

# CHAPTER 2

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## Errata

The following corrections and changes are made to the Draft EIR and incorporated as part of the Final EIR. Revised or new language is underlined. Deleted language is indicated by ~~strikethrough~~ text. Revisions to figures are described and the new figure is provided.

The revisions in this chapter do not identify any new significant impacts not identified in the Draft EIR, nor do they reveal a substantial increase in the severity of an environmental impact. The revisions further do not describe an alternative or mitigation measure considerably different from those identified in the Draft EIR. Accordingly, the revisions in this chapter are not considered “significant new information,” and the EIR need not be re-circulated for public comment prior to certification (CEQA Guidelines Section 15088.5).

Section A identifies staff-initiated changes made to the Draft EIR. Section B identifies changes made to the EIR in response to comments received.

### A. Staff-Initiated Changes to the Draft EIR

The text changes presented in this section are initiated by Lead Agency staff. Changes include text corrections to the Draft EIR to clarify or amplify the information presented in the Draft EIR, as well as corrections to certain wording in the Draft EIR. None of the revisions results in fundamental alterations of the conclusions of the Draft EIR.

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The Applicant has decided when to seek approvals for Phase 1 of the proposed project at the current time. Therefore, Project Description text related to phasing has been revised as follows.

*The following text has been revised on pages III-14 through III-15 (beginning at last paragraph on page III-14):*

The project is expected to be constructed in phases which would also result in implementation of mitigation measures in phases. ~~Because the~~ Phase 1 would span 12 months and would include wetland restoration and site remediation. The Project Applicant has not identified the actual construction phasing for the project beyond Phase 1, and is therefore only seeking entitlements and approvals for Phase 1.

To provide a conservative assessment of potential impacts of the full buildout of the proposed project, however, the impact analysis and recommended mitigation measures listed in Chapter IV of this EIR are for full project build-out. When the Project Applicant has completed a project phasing plan for latter phases of the proposed project, the specific mitigation measures required for ~~each~~ those phases will be determined and a Development Agreement(s) will be entered into to assure full compliance with the recommended mitigation measures required for those phases.

Before the City approves the ~~phasing plan and associated~~ discretionary entitlements for subsequent phases (e.g., the LCP Amendment, GP Amendment Zoning, Coastal Development Permit, or Development Agreement), the ~~phasing and~~ mitigation plan for each phase will be evaluated to ensure that there are no changes to the project, changes to surrounding circumstances, or other new information that triggers the need for supplemental or subsequent environmental review under Section 21166 of the Public Resources Code.

An example of possible future phasing:

~~*Phase 1:* would span 12 months and would include the wetland restoration and site remediation.~~

*Phase 2:* would span 12 months and would include the development of the Anchor 1 through 4 buildings and the industrial area.

*Phase 3:* would extend over about 18 months and would include the completion of the proposed Second Street extension, construction of about half of the mixed-use retail and office buildings, and construction of the parking structure.

*Phase 4:* would extend over an approximately 12-month period and would include construction of the remaining mixed-use retail and office buildings and the mixed-use retail and multi-family residential building.

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Also, the Lead Agency has revised portions of the traffic analysis.

*As shown on the following page, the Figure IV.O-14 on Draft EIR page IV.O-52 has been revised. The figure also appears in Draft EIR Appendix P, page 47, and is revised there, as well.*

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*As shown on the following page, the Multi-use Development Trip Generation and Internal Capture Summary in Appendix G of Draft EIR Appendix P has been revised.*

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*As shown on pages 2-6 through 2-8, the Conceptual Plans in Appendix K of Draft EIR Appendix P have been revised.*

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The Lead Agency has revised its estimation of the wastewater generation of the proposed project. In addition, as described in response to comment 80-9 in Chapter 5 of this Final EIR, the City of Eureka has decided to maintain the permitted 5.24 mgd capacity of the Elk River Wastewater Treatment Plan through the 2008/2009 NPDES permit renewal process.

*The following text has been revised on page IV.Q-1 (last paragraph, sixth line and associated footnote):*

The Elk River WWTP has a total average dry weather capacity of 6 mgd (however, the currently permitted capacity is 5.24 mgd)<sup>1</sup>, with a permitted capacity of 8.6 mgd during peak dry weather and 32 mgd during peak wet weather. The WWTP operates at approximately 70 percent of the permitted capacity in dry weather conditions and at 100 percent of the permitted capacity during peak wet weather events.

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*The following text, and associated footnotes, has been revised on pages IV.Q-4 and IV.Q-5 (beginning on last paragraph of IV.Q.4):*

~~Implementation of the proposed project would result in an estimated 130,000 gallons per day of wastewater flows.<sup>2</sup> The City's WWTP currently operates at approximately 70 percent of its permitted capacity during dry weather conditions and at 100 percent of the permitted capacity during peak wet weather conditions. As discussed previously, the permitted capacity of the WWTP (5.24 mgd) is less than the design capacity (6 mgd); thus the WWTP has been operating at a lower capacity than its designed capacity. The renewed NPDES permit<sup>1</sup> would include the additional 0.76 mgd and would provide the City with approximately 0.53 mgd of additional capacity at the WWTP.<sup>3</sup> The approximately 130,000 gallons per day of project wastewater (representing approximately 1.5 percent of dry weather flows and 0.4 percent of the wet weather flow capacity) would be accommodated within the permitted capacity of the WWTP (under the renewed permit).~~

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<sup>1</sup> ~~The 5.24 mgd permitted capacity is anticipated to be updated to 6 mgd or more in the NPDES permit renewal process in 2008/2009 (Gierlich, 2008).~~

