for Responsible Transportation Priorities**  
**Tom Wheeler, Environmental Protection Information Center (EPIC)**  
**Jennifer Kalt, Humboldt Baykeeper**  
 November 11, 2020<sup>2</sup>

O1-1	<p>The commenters provided introductory statements and stated that the Recirculated EIR did not address their comments from their letters dated June 22, 2020 and June 29, 2020 therefore, they are incorporating the previous comments by reference. The commenters also expressed concern about sea level rise and the need to reduce greenhouse gas emissions to slow climate change impacts. The reference to the updated Bicycle Plan is noted and will be corrected in Section 4 Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR; notably there have been no changes to proposed bicycle routes within the project site or project vicinity; the information previously presented remains accurate.</p> <p>Comments on transportation are referred to Master Response 1. Comments on greenhouse gases are referred to Master Response 2.</p>
O1-2	<p>The commenters stated that LOS should not be retained under CEQA and questions the County's decision to evaluate LOS under the General Plan consistency. Refer to Master Response 4 and Master Response 6.</p>
O1-3	<p>The commenters asserted that the project is inconsistent with the Humboldt County General Plan and provided a list of policies they believe the project is specifically inconsistent with. Refer to Master Response 6. Regarding inconsistency with Policy E-P5, refer to Response A3-2.</p>
O1-4	<p>The commenters asserted that project would create obstacles to active transportation and transit and that the project's distance from services and employment centers and lack of meaningful access to active transportation and transit is itself an obstacle to using these modes of transportation.</p> <p>The CEQA Guidelines Appendix G Checklist asks if a project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The PR Draft EIR acknowledges that the Regional Bicycle Plan does not include any bicycle routes within the project site and describes proposed routes in the vicinity of the project site. The proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles. The County Public Works Department would be responsible for ensuring proposed roadways are designed and constructed in accordance with local standards. The project represents higher density and mixed use development, notably, VMT for the project has been determined to be less than 15% of the regional VMT.</p>
O1-5	<p>The commenters stated that the VMT analysis remains fatally flawed because of the use of county-wide per capita average. Please refer to Master Response 1 and Master Response 4.</p>
O1-6	<p>The commenters provided comments on the greenhouse gas impact assessment and stated the proposed mitigation is inadequate. The greenhouse gas section was not recirculated as part of the PR Draft EIR, please refer to Master Response 5.</p>
O1-7	<p>The commenters reiterated their previous comments. Please refer to Master Response 1 and 4 and Response A3-2.</p>

<sup>2</sup> Date on letter is November 11, 2020; letter was received in November 2021 for the Partial Recirculation Draft EIR.



# Letter I1

Claire Brown

**From:** Claire Brown <[mycorrhizal@gmail.com](mailto:mycorrhizal@gmail.com)>

**Sent:** Monday, November 15, 2021 6:08 PM

**To:** CEQAResponses <[CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)>

**Subject:** Comments on North McKay Ranch Partially Recirculated DEIR

Dear Planning Department,

I1-1 [ This project will obviously result in significant increases in driving, and therefore has to include mitigations like new bicycle and transit facilities, traffic calming, and transportation demand management. In fact, to be consistent with the County's General Plan and the local RePower Humboldt plan, they have to show that the project will help reduce vehicle miles traveled (VMT) by 25% and reduce transportation-related greenhouse gas emissions by 65%.

Thanks,

Claire Brown, Eureka

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**Letter I1 Response**

**Claire Brown**

November 15, 2021

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I1-1	<p>The commenter stated that the project will result in a significant increase in driving, and therefore mitigation for new bicycle, transit facilities, traffic calming, and transportation demand management is required. The commenter also suggested that consistency with the RePower Humboldt Plan requires the project to show a reduction of 25% in VMT and 65% of greenhouse gas emissions.</p> <p>The Draft EIR found that transportation impacts were less than significant, thus no mitigation is required; please refer to Master Response 1. Refer to Master Response 2 for greenhouse gas emissions and Response A3-2 regarding consistency with Humboldt RePower Plan.</p>
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# Letter I2

Daniel Chandler

**From:** Daniel Chandler <[dwchandl@gmail.com](mailto:dwchandl@gmail.com)>

**Sent:** Monday, November 15, 2021 1:37 PM

**To:** CEQAResponses <[CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)>

**Subject:** Comments on North McKay Ranch Partially Recirculated DEIR

Hello.