<sup>2</sup> ~~For estimation purposes, wastewater flows are calculated as approximately 90 percent of estimated water use, based on information provided in *Water Quality* (Tehobanoglous and Schroeder, 1987).~~

<sup>3</sup> ~~Approximately 0.23 mgd capacity is allocated for HCSD (Gierlich, 2008).~~

Analyst David  
 Date 05-10-06

## Multi-Use Development Trip Generation and Internal Capture Summary

Name of Development Balloon Track  
 Time Period P.M. Peak

LAND USE A Retail

ITE LU Code <u>820</u>			
Size <u>157 KSF GLA</u>			
Exit to External	<b>394</b>		
	←		
Enter from External	<b>357</b>		
	→		
		Total	Internal
Enter	<b>405</b>	<b>48</b>	<b>357</b>
Exit	<b>439</b>	<b>45</b>	<b>394</b>
Total	<b>845</b>	<b>93</b>	<b>751</b>
%	<b>100%</b>	<b>10%</b>	<b>90%</b>



LAND USE B Office Park

ITE LU Code <u>750</u>			
Size <u>104 KSF GLA</u>			
Exit to External	<b>12</b>		
	←		
Enter from External	<b>187</b>		
	→		
		Total	Internal
Enter	<b>32</b>	<b>20</b>	<b>12</b>
Exit	<b>199</b>	<b>12</b>	<b>187</b>
Total	<b>232</b>	<b>32</b>	<b>199</b>
%	<b>100%</b>	<b>14%</b>	<b>86%</b>

LAND USE C Home Improvement Superstore (Retail)

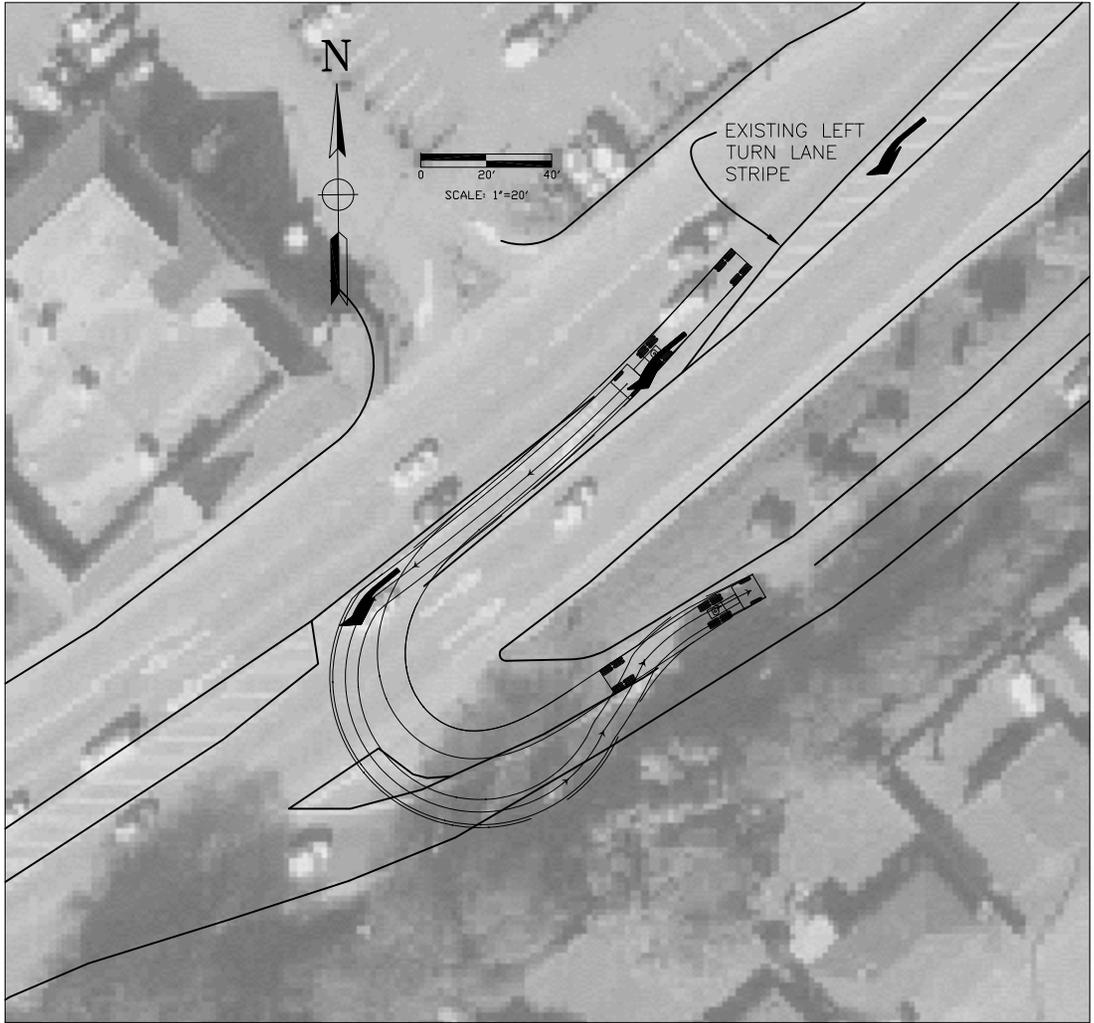
ITE LU Code <u>862</u>			
Size <u>153 KSF GLA</u>			
Enter from External	<b>137</b>		
	←		
Exit to External	<b>152</b>		
	→		
		Total	Internal
Enter	<b>176</b>	<b>39</b>	<b>137</b>
Exit	<b>198</b>	<b>46</b>	<b>152</b>
Total	<b>374</b>	<b>85</b>	<b>289</b>
%	<b>100%</b>	<b>23%</b>	<b>77%</b>

Exit to External **12**  
 Enter from External **187**

Enter from External **137**  
 Exit to External **152**

	LAND USE A	LAND USE B	LAND USE C	TOTAL	
Enter	<b>357</b>	<b>12</b>	<b>137</b>	<b>506</b>	
Exit	<b>394</b>	<b>187</b>	<b>152</b>	<b>733</b>	
Total	<b>751</b>	<b>199</b>	<b>289</b>	<b>1,239</b>	
Single-Use Trip Gen. Est.	<b>845</b>	<b>232</b>	<b>374</b>	<b>1,451</b>	<b>INTERNAL CAPTURE</b>
					<b>15%</b>

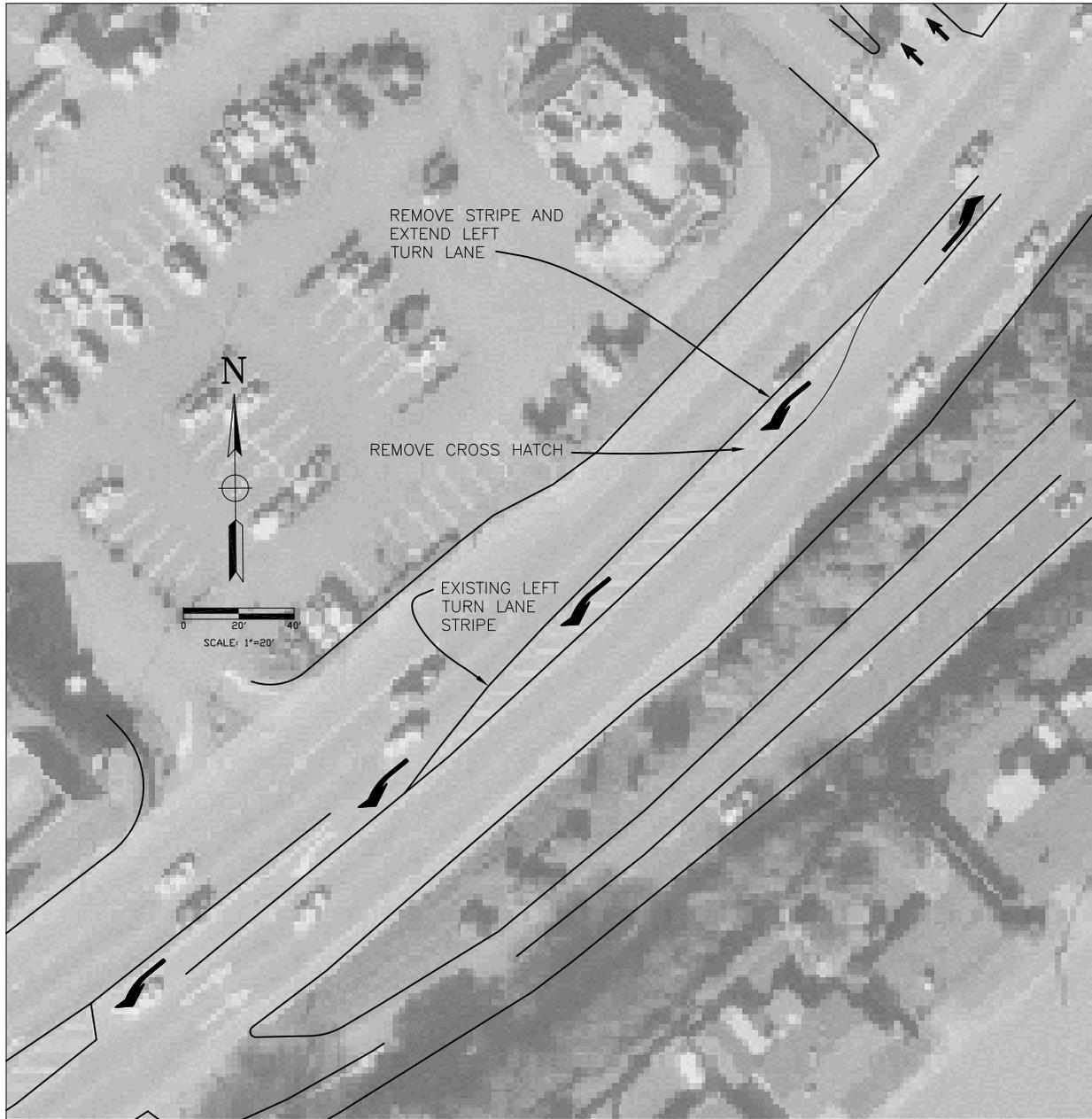
Source: Kaku Associates, Inc.



BROADWAY AND HARRIS STREET  
TRUCK TURNING



BROADWAY AND HAWTHORNE STREET



BROADWAY AND HARRIS STREET  
EXTEND LEFT TURN LANE

On December 4, 2006 the City issued a 'Will Serve' letter to serve water and wastewater to the proposed project. In its review of capacity to serve the development the City evaluated the capacity of the wastewater collection and transport system.

The portion of the wastewater system serving the proposed project consists of the Washington Pump Station and the sewer main to the Washington Pump Station. The sewer main is a 42-inch diameter gravity sewer line, the largest gravity sewer line in the City, which is operating well below its maximum capacity and has sufficient capacity to serve the development.