I2-1 I have a comment on the revised transportation plan that is incorporated into the DEIR. The DEIR says that the McKay Ranch subdivision will not have a significant impact on driving. To reach this startling conclusion a bit of methodological legerdemain is employed: VMT for the subdivision is compared to the average VMT in the county, including of course all the rural areas. In fact, the subdivision is an expansion of the City of Eureka, so the comparison should have assigned city miles driven to the subdivision — even that is an undercount because this subdivision is designed so poorly. It is really a 1950's era project. Because it *will* have a significant impact on VMT and on traffic, it needs to have much more significant mitigations built in. These could and should include new bicycle and transit facilities and traffic calming.

I2-2 The larger issue is that the subdivision, to be consistent with the Humboldt County General Plan and the RCEA RePower Humboldt plan should be held to a higher standard, namely that it will reduce VMT byh 25% at least and reduce transportation-related greenhouse gas emissions by 65%.

I2-3 If the transportation plan was done with the correct methodology and the proper standards applied, it would be seen to be totally inadequate.

I2-4 Please make the very extensive changes needed in order for this subdivision to actually comply with CEQA and our local climate plans.

Thank you for your consideration.

Dan Chandler

Daniel Chandler, Ph.D.  
350 Humboldt Steering Committee  
[dwchandl@suddenlink.net](mailto:dwchandl@suddenlink.net)  
[dwchandl@gmail.com](mailto:dwchandl@gmail.com)  
Phone: 707 677 3359  
Mobile: 707 601 6127

**Letter I2 Response**

**Daniel Chandler**

November 15, 2021

I2-1	The commenter stated that the project will have a significant impact on VMT and traffic and needs to have more mitigation included. The commenter also took issue with the VMT methodology. Please refer to Master Response 1.
I2-2	The commenter stated that the project needed to show consistency with the General Plan and RCEA RePower Humboldt Plan by reducing VMT by 25% and greenhouse gas emissions by 65%. Please refer to Master Response 3 and Response A3-2.
I2-3	The commenter implied that that the transportation analysis applied the incorrect methodology and standards. Refer to Master Response 1.
I2-4	The commenter provided a general statement requesting extensive changes for the subdivision to comply with CEQA and local climate plans. The project has complied with the CEQA process. Refer to Master Response 2 for climate action plans. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.



# Letter I3

**From:** [Dave Holper](#)  
**To:** [Johnston, Desmond](#)  
**Subject:** Re: North McKay Ranch Comment  
**Date:** Friday, October 15, 2021 5:37:02 PM

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Please pass this comment along to the Planning Department. The email they provided in their letter about this project did not work.

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To County of Humboldt Planning Department,

On the surface, this project looks good, in terms of providing additional housing units in a city that seems to have limited options for growth.

However, my wife and I attended the last public session at Cutten School several years ago where the developer and a member of the county government failed to address the issues of the impacts that this development would have on several roads, including Cedar Street, Fern Street, Walnut Street, and Redwood Street. Given the size of the development and its lack of adequate street access, we both consider this project a problem that needs better solutions.

13-1

As anyone familiar with the neighborhood knows, the intersection of Walnut Street and Hemlock is impacted in the early morning and later afternoon due to the heavy traffic in and out of Cutten. If you were to add this development to the mix, the traffic impact would be significant, and that would lead to major problems going in or out of Cutten at these times. Given that the slopes on the other end of the property preclude such access, this presents what seems to be an insurmountable hurdle to the issues of access.

As it stands, we continue to oppose the project because of these problems.

David Holper

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**Letter I3 Response**

**David Holper**

October 15, 2021

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I3-1	<p>The commenter provided general concerns with traffic and access to the property. The commenter expresses opposition.</p> <p>Transportation impacts were addressed in Section 3.16 of the PR Draft EIR and found to be less than significant. No hazards were identified with project access. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>
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# Letter I4

Elyse M. Kelly

**From:** Elyse <[ekelly@tidepool.com](mailto:ekelly@tidepool.com)>

**Date:** October 18, 2021 at 1:44:42 PM PDT

**To:** "Wilson, Mike" <[Mike.Wilson@co.humboldt.ca.us](mailto:Mike.Wilson@co.humboldt.ca.us)>

**Cc:** "Madrone, Steve" <[smadrone@co.humboldt.ca.us](mailto:smadrone@co.humboldt.ca.us)>, "Bohn, Rex" <[RBohn@co.humboldt.ca.us](mailto:RBohn@co.humboldt.ca.us)>, "Bushnell, Michelle" <[mbushnell@co.humboldt.ca.us](mailto:mbushnell@co.humboldt.ca.us)>, "Bass, Virginia" <[VBass@co.humboldt.ca.us](mailto:VBass@co.humboldt.ca.us)>, [mmello@gpins.co](mailto:mmello@gpins.co)