The Washington Pump Station currently operates at about 75 to 78 percent of its peak wet weather capacity during the 20-year return period storm event and has sufficient capacity to serve the proposed project. With a maximum pumping capacity of 18.18 million gallons per day (mgd), the pump station has approximately 4 mgd of remaining capacity. This is capacity enough to serve at least 2,000 additional equivalent single family dwelling units (EDUs). It will be many years before enough new development occurs in the Washington sewer basin to utilize this remaining capacity, since the Washington sewer basin is substantially built-out.

In 2007 and 2008 the Elk River Regional Wastewater Treatment Plant (WWTP) recorded Average Dry Weather Flows equating to approximately 75 percent of its permitted dry weather capacity of 5.24 mgd. The City of Eureka shares the WWTP with the Humboldt Community Services District. The City's contractual portion of the dry weather capacity is 69.5%, or 3.642 mgd. Flow records indicate that in 2008 the City was utilizing about 83.6% of its contractual WWTP capacity with recorded flows of 3.045 mgd. The remaining unused average dry weather flow capacity was 0.597 mgd, which equates to about 2,457 available connections for equivalent single family dwellings (EDUs).

In January 2009 a revised estimate was made of the number of wastewater EDUs the project was anticipated to produce. The numbers are as follows:

- Retail/Service – 57 EDUs
- Nurseries/Garden/Furniture – 6 EDUs
- Office – 21 EDUs
- Restaurants – 56 EDUs
- Multi-Family – 54 EDUs
- Museum – 3 EDUs
- Industrial – 14 EDUs
- Project Total = 211 EDUs

The revised number of 211 EDUs is well below the previous estimate of 625 EDUs cited in the December 4, 2006 will-serve letter.

In addition to the proposed project, the City has made wastewater commitments to serve two additional developments within the City limits: Bayshore Inn Expansion (28 EDUs) and Lundbar Hills Unit 6 (56 EDUs). Totaling these three developments yields 296 EDUs.

Using the 2007 and 2008 recorded average dry weather wastewater flows to the WWTP the balance of available uncommitted connections contractually available to the City at the WWTP is approximately 2,161 EDUs (2,457 EDUs minus 296 EDUs for proposed / planned projects).

The City examined both five-year average flows (for the years 2004–2008) and ten-year average flows (for the years 1998–2008). This examination revealed that flows constituted 79 and 85 percent of the currently permitted dry weather flow capacity, respectively. Consequently, sufficient capacity remains in the system to serve the Marina Center project and other cumulative projects, discussed below under Impact Q-8).

Therefore, given that the capacity exists to serve the anticipated project's wastewater demands, implementation of the proposed project would not result in the construction of new or expanded wastewater treatment facilities. Wastewater from the proposed project would have characteristics typical of municipal wastewater that is treated at the WWTP and would not exceed the wastewater treatment requirements for the WWTP. The impact would be less than significant.

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Finally, as a note of clarification, Draft EIR Appendix F, Health Risk Assessment Associated with Diesel Emissions Associated with Wetlands Construction and Delivery Operations for the Proposed the Marina Center Project, is based on an outdated concept of the proposed project. This earlier report was superseded by the report in Draft EIR Appendix E, Health Risk Assessment Regarding Vehicle Emissions Associated with the Proposed Marina Center Project, which includes an updated site layout, traffic counts, and other updates. The report in Appendix E represents the most up to date Health Risk Assessment and the Report in Appendix F should be disregarded; it was inadvertently included as an appendix in the Draft EIR.

*Appendix F of the Draft EIR has been deleted from the document.*

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## B. Changes to the Draft EIR in Response to Comments

The text changes presented in this section were initiated by written comments on the Draft EIR that were made during the 60-day public review period that began on December 1, 2008 and closed on January 31, 2009. None of the revisions results in fundamental alterations of the conclusions of the Draft EIR. The following text changes are revised as follows:

*The following text has been revised on page II-16 in Table II-1 (Impact G-1):*

A RWQCB-approved interim site remediation has been completed and a soil management and groundwater management contingency plan would be prepared for the property project site. The site is still subject to a Final Remedial Action Plan to be reviewed and approved by the RWQCB.

[Comment 6-9]

*The following text has been revised on page IV.C-8 (first paragraph, last sentence):*

The NCUAQMD is currently reviewing the attainment plan and expects to update the plan in ~~2008~~ 2009 (NCUAQMD, ~~2007a~~ 2009).

[Comment 25-5]

*The following text has been revised on page IV.C-19 and IV.C-20 in Table IV.C-8 and the first paragraph:*

The URBEMIS2007 model also estimates CO<sub>2</sub> emissions from natural gas combustion for space and water heating and fuel combustion for landscape maintenance, based on land use size (number of dwelling units or commercial square footage). Again, the appropriate scaling factors from the State Inventory of GHG Emissions were used to determine the relative amounts of CH<sub>4</sub> and N<sub>2</sub>O emitted from residential and commercial fuel combustion. Table IV.C-8 presents the estimated GHG emissions that would result from motor vehicle trips, natural gas usage, ~~and~~ landscape maintenance activities, and energy consumption that would be associated with the proposed project. In addition to the emissions presented in Table IV.C-8, other GHG emissions would be generated by the proposed project to a lesser extent through indirect sources, including ~~electricity generation and~~ solid waste decay...

**TABLE IV.C-8  
ESTIMATED EMISSIONS OF GREENHOUSE GASES FROM PROPOSED PROJECT**

Emission Source	Emissions (metric tons of CO <sub>2</sub> per year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total eCO <sub>2</sub>
Motor vehicle trips	17,801	57	1,118	18,976
Natural gas usage	1,028	48	7	1,083
Landscape maintenance	2	<1	<1	2
<u>Energy Usage</u>	<u>1,995</u>	<u>1</u>	<u>4</u>	<u>2,000</u>
<b>Total Operational GHG Emissions</b>	<del>48,834</del> <u>20,826</u>	<del>405</del> <u>106</u>	<del>4,425</del> <u>1,129</u>	<del>20,064</del> <u>22,061</u>

[Comment 22-4]

*The following text has been revised on page IV.C-20 through IV.C-21 (beginning at last paragraph on IV.C-20, first line):*

... With regard to Item B, project long-term GHG emissions would be approximately ~~20,000~~ 22,000 metric tons per year CO<sub>2</sub>e emissions from operations (including emissions from vehicle trips, natural gas usage, ~~and landscape maintenance, and energy consumption~~). The project would not be classified as a major source of GHG emissions because emissions would be less than the lower reporting limit for industrial stationary sources, which is proposed to be 25,000 metric tons per year of CO<sub>2</sub>e.

When compared to the overall State reduction goal of approximately 174 million metric tons per year of CO<sub>2</sub>e, the GHG emissions for the project (~~20,000~~ 22,000 metric tons per year of CO<sub>2</sub>e or 0.0001 percent of the State goal) are quite small and should not conflict with the State's ability to meet the AB 32 goals.

[Comment 22-4]

*The following text has been revised on page IV.D-17 (third paragraph):*

#### **Regional Water Quality Control Board**

The Regional Water Quality Control Board (RWQCB), North Coast Region, regulates waters of the state under the Porter-Cologne Act. "Waters of the state" means "any surface water or groundwater, including saline waters, within the boundaries of the state." (Cal. Wat. Code, Section 13050(e).) Under Section 401 of the Clean Water Act, the RWQCB has review authority over Section 404 permits.

[Comment 7-2]

The following text has been revised on page IV.D-19 (first sentence in third full paragraph):

~~...the nearest critical habitat for the tidewater goby is in Southern California. the USFWS expanded critical habitat in January 2008 to include parts of Humboldt Bay.~~

[Comment 1-1]

The following text has been revised on page IV.D-25 (first paragraph under Mitigation):

**Mitigation Measure D-3a:** The ~~p~~Project ~~a~~Applicant shall obtain the requisite 404 permit and 401 certification from the Corps and RWQCB, which shall, at a minimum, require the ~~p~~Project ~~a~~Applicant to ensure that functions and values of replacement wetlands are equal to or greater than the functions and values of the wetlands affected by the project according to one or a combination of the following approaches deemed acceptable to the applicable regulatory agencies (e.g., Corps, RWCQB, and Coastal Commission):

[Comment 8-4]

The following text has been added on page IV.D-29 (first paragraph):

**Mitigation Measure D-3b:** Prior to site grading, the Applicant shall prepare a detailed Restoration Plan in accordance with the U.S. Army Corps of Engineers (Corps) *Habitat Mitigation and Monitoring Proposal Guidelines* and Regulatory Guidance letters 02-02 and 06-03; Federal Register, 2008, *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*, Department of Defense, Department of the Army, Corps of Engineers 33 CFR Parts 325 and 332; and U.S. Environmental Protection Agency 40 CFR Part 230, April 10, 2008; as well as the California Coastal Commission's *Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone: Chapter 2 Enhancement and Restoration*. The plan shall include, at a minimum: details of methods for site selection, preparation, and remediation; exotic plant removal; excavation, grading, and rip-rap removal; establishment of hydrological function; planting materials and methods; establishment of native species; creation of an effective buffer; maintenance and trash removal; monitoring; contingency plans; and plans for long-term funding for wetland monitoring and maintenance.

[Comments 1-5, 4-5]

The following text has been revised on page IV.E-17 through IV.E-18 (beginning of IV.E-17, fourth paragraph):

**Mitigation Measure E-2a:** The following measures shall be required for each phase of development that involves construction or other ground-disturbing activities to occur to a surface depth below historical fill on the site and in the geographic areas specifically

delineated as “highly sensitive” in the reported entitled *A Cultural Resources Investigation of the Proposed Balloon Tract Development* (May, 2006) prepared by Roscoe & Associates:

- (i) Prior to ground-disturbing activities associated with implementation of the project, a qualified archaeological consultant shall prepare and conduct a subsurface archaeological resources investigation in consultation with the appropriate Native American group(s) to determine the presence or absence of archaeological resources in those specific locations predetermined to be culturally sensitive (Roscoe et al., 2006). The investigation shall be conducted based on a subsurface strategy prepared by the archaeological consultant, which shall prescribe the trenching and/or boring locations and expected depths of exploration reasonably necessary to discover significant archaeological resources if present. The subsurface strategy, in turn, should rely on an examination of extant soil boring logs and other data from the project area by a qualified geoarchaeologist for an analysis of depths of artificial fill and other information that may be pertinent to the discovery of significant archaeological resources. In Phase 1 of the project (remediation and wetland restoration), this investigation may proceed in conjunction with the soils excavation conducted for the remediation plan. An archaeological consultant shall be present at all times during the subsurface investigation.
- (ii) If archaeological materials are discovered during the subsurface archaeological resources investigation, the archaeologist shall evaluate whether or not the archaeological materials are deemed “historically significant” or “unique” under the criteria set forth under Public Resources Code section 21083.2(g) and CEQA Guidelines sections 15064.5(a) and 15064.5(c)(1)-(3). If the find is determined to be historically significant or unique, a treatment and monitoring plan shall be developed by the professional archeologist and implemented by the Project Applicant to avoid or mitigate any significant adverse affects to the resource. A treatment plan for either unique or historically significant archaeological resources shall include, at a minimum, one or some combination of the following: (a) recovery of the object or feature and the preservation of any data available for scientific study; (b) modification to the land-use plan or construction methods to avoid the object or feature; (c) placement of soil sufficient to protect the integrity of the feature or object; and/or (e) permanent protection of the feature through the conveyance of a conservation easement. The archaeologist shall determine the extent of monitoring based on the findings of the investigation. The treatment and monitoring plan shall also satisfy and be consistent with the treatment parameters set forth in Section 21083.2 of the Public Resources Code or Sections 15064.5(b)(3) or 15126.4(b) of the CEQA Guidelines, as applicable. An archaeological consultant shall monitor implementation of the treatment plan
- (iii) If no “historically significant” or “unique” archaeological resources are discovered during excavation monitoring or pre-construction investigations, the Project Applicant shall implement Mitigation Measure E-2b for ground-disturbing activities within the areas specifically delineated as “highly sensitive” in the above-referenced Cultural Resources Investigation.