**Subject:** McKay Tract Subdivision

As a resident of West End Rd, Arcata, CA, I was unable to obtain California Homeowner's Insurance (Farm Policy) this year. I was offered CA FAIR Plan at a very high price. I researched the plan and heard of numerous people who were unable to conform to their rule that ALL trees had to be cut within 200' of their house. Not everyone owned 200' beyond their house and that didn't seem to matter. I was denied by over 6 companies, 3 of which I tried to obtain on my own. The local insurance company that I was using, tried very hard to find me a company to insure my property. I own 38 acres, 3 of which is my "yard" and most of the rest is rented to horse owners. Therefore, I was turned down by some insurance companies, because I didn't "farm". But, my hands are tied due to the number of acres.

I found a Eureka insurance company who did find an out of state insurance company who would provide fire insurance, but not for the contents. That's what I went with. I then got liability insurance elsewhere. I was turned down for "renter's insurance" for the contents of the house.

I4-1

So, when I read that the McKay Tract Subdivision won't conform to CalFire regulations of 100' of defensible-space buffer of trees, let alone the 200' that the CA FAIR Plan requires, I am baffled that the supervisors or Mr. Kramer would not address that requirement immediately.

Please do your own research and talk to insurance agents in the area, you will find that insurance companies were not renewing insurance for businesses in downtown Eureka, due to fire risk, and financial risk to the insuring company.

Our coastal area has never been within a fire weather hazard designation. That may come. I don't understand why the board and Mr. Kramer don't take wildfire safety seriously. We don't normally have the thunderstorms here on the coast that start wildfires, but certainly there have been numerous calls to fire departments to put out fires started by the homeless. And many of those calls are to Volunteer Fire Departments, which are chronically understaffed and underfinanced.

Please insist that Mr. Kramer address the defensible-space of his subdivision to not only CalFire standards, but the CA FAIR Plan Insurance rules.

Sincerely,

Elyse M Kelly

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**Letter I4 Response**

**Elyse M. Kelly**

October 18, 2021

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I4-1	<p>The commenter provided general information on fire insurance requirements they have encountered and asked that the County insist that the requirements for defensible space be addressed by the Applicant.</p> <p>The comment pertains to a section of the EIR that was not recirculated, as such, no further response is required. Wildfire was previously addressed in Section 3.19 of the Draft EIR.</p>
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# Letter I5

Emily Morris

**From:** Morris Emily <[anemolie@gmail.com](mailto:anemolie@gmail.com)>

**Sent:** Thursday, November 18, 2021 10:36 AM

**To:** CEQAResponses <[CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)>

**Subject:** North McKay Ranch

**Dear Humboldt County planners-**

I'm writing about the North McKay Ranch development, proposed to be built south of Eureka. Please **require more bicycle and transit use, and traffic calming measures in the project.**

I5-1

**It is crucial that you require the project to manage its transportation demand.** Humboldt County as a whole must be looking forward to its expanded role as a hub for offshore wind energy and the home of a polytechnic university. It must develop its resources wisely and value the extensive contributions and presence of native peoples.

Thanks for your time.

Emily Morris

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**Letter I5 Response**

**Emily Morris**

November 18, 2021

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I5-1	<p>The commenter provided general comments about requiring the project to require more bicycle, transit, and traffic calming measures to manage its transportation demand. The commenter also provided general comments about the County looking forward as a hub for offshore wind energy and a polytechnic university and suggested the County's resources need to be developed wisely to value the extensive contributions and presence of native people.</p> <p>Transportation impacts were addressed in Section 3.16 of the PR Draft EIR and found to be less than significant; thus, no mitigation is required. The remaining comments do not raise any specific environmental concern or address the adequacy of the EIR. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>
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# Letter I6

Jerry Martien

-----Original Message-----

From: Jerry Martien <[drloon4@gmail.com](mailto:drloon4@gmail.com)>

Sent: Wednesday, December 01, 2021 2:45 PM

To: CEQAResponses <[CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)>

Cc: Jennifer Kalt <[jenkalt@gmail.com](mailto:jenkalt@gmail.com)>; ja savage <[jasavagehonest@gmail.com](mailto:jasavagehonest@gmail.com)>; Ali O <[rockygulch95524@gmail.com](mailto:rockygulch95524@gmail.com)>

Subject: North McKay Ranch

6088 Elk River Road  
Eureka CA 95503

1 December, 2021

Dear Planners and Planning Department:

My comment on the updated plan adds what I can to my comments of June, 2020. Like those earlier comments these are constrained by lack of clear direction and information, a reliable hallmark of your agency.