**Mitigation Measure E-2b:** Except for monitoring that is required under the treatment and monitoring plan in Mitigation Measure E-2a(ii), the following measures shall be required for each phase of development that involves construction or other ground-disturbing activities to occur to a surface depth below historical fill on the site but outside the

geographic areas specifically delineated as “highly sensitive” in the above-referenced Cultural Resources Investigation:

- (i) Workers involved in ground-disturbing activities shall be trained by a professional archaeologist in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts on potentially significant cultural resources.
- (ii) If archaeological artifacts or other archaeological materials are discovered onsite during construction, all construction activities within 100 feet of the find shall be halted and a qualified archaeologist shall be summoned within 24 hours to conduct an independent review to evaluate whether or not the archaeological materials would be considered “historically significant” or “unique” under the criteria set forth under Public Resources Code section 21083.2(g) and CEQA Guidelines sections 15064.5(a) and 15064.5(c)(1)-(3).
- (iii) If the find is determined to be significant or unique, a treatment or protection plan shall be developed by the professional archeologist in consultation with the appropriate Native American group(s), and the plan shall be implemented by the Project Applicant. A protection plan for either unique or historically significant archaeological resources shall include, at a minimum, one or some combination of the following: removing the object or feature, planning the construction around the object or feature, capping the object or feature with a layer of soil sufficient to protect the integrity of the feature or object, or deeding the site as a permanent conservation easement. The protection plan shall also satisfy and be consistent with the treatment parameters set forth in Section 21083.2 of the Public Resources Code or Sections 15064.5(b)(3) or 15126.4(b) of the CEQA Guidelines, as applicable. An archaeological consultant shall monitor implementation of the treatment and monitoring plan and shall conduct the monitoring specified in that plan.
- (iv) If archaeological materials are discovered and construction activities are halted, those construction activities may resume immediately upon a determination that the archaeological material is not significant or unique or a treatment or protection plan is prepared and initiated.

~~**Mitigation Measure E-2a:** For construction in the geographic areas described below workers involved in ground-disturbing activities shall be trained by a professional archaeologist in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts on potentially significant cultural resources. In addition, a Native American representative shall be present to monitor coring activities. If an archaeological artifact or other archaeological remains are discovered on site during construction, all construction activities shall be halted and a qualified archaeologist shall be summoned within 24 hours to conduct an independent review of the site. If the find is determined to be significant, adequate time and funding shall be devoted to conduct data recovery excavation.~~

~~Protection plans for either unique archaeological resources or culturally important archaeological resources shall include, at a minimum, one or some combination of the following: removing the object or feature, planning the construction around the object or~~

feature, capping the object or feature with a layer of soil sufficient to protect the integrity of the feature or object, and/or deeding the site as a permanent conservation easement.

Geographic areas subject to this mitigation measure are:

1. East of Commercial Street.
2. Within 100 feet of the common property line between the Balloon Track and those properties fronting Broadway that are not a part of the project (e.g., Nilsen's and Bob's Fine Cars).
3. The southeast corner of the property east of the proposed garden area of Anchor 1 and south of Bob's Fine Cars.

**Mitigation Measure E-2b:** ~~If human remains are discovered during project construction, all work shall cease within the area until the coroner for Humboldt County is informed and determines that no investigation of the cause of death is required and, if the remains are determined to be of Native American origin, the descendants of the deceased have made a recommendation to the landowner on how they would like to proceed in handling the deceased and the accompanying grave goods. If there are six or more Native American burials on the site, the site shall be identified as a Native American cemetery and all work on the site within 100 feet of any burial site must cease until recovery or reburial arrangements are made with the descendants of the deceased or, if there are no descendants of the deceased, with the California Native American Heritage Commission. If human remains will be removed from the site, the removal shall be done by archaeologists working by hand.~~

**Mitigation Measure E-2c:** If human remains are discovered during project construction, all work shall cease within 100 feet of the find until the coroner for Humboldt County is informed and determines that no investigation of the cause of death is required and, if the remains are determined to be of Native American origin, the coroner shall notice the California Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall assign the most likely descendant. The most likely descendent shall be consulted and provided the opportunity to make recommendations to the landowner concerning the means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods, all in accordance with Health & Safety Code section 7050.5, CEQA Guidelines section 15064.5(e), and Public Resources Code section 5097.98. If the human remains are determined to be of Native American origin, a qualified archaeologist shall be summoned within 48 hours to conduct an independent review to evaluate whether the remains belong to a single individual or multiple individuals. If the latter, and if there are six or more Native American burials on the site, the site shall be identified as a Native American cemetery and all work on the site within 100 feet of any burial site must cease until recovery or reburial arrangements are made with the descendants of the deceased or, if there are no descendants of the deceased, with the NAHC.

[Master Response 9; Comments 9-12, 25-15, 27-2, 31-6, 32-8, 33-7, 36-3, 40-8, 50-6, 58-18, 62-2, 68-11, 69-2, 69-5, 69-6, 69-7, 69-8, 69-9, 69-10, 69-11, 69-15, 69-16, 69-17, 75-9, 84-11, 84-14, 84-15, 95-20, 97-1, 97-2, 97-3, 102-2, 104-4, 109-8, 109-9, 110-16, 113-4, 117-13, 126-14, 127-1, 127-2, 127-3, 127-4, 127-5, 134-4, 148-4, 150-1, 155-2, 156-1, and 159-1]

The following text on Draft EIR pages IV.E-19 and IV.E-20 (twice on each page) has been revised as follows:

...Mitigation Measures E-2a ~~and E-2b~~ through E-2c...

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*The following text has been added on page IV.G-20 (Mitigation Measure G-1b, third paragraph, seventh line):*

~~...Three samples~~ At least one sample for every 500 yards of the backfill material....

[Comment 6-6]

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*The following text has been added on page IV.G-20 (Mitigation Measure G-1c, first paragraph, second line):*

...could be detected by a hydrocarbon odor, photo-ionizing detector (PID), or visually...

[Comment 6-7]

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*The following text has been revised on page IV.G-21 (fourth full paragraph):*

**Mitigation Measure G-1d:** Possible reuse of ~~contaminated~~ excavated soils as subgrade fill material shall require approval from the local environmental oversight agency (Humboldt County Department of Health), Integrated Waste Management Board, or successor agency, and/or RWQCB.

[Comment 6-8]

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*The following text has been revised on page IV.G-23 (last paragraph, last sentence):*

The project site has had a history of hazardous materials releases as discussed above, ~~but~~ and is ~~would not be considered for listing~~ listed as a hazardous materials site under Government Code section 65962.5. However, ~~because~~ it is in compliance with Regional Board orders and all USTs have been removed.

[Comment 25-20]

The following text has been revised on page IV.H-14 (last paragraph, third line):

...The City of Eureka has ~~not yet~~ been issued a NPDES Discharge of Storm Water from a Small Municipal Separate Storm Sewer System (Small MS4 General Permit) from the SWRCB. The Small MS4 General Permit requires dischargers to develop and implement a Storm Water Management Plan (SWMP) to reduce the discharge of stormwater pollutants to the maximum extent possible. ~~The City has submitted a SWMP to the SWRCB (Knight, 2005). Following SWRCB approval of the SWMP,~~ Stormwater discharge in the City ~~will be~~ is subject to Small MS4 General Permit regulations. The City of Eureka stormwater drainage policies also require new development that would increase storm drainage runoff in a 10-year storm event more than 1 cubic foot per second (cfs) to provide retention/siltation basins to limit new runoff to pre-project flows.

[Comment 22-19]

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The following text has been revised on page IV.H-20:

**Mitigation Measure H-5a:** ~~The final applicant shall treat stormwater at drop inlets that capture runoff from roof drains, paved pedestrian areas, and parking, prior to connection to the City's storm drain system. The project applicant shall prepare and implement a permanent maintenance program for stormwater treatment facilities on the project site.~~ drainage plan shall include design features to capture and treat stormwater from roof drains, paved pedestrian areas, and parking areas before entering the City's storm drain system in accordance with the City's *Construction Low Impact Development (LID) Manual* (March 2009) and the California Stormwater Quality Association's *Stormwater Best Management Practice Handbook* for new development. Treatment methods shall include best management practices and design features that are effective at reducing or eliminating anticipated stormwater pollutants. The Project Applicant shall provide and put into place a funding mechanism to support ongoing maintenance of the stormwater treatment infrastructure on the project site.

[Comment 23-16]

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The following text has been revised on page IV.H-20:

**Mitigation Measure H-5b:** ~~The project applicant shall incorporate grassed swales (biofilters) into the project landscape plan, to the extent feasible, for runoff conveyance and filtering of pollutants. The maintenance of biofilters on the project site shall be the responsibility of the project applicant. The Project Applicant shall incorporate low impact development (LID) strategies, such as grass/vegetative swales (biofilters) and other landscape-based BMPs into the project landscape, design plan, and final drainage plan.~~

[Comment 7-6]

*The following text has been added directly above the “Evenson, R.E.” reference on page IV.H-25:*

County of Humboldt, Office of Emergency Services, Humboldt County Emergency Operations Plan, 2002.

[Comment 32-11]

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*The following text has been edited on page IV.I-3 (fourth paragraph):*

The coastal zone boundary follows the ~~center line~~ inland boundary of the improved right-of-way of Broadway north to Third Street then east along the ~~center line~~ inland boundary of the improved right-of-way of Third Street; consequently all property west of Broadway and north of Third Street, including the streets themselves, is located in the coastal zone. Reference to the general plan for properties in the coastal zone are to the Land Use Plan portion of the Local Coastal Program.

[Comment 3-28]

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*The following text has been added on page IV.M-3 (second full paragraph):*

...the Del Norte Street Pier, the Woodley Island Marina, boat ramps, marshes, and plazas.

[Comment 16-176]

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*The following text has been added on page IV.O-4 (bottom of page):*

**Hawthorne Street**

Hawthorne Street is a two-lane roadway extending east and west. It begins at Railroad Avenue on the west and extends east to ‘C’ Street. Hawthorne Street is stop controlled at Broadway. The street is 42 feet wide west of Broadway, and 36 feet wide east of Broadway. Parking is allowed on both sides of the street, both east and west of Broadway. There is an approximately two percent uphill grade east of Broadway to Fairfield Street.