I was not able to find the new Land Use and Planning sections—or if they were the ones I read, I could not distinguish what has been changed and what has not. Likewise, I do not have a copy of the old Project Description to compare with your new one, so here again I'm only partly informed.

16-1 (Some agencies provide a document comparison, so the public can distinguish where changes have been made. It would add greatly to transparency and democratic process in this and other matters of planning. Just a suggestion.)

I do know from several HCSD meetings over the past year or so that there are issues of expense to the Services District that the developer has tried to put off to the District, so far without success. Having seen Mr Kramer in action, I don't doubt he will do the same with the County.

16-2 I also know that there are even longer-standing issues of annexation, sprawl, increased traffic throughout the District, and rising water and sewer rates—all of which were brought up in the last CSD election and will surface again when this project finally emerges into public view. But I have no idea how the new state planning regulations will affect these issues.

16-3 And I continue to object to the time release strategy of this project, where in effect you have begun it before this EIR has even seen the light of day. Drive to the end of Manzanita Street to see how it's progressing. Or wait for the traffic light the County has already provided in downtown Cutten, thank you. I find no assurance in the Plan that your department, your commissioners, or our supervisors will not allow the more profitable areas of the project to go forward—logging is always a good place to start, then the pricier units—while the actual mitigations are put off till market conditions improve.

I think it's an admirable idea to counteract sprawl with an effective transportation plan, but I don't see at this point how it goes beyond window dressing.

Thank you.

Jerry Martien

**Letter I6 Response**

**Jerry Martien**

November 18, 2021

<p>16-1</p>	<p>The commenter provided general comments on his inability to distinguish changes in the Land Use and Planning section from the previous version and similarly with the Project Description and suggested that document comparison be provided. The commenter also raised a non-CEQA issue of expenses to the Service District by the Applicant; see Master Response 1.</p> <p>As discussed in the PR Draft EIR, the recirculated sections of the EIR are intended to supersede previous versions of those sections. Commenters were requested to submit new comments only on those sections.</p>
<p>16-2</p>	<p>The commenter provided general comments on annexation, sprawl, and increased traffic within the HCSD along with rising sewer and water rates. The comments do not raise any specific CEQA environmental concern nor address the adequacy of the EIR analysis. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>
<p>16-3</p>	<p>The commenter provided comments that are unclear regarding timing of the project release, references to roadway improvements and a traffic light and suggested that mitigation will be put off until market conditions improve.</p> <p>The comments do not raise any specific CEQA environmental concern nor address the adequacy of the EIR analysis. Regarding the timing of mitigation measures, the Draft EIR delineates the timing of those measures. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>



# Letter I7

Nancy Ihara

**From:** Nancy Ihara <[nancyihara@gmail.com](mailto:nancyihara@gmail.com)>

**Sent:** Monday, November 15, 2021 2:54 PM

**To:** CEQAResponses <[CEQAResponses@co.humboldt.ca.us](mailto:CEQAResponses@co.humboldt.ca.us)>

**Subject:** Comments on North McKay Ranch Partially Recirculated DEIR

17-1 [ The North McKay Ranch project undoubtedly will result in significant increases in driving. As a consequence the project has to include mitigations like new bicycle and transit facilities, traffic calming, and transportation demand management. In fact, to be consistent with the County's General Plan and the local RePower Humboldt plan, they have to show that the project will help reduce vehicle miles traveled (VMT) by 25% and reduce transportation-related greenhouse gas emissions by 65%.

Nancy Ihara

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**Letter I7 Response**

**Nancy Ihara**

November 15, 2021

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17-1	<p>The commenter stated that the project will result in a significant increase in driving, and therefore mitigation for new bicycle, transit facilities, traffic calming, and transportation demand management is required. The commenter also suggested that consistency with the RePower Humboldt Plan requires the project to show a reduction of 25% in VMT and 65% of greenhouse gas emissions. The Draft EIR found that transportation impacts were less than significant, thus no mitigation is required; please refer to Master Response 4. Refer to Master Response 5 for greenhouse gas emissions and Response A3-2 regarding consistency with Humboldt RePower Plan.</p>
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# Letter I8

Patrick Carr

From: Patrick Carr <nedlud432@gmail.com>  
Sent: Wednesday, December 01, 2021 11:40 AM  
To: Johnston, Desmond <djohnston@co.humboldt.ca.us>; CEQAResponses <CEQAResponses@co.humboldt.ca.us>  
Subject: comments: North McKay recirculated DEIR

Desmond Johnston  
Humboldt County Building and Planning Department  
Re: North McKay Ranch Recirculated Draft Environmental Impact Report

18-1 | I appreciate the opportunity to comment on the Recirculated Draft Environmental Impact Report, focusing on transportation impacts, on the proposed North McKay proposed development.

18-2 | I remain very concerned that the revised review does not adequately address the impacts of increased vehicle usage that this development would cause. I see little in the way of analysis of the increase in driving resulting from placing a large subdivision several miles from significant jobs/shopping locations, without increasing transit access or improving opportunities for active transportation that would get people out of cars safely.

18-3 | There are a variety of instances in which the revised DEIR is inconsistent with the Humboldt County General Plan, which references the Regional Transportation Plan in supporting increased pedestrian access and transit improvements for future developments. Yet bus stops, providing low frequency bus service, are located a half-mile or more from the proposed future residences. This is not a realistic distance for people to be expected to walk to access a bus, and there should be an increased frequency of bus service to provide a reasonable alternative to people using single-occupant cars to get to work or shopping.

18-4 | There is no documentation of meaningful opportunities for biking/pedestrian use that the project would provide, and I know from personal experience as a longtime bicycle commuter that using Harris or Harrison avenues at even the current level of traffic use is very hazardous given limited bike lanes and high traffic volumes.

18-5 | The Vehicle Miles Traveled (VMT) analysis should be more fairly based on comparisons with the VMT for the Eureka area rather than the county as a whole. Comparing the VMT of people driving to and from a suburban-type development near Eureka's city limits with the VMT of drivers originating in Orick, Kneeland, or Blocksburg tilts the scale heavily toward viewing this project as having minimal impacts. Yet we know that transportation is the highest impact sector in local, state, and national Greenhouse Gas emissions. Transportation emissions are a significant area of impact of the North McKay project and the VMT analysis is an important measure in analysing this.

Thank you for considering my comments!

Patrick Carr  
1704 Virginia Way  
Arcata CA 95521

**Letter I8 Response**

**Patrick Carr**

December 1, 2021

18-1	The commenter provided introductory remarks to open the letter; see Master Response 1.
18-2	The commenter expressed concerns with the analysis of increased vehicle usage they believe the development would cause and questioned the location of the project in relation to increases in driving without increasing access to transit access or improving opportunities to active transportation. The commenter did not raise any specific concern with the analysis of transportation impacts in Section 3.16 of the PR Draft EIR. The commenter is directed to see Master Response #1 for responses addressing VMT and multimodal transportation.
18-3	The commenter asserted that there are a variety of instances where the revised Draft EIR is inconsistent with the Humboldt County General Plan, which references the Regional Transportation Plan. Refer to Master Response 6.
18-4	The commenter noted there is no documentation of bicycle/pedestrian use the project would provide and that current level of traffic use is hazardous given the limited bike lanes and traffic volumes. As discussed in Section 3.16, Transportation, the proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles. The VMT analysis determined the project would not block, remove, or create barriers for transit utilization.
18-5	The commenter stated the VMT analysis should compare VMT for the project to the Eureka area rather than the County as a whole. Refer to Master Response 4.



## 4.0 MINOR REVISIONS TO THE DRAFT EIR AND PARTIAL RECIRCULATION DRAFT EIR

### 4.1 INTRODUCTION

This section includes minor edits to the Draft EIR (Draft EIR) and Partial Recirculation Draft EIR (PR Draft EIR). These modifications resulted from minor clarifications and staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

### 4.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR AND PARTIAL RECIRCULATION DRAFT EIR

#### 4.2.1 Draft EIR

#### 2.4.1 Discretionary and Ministerial Actions

The project application would require the following discretionary approvals and actions, including but not limited to:

- General Plan Amendment, Major Subdivision, Planned Unit Development Permit, and Zoning Ordinance Amendment – Humboldt County
- Development Agreement – Humboldt County
- Special Permit for vegetation removal and work within a Streamside Management and Wetland Area – Humboldt County
- Drinking Water Supply Permit Amendment – State Water Resources Control Board, Division of Drinking Water

Certain ministerial actions would be required for the implementation of the proposed project, including, but not limited to, issuance of encroachment, grading, and building permits.