[Comment 5-17]

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*The following text has been revised on page IV.O-5 (beginning at first paragraph):*

~~The Humboldt Transit Authority operates local transit service 7 days a week within Eureka. There are four routes: Red, Green, Gold, and Purple. The Red, Gold, and Purple routes are within the vicinity of the project site (see Figure IV.O 2). The Red line, which adjoins the site, operates along Fourth and Fifth streets and along Broadway to Washington Street. It then turns on Washington and extends to Koster Street for southbound service. Northbound service is along Summer Street (parallel to Broadway approximately 500 feet east). The service operates from 6:15 a.m. until 7:00 p.m. with one hour headways.~~

~~The Redwood Transit System operates the regional transit service between Trinidad and Scotia through Eureka. The service operates on three hour headways for the entire route, and offers more frequent, approximately one hour headways between the Arcata Transit Center (about 9 miles north of the project site) and the Bayshore Mall (two miles south of the project site). In the vicinity of the project site, southbound service starts around 9:40 a.m. and ends at 6:15 p.m., and northbound service starts around 9:45 a.m. and ends at 5:55 p.m.~~

Redwood Transit System (RTS) is the public bus system for Humboldt County, which is operated by Humboldt Transit Authority. It provides service between the cities within the County, Monday through Friday and limited service on Saturday. RTS provides service within the City of Eureka along U.S. 101/Broadway/4th and 5th Streets, and it stops at Del Norte Street, Bayshore Mall, and McCullen Avenue in the vicinity of the project site. The fare for adults is \$2.50 per ride, with some discount for children, seniors, and disabled individuals.

Eureka Transit Service (ETS) is the public bus service that serves City of Eureka, offering several routes that run Monday through Friday, and limited Saturday service. The fare for adults is \$1.40 per ride, with some discount for children, seniors, and disabled individuals.

On weekdays ETS offers Purple, Green, Gold, and Red Routes, of which Gold and Red would serve the project site directly. The Purple Route begins service at H and 9th Streets and ends service at H and 3rd Streets. It provides service to the north east area of the City. The Green route begins at Bayshore Mall and ends at Harris and F Streets. It runs along Harris and Henderson Streets. The Gold Route provides service to the west side of the City. Some of the stops in the vicinity of project site are at:

- H Street/4th Street
- 6th Street/C Street
- Summer Street/7th Street
- Summer Street/Clark Street
- Summer Street/15th Street
- Summer Street/Wabash Avenue
- E Street/Clark Street

The Red Route begins service at H and Manzanita Streets and ends at H and 3rd Street. This route is the nearest to the project site on Waterfront Drive. Some of the stops in the vicinity of proposed project are at:

- 4th Street/D Street
- H Street/3rd Street
- Wharfinger Building
- Koster Street/Washington Street
- Bayshore Mall
- Broadway Street/Del Norte Street
- California Street/15th Street
- California Street/7th Street

On Saturdays, only the Gold, Rainbow, and Purple Routes operate and they all begin at H and 3rd Street, and operate from 10:00 a.m. until 5:00 p.m.

[Comments 29-6, 29-8, 29-10]

*The following Table IV.O-2 has been revised on page IV.O-11:*

**TABLE IV.O-2 (REVISED)**  
**SATURDAY AND WEEKDAY PM PEAK-HOUR VOLUME COMPARISONS**

Location	Movement	Existing Volumes		Project Volumes		Existing + Project	
		Weekday	Saturday	Weekday	Saturday	Weekday	Saturday
Broadway & Washington	NB Thru	1090	828	<del>248</del> 242	<del>347</del> 335	<del>4338</del> 1332	4145 1183
	SB Thru	1475	1226	<del>430</del> 195	<del>550</del> 250	<del>4905</del> 1670	4776 1476
Broadway & Wabash	NB Thru	870	661	169	216	1039	877
	SB Thru	1374	1142	189	242	1563	1384

[Comment 16-191]

*As shown on the following page, the Figure IV.O-12 on Draft EIR page IV.O-38 has been revised to show the “with project” lane configuration on Washington Street at Broadway consistent with Figure IV.O-11. The figure also appears in Draft EIR Appendix P, on page 32, and is revised there, as well:*

[Comment 5-18]



*The following text has been revised on page IV.O-26 (second full paragraph, third sentence):*

The modification of the Broadway/Sixth Street signal and intersection also includes restriping Broadway for a northbound left turn lane at the project access drive at Sixth Street, and the installation of a raised median extending south of Seventh Street ~~and prohibition of to prohibit~~ southbound left turns from Broadway to eastbound Seventh Street.

[Comment 5-16]

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*The following text has been added on page IV.O-41 (last paragraph):*

**Mitigation Measure O-1h:** The ~~p~~Project ~~a~~Applicant shall obtain an encroachment permit from Caltrans and shall cause to be completed improvements necessary to prohibit southbound left turns from Broadway to eastbound Seventh Street (and to Commercial Street), and instead, shift these turns to the southbound left turn lane at Washington Street, one block to the south....

[Comment 5-12]

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*The following text has been added on page IV.O-47 (last paragraph):*

**Mitigation O-7d:** The Project Applicant shall work with the Eureka Transit Authority to reinstate the bus stop at Koster and Washington Streets and improve the bus stops in front of the Wharfinger Building and at Seventh and California Streets, including paying their fair-share to enhance the amenities of the stop (i.e., shelter, bench, and signage).

[Comment 1-8]

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*Appendix M has been deleted from the Traffic Impact Study for proposed Balloon Track Mixed-Use Development in Volume II, Appendix P of the Draft EIR.*

[Comment 5-10]