#### 2.4.2 Responsible and Trustee Agencies

In addition to Humboldt County, several other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- HCSD Annexation – Humboldt County LAFCo



- Lake and Streambed Alteration Agreement (SAA) – CDFW
- Compliance with the California Endangered Species Act (CESA) for potential take of state listed species (if needed) – CDFW
- Section 404 Permit – USACE
- Compliance with the federal ESA for potential take of listed species (if needed) – U.S. Fish and Wildlife Service (USFWS)
- 401 Water Quality Certification – North Coast RWQCB
- North Coast Unified Air Quality Management District
- State Water Resources Control Board, Division of Drinking Water

Actions that would be necessary to implement the proposed project that must be taken by other agencies are as follows:

- Obtain coverage under General Construction Stormwater Permit – State Water Resources Control Board (SWRCB)/North Coast RWQCB; a SWPPP must be submitted in order to obtain such coverage
- Issuance of Encroachment Permits for roadway improvements within facilities under the jurisdiction of the County of Humboldt or the City of Eureka
- Drinking Water Supply Permit Amendment

### Draft EIR Table 3.5-6

Row three of Table 3.8-6 of the Draft EIR includes the following revision:

**“Consistent.** As part of MM GHG-32, the project would require catalytic converters for all woodburning heat sources.”

### Draft EIR Section 3.8 Greenhouse Gases

#### ***Conflict with an Applicable Plan, Policy, or Regulation***

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**Impact GHG-2      The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.**

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#### **Impact Analysis**

The following analysis assesses the proposed project’s consistency with local and regional adopted plans to reduce GHG emissions. The Humboldt County General Plan commits to concrete actions to further reduce countywide GHG emissions. The County is currently participating in the preparation of a regional ~~preparing a~~ Climate Action Plan (CAP). Although not yet finalized, the County is suggesting GHG reduction targets of 40 percent below 1990 levels by 2030, ~~and 60 percent below 1990 levels by 2040.~~



The draft Climate Action Plan was released in October 2021 and provides the following emissions rates and per capita rates:

<u>1990 GHG Emissions Rate (MTCO<sub>2</sub>e/Year)</u>	<u>1990 Per Capita Emissions Rate Countywide (MTCO<sub>2</sub>e/Year Per Capita)</u>	<u>230 Target Emissions Level (MTCO<sub>2</sub>e/Year)</u>	<u>2030 Target Emissions Reduction (MTCO<sub>2</sub>e/Year)</u>	<u>2030 Per Capita Countywide Target (MTCO<sub>2</sub>e/Year Per Capita)</u>
1,614,066	13.55	968,440	542,723	7.14

Based on the USCB's average housing size for the County of 2.43 persons per household, the County's population would increase by 778 people, assuming the project is fully occupied (USCB 2018). This would result in a per capita rate of 1.97 MTCO<sub>2</sub>e/Year Per Capita in 2030 for the project, which would be less than Countywide Target.

Additionally, the state has developed the Climate Change Scoping Plan, which was updated in 2017, and outlines the strategy for achieving California's 2030 GHG target of 40 percent emissions reductions below 1990 levels. The following provides a project-specific consistency analysis with each of these local, regional, and statewide plans.

### Draft EIR Section 4.5.8

In Section 4.5.8, page 4-8, the following has been revised:

"To reduce operational GHG emissions, the project would ~~include implement MM GHG 2, which will require a network of on-site EV charging stations for the commercial and multi-family units, as stated in Section 2.0, Project Description.~~ In addition, MM GHG-32 would be implemented, which requires catalytic converters on all wood burning stoves."

### Draft EIR Section 4.5.16

In Section 4.5.16, page 4-11, second paragraph, the following has been revised:

"All the new development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, ~~and~~ roadway operations, ~~and freeway operations.~~"

### Draft EIR Section 3.19.5 Project Impact Analysis and Mitigation Measures

In Impact WF-1, the third paragraph on page 3.19-6, has been revised:

However, the current site plan does not provide a 100-foot defensible space as required by both CAL FIRE and the Humboldt Bay FPD. The CWPP also recommends managing fuels for at least 100 feet of defensible space (Humboldt County 2019) that would provide suppression personnel the option to deploy their resources to defend the homes. Since the current site plan does not provide the 100-foot defensible space, the Applicant and the County are considering a mutual agreement to allow for 70 feet of defensible space on the adjacent McKay Community Forest, with 30 feet of defensible space on the project site. Alternatively, the current site plan could be redesigned to provide the 100-foot defensible space on-site.



The site redesign provides some flexibility to the Applicant to increase the density of the project in certain areas to provide for the required defensible space. The site redesign would be required to fall within the bookends of development evaluated by the Draft EIR, for example, maintaining or reducing total dwelling unit count and commercial square footage within the project footprint. MM WF-2 also provides the applicant with the ability to combine both options to secure additional defensible space off-site of less than 70 feet and additional on-site defensible space of greater than 30 feet; the performance criteria is that the total provided defensible space is a minimum of 100 feet. ~~MM WF-2 would require that the Applicant either redesign the site plan as Option 1 or enter into a mutual agreement with the County as Option 2.~~ The proposed project would require the implementation of both MM WF-1 and MM WF-2.

Wildfire risks are determined to remain significant and unavoidable because despite the implementation of MM WF-1 and MM WF-2, the proposed project could exacerbate wildfire risks by locating housing within a wildfire risk area. Additional mitigation would not reduce the significant and unavoidable impact related to increased wildfire risk. ~~However, there is uncertainty regarding actual implementation of MM WF-2.~~ As such, impacts due to wildfire would remain significant and unavoidable even with mitigation.

#### 4.2.2 Partial Recirculation Draft EIR

### Partial Recirculation Draft EIR Section 3.16.6 Project Impact Analysis and Mitigation Measures

#### Alternative Transportation Impacts

As noted in the traffic study, pedestrian access and safety within the vicinity of the project is generally adequate. TRANS-2 would be implemented to address pedestrian safety. The nearest Red and Rainbow Route bus stops are located within 0.5 mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1 to 1.2 miles from the project site. A review of the Humboldt Regional Bicycle Plan Update 2012~~8~~ prepared by the HCAOG (HCAOG 2012~~8~~) lists the following proposed bicycle routes in the project area: (1) a proposed north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on “W” Street, Hemlock Street, and Walnut Drive. The proposed project would not conflict with or prevent implementation of the Humboldt Regional Bicycle Plan Update 2012~~8~~, which did not propose any bicycle facilities within the immediate project area. Therefore, the impact would be less than significant.

**Table 3.11-1: LAFCo Consistency Analysis (Government Code Section 56668)**

Section	Consistency Determination
<p><b>Section 56668(f):</b> The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p><b>Consistent:</b> The project area would be located directly adjacent to the existing community of Cutten. The proposed project would connect this established community to the new residential, commercial, and recreational uses proposed. The project proposes dedicating open space to the County that would abut existing community fields and provide some buffer between a portion of the new development and the</p>



Section		Consistency Determination
		<p>existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.</p> <p><u>The proposed project would be adjacent to the City of Eureka SOI and would be directly adjacent to the existing community of Cutten. The project site, while currently undeveloped, is zoned for future residential development, identified for development in the Eureka Community Plan, and addressed in the HCSD MSR for future growth and development.</u></p>
<p><b>Section 56668(g):</b> A regional transportation plan adopted pursuant to Section 65080, <del>and consistency with city or county general and specific plans. (Section 65080 is not reproduced below due to length; however, its information was used in this analysis and the link is provided in a footnote for further reference<sup>3</sup>)</del></p>		<p><b>Consistent:</b> As discussed in Section, 3.16, Transportation, <del>and under the General Plan Consistency analysis above (Table 3.11-4),</del> the proposed project would be consistent with all transportation policies that are relevant to the proposed project.</p>
<p><b>Section 56668(h):</b> <u>(The proposal's consistency with city or county general and specific plans.</u></p>		<p><b>Consistent:</b> <u>As discussed in Section 3.11, Land Use and Planning, Table 3.11, the proposed project would be consistent with General Plan Policies</u></p>
<p><b>Section 56668(hj):</b> The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>		<p><b>Consistent:</b> The proposed project is within the HCSD SOI.</p>
<p><b>Section 56668(ij):</b> The comments of any affected local agency or other public agency.</p>		<p><b>Consistent:</b> The Draft EIR and proposal will be circulated to local and affected agencies. Responses to comments will be provided in the Final EIR.</p>
<p><b>Section 56668(jk):</b> The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>		<p><b>Consistent:</b> The proposed project would be served by municipal services provided by HCSD for water and wastewater, by the Humboldt Bay FPD and CAL FIRE for fire protection services, and the County Sherriff Office for police protection services. Sections 3.14, Public Services, and 3.18, Utilities and Service Systems, describe the service and infrastructure requirements necessary to ensure that adequate levels of service are provided. The proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees.</p>
<p><b>Section 56668(kl):</b> Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Section 65352.5 is reproduced below.)</p>		<p><b>Consistent:</b> As discussed in Section 3.18, Utilities and Service Systems, there are sufficient water supplies for retail water suppliers, HBMWD retail customers, industrial customers, and system losses during normal, single dry, and multiple dry years (HBMWD 2016). HCSD has a total of 5 million gallons per day (MGD) of storage capacity, has a peak daily water consumption of approximately 3.20 MGD, and an average daily water consumption of approximately</p>
<p><b>65352.5</b></p>	<p>(a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to</p>	

<sup>3</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65080.&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65080.&lawCode=GOV)



Section	Consistency Determination
<p>accommodate projects that will result in increased demands on water supplies.</p> <p>(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p> <p>(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:</p> <p>(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.</p> <p>(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.</p> <p>(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.</p> <p>(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.</p> <p>(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.</p> <p>(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.</p> <p>(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:</p> <p>(A) Agricultural users.</p> <p>(B) Commercial users.</p> <p>(C) Industrial users.</p> <p>(D) Residential users.</p> <p>(8) Quantification of the expected reduction in</p>	<p>2.56 MGD (SHN Engineers &amp; Geologists 2014).</p> <p>The need for a water tank to support the proposed development was identified by HCSD and, therefore, the construction and operation of this new water tank is being considered as part of this Draft EIR.</p>



Section		Consistency Determination
	<p>total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.</p> <p>(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p>	
<p><b>Section 56668(m):</b> The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>		<p><b>Consistent:</b> The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 parcels as available for residential development in the Residential Land Inventory included the Housing Element. The development would provide for a range of income levels with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
65580	<p>The Legislature finds and declares as follows:</p> <p>(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.</p> <p>(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.</p> <p>(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.</p> <p>(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.</p> <p>(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.</p>	
<p><b>Section 56668(mn):</b> Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p>		<p><b>Consistent:</b> The proposed project property is owned by the Applicant of the proposed project. Annexation to HCSD would be considered "uninhabited," and the Owner/Applicant is in favor of the annexation.</p>



Section	Consistency Determination
	<p>Neighboring property owners would be noticed about the availability of the CEQA documents and public meetings. These individuals will have the opportunity to submit comments to both the County and the County LAFCo.</p>
<p><b>Section 56668(ag):</b> Any information relating to existing land use designations.</p>	<p><b>Consistent:</b> The proposed project parcels are designated Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017c). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017c). The project site also lies within the Eureka Community Plan Planning Area Boundary, but not within its SOI. The water tank location is designated as Timberland (T).</p> <p>The proposed project parcels are zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water tank location is zoning as a TPZ.</p>
<p><b>Section 56668(ep):</b> The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.</p>	<p><b>Consistent:</b> According to the Governor’s OPR LAFCO MSR Guidelines, a LAFCO decision to approve an extension of a service area or a change in city boundaries could have a significant environmental justice impact especially if it results in the siting of a major industrial, residential, or public works project. Environmental justice can be broken down into two categories: procedural inequity and geographic inequity. In the case of land development projects, procedural inequity can include unfairly attaching mitigation measures to certain projects and not uniformly to all projects, as well as unfair meeting or noticing procedures. Geographic inequity can include concentrating undesirable land uses, such as denser development, in one area of a county while concentrating desirable uses, like parks, in other areas of the county.</p> <p>The proposed project is subject to the procedural requirements of state law and County Code, including but not limited to the analysis contained in this EIR, public hearings before the Planning Commission and Board of Supervisors, and approval from LAFCo for annexing to the HCSD.</p> <p>The proposed project includes 18 affordable housing units that would help address the County’s housing needs, and a combination of single-family and multi-family residential, together with commercial development, located adjacent to existing ballfields at Redwood Fields Park and, eventually, a regional park and regional trail system.</p>
<p><b>Section 56668(q):</b> Information contained in a local</p>	<p><b>Consistent:</b> As discussed in Section 3.19, Wildfire, a</p>



<b>Section</b>	<b>Consistency Determination</b>
<p><u>hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.</u></p>	<p><u>portion of the project site immediately south of Redwood Fields Park is located in the Risk/Hazard Area. The project site is also within a community-identified proposed project indicated as the Wildfire Urban Interface fuel break area. Mitigation measures have been incorporated into the project to address potential impacts. However, because of the uncertainty in implementation of MM WF-2, the impacts to wildfire were determined to remain significant and unavoidable.</u></p>



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## 5.0 REFERENCES

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