

COASTAL CONSERVANCY

Staff Recommendation  
January 20, 2011

**EUREKA WATERFRONT ACCESS**

10-035-01  
Project Manager: Joel Gerwein

**RECOMMENDED ACTION:** Authorization to disburse up to \$525,000 to the City of Eureka for final designs and construction of the Truesdale Vista Point/Elk River trailhead, for cleanup of homeless encampments along the Elk River trail alignment and vicinity, and for a feasibility study of trail development and natural resource enhancement on a nearby coastal open space parcel.

**LOCATION:** Eureka, Humboldt County

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

- Exhibit 1: [Project Location and Site Map](#)
  - Exhibit 2: [Draft interpretive signage](#)
  - Exhibit 3: [Truesdale Vista Point Site Design](#)
  - Exhibit 4: [Site photographs](#)
  - Exhibit 5: [Project Letters](#)
  - Exhibit 6: [Initial Study-Mitigated Negative Declaration for the Elk River Access Project](#)
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 et seq. of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of up to five hundred twenty-five thousand dollars (\$525,000) to the City of Eureka (“the City”) for final designs and construction of the Truesdale Vista Point/Elk River trailhead and access facilities, for cleanup of homeless encampments along the Elk River trail alignment and vicinity, and for a feasibility study of trail development and natural resource enhancement on property commonly known as “Parcel 4” (Humboldt County Assessor’s Parcel Nos. 007-061-06 and 007-071-14).

This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds for the project, the City shall submit a work program, schedule, and budget for the review and approval of the Conservancy's Executive Officer ("Executive Officer"), and the names and qualifications of any subcontractors.
2. Prior to disbursement of funds for construction, the City shall submit for the review and approval of the Executive Officer:
  - a. Final plans, cost estimates, and a plan for signage that acknowledges the Conservancy's funding assistance and identifies the Elk River Trail as part of the California Coastal Trail.
  - b. Evidence that all necessary permits and approvals have been obtained.
  - c. The names and qualifications of all contractors the City retains to complete any portions of the project funded by the Conservancy funds.
3. The City shall carry out the project in compliance with and shall incorporate all mitigation measures required by Mitigated Negative Declaration ("MND"), adopted by the City of Eureka, attached as Exhibit 6 to the accompanying staff recommendation."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Conservancy's Project Selection Criteria and Guidelines, updated June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding a system of public accessways.
3. Public access facilities along the Eureka waterfront at this location would serve greater than local public needs.
4. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration for the Elk River Access Project, attached to the accompanying staff recommendation as Exhibit 6, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382."

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**PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize the disbursement of up to \$525,000 to the City of Eureka for final designs and construction of the Truesdale Vista Point/Elk River trailhead, for cleanup of homeless encampments along the Elk River trail alignment and vicinity, and for a feasibility study of trail development and natural resource enhancement on Parcel 4, a nearby coastal open space parcel. This project will facilitate the development of public access and

natural resource enhancement in a portion of Eureka's waterfront that is currently characterized by abandoned industrial infrastructure, neglect, and homeless encampments.

Approximately \$480,000 of the proposed authorization would be used for final designs and construction of the Truesdale Vista Point/Elk River trailhead, located at the northern end of the planned Elk River Trail. The Elk River Trail will consist of 1.16 miles of multiple use coastal trail and associated public access facilities along Humboldt Bay and the Elk River in southern Eureka, extending from the western end of Truesdale Street through the nearly 300-acre Elk River Wildlife Sanctuary to Pound Road (Exhibit 1). The trail will transform an area characterized by vacant lots, former industrial yards, and informal trails into a significant segment of the California Coastal Trail, Eureka Waterfront Trail & Promenade, and Pacific Coast Bike Route with estuarine wildlife viewing, access for paddlers, picnicking and day use amenities, and an interpretive signage system similar to that on the Hammond Trail in McKinleyville. Funding has been secured for construction of the trail and associated facilities from Pacific Gas and Electric and a River Parkways grant through the California Natural Resources Agency (see Project Financing below).

Associated trail facilities include: 1) improved access for paddlers with construction of a parking area, beach-launch access trail, safety and interpretive signage, and day use facilities; 2) enhanced opportunities for birdwatching, wildlife viewing and environmental education through construction of viewing areas and installation of interpretive signage; and 3) enhanced opportunities for day use activities such as picnicking with installation of restrooms, benches, and picnic tables. Interpretive signage and designs for the project have already been partially developed by Redwood Community Action Agency with Conservancy funding, as part of the Humboldt Bay Interpretive Signage Program (See Exhibit 2). The proposed theme for interpretive signage is 'Stories of the Elk River,' including topics such as Rails Brought Timber to the Bay; What It Takes to Survive in a Salt Marsh; and Iksori, Once a Wiyot Village (Native American history and cultural significance of the area).

The Truesdale Vista Point will include parking for 23 cars and 12 bicycles, a restroom, picnic area, interpretive signage, and wildlife viewing area (Exhibit 3). The project will utilize Low Impact Development ("LID") techniques to address stormwater treatment and detention for the upgraded portion of Truesdale Street and parking lot. Stormwater will be directed into landscape plantings which will detain and filter runoff. The plantings will be designed with native wetland plants. Together with the interpretive signage, these plantings will introduce visitors to the unique wetland ecosystem they are about to visit. The parking lot will utilize permeable paving materials to reduce runoff.

The City would use approximately \$15,000 of the proposed grant to fund the ongoing work of the North Coast Resource Center ("NCRC") to cleanup homeless encampments in natural areas in the Elk River Trail area. NCRC is currently conducting cleanups of encampments pursuant to a Conservancy grant in PALCO Marsh, approximately 0.5 miles north of the Truesdale Vista Point. Homeless encampments are present along the Elk River Trail alignment, especially in the area immediately south of Truesdale Vista Point. In addition, extensive homeless encampments are present approximately 0.1 miles north of the Truesdale Vista Point on Parcel 4. Homeless encampments are a public health and safety hazard. Damage to public property, natural resources, and sensitive habitat has been reported as a result of campfires, garbage, and human feces. In addition, homeless encampments frequently discourage the use of natural areas by the general public due to safety and health concerns and aesthetic impacts. NCRC utilizes a cost-

effective, long-term approach to reducing the homeless encampment problem by cleaning areas and making them more attractive and accessible to the general public, while also providing information to homeless individuals on available services. NCRC staff involved in cleanups include social workers and homeless and formerly homeless individuals, who are highly qualified to work with residents of homeless encampments.

The remaining \$30,000 would fund the Parcel 4 Feasibility Study. This study would evaluate opportunities and constraints for trail development and natural resource enhancement on Parcel 4, a 15 acre coastal open space parcel located on Humboldt Bay approximately 0.1 miles north of the Truesdale Vista Point and west of the Bayshore Mall (Exhibit 1). Parcel 4 is owned by the City of Eureka. A conservation easement on the property held by the Redwood Region Audubon Society limits its use to natural open space, habitat, and conservation purposes. Parcel 4 contains approximately 10 acres of wetland and 5 acres of uplands, and is the former site of the Holmes-Eureka lumber mill. Salt marsh on Parcel 4 supports two rare plant species, Point Reyes Bird's Beak (*Cordylanthus maritimus* ssp. *palustris*) and Humboldt Bay owl's clover (*Castilleja ambigua* ssp. *humboldtensis*), both ranked as threatened by the California Native Plant Society (List 1B.2). Parcel 4 encompasses the proposed route of the California Coastal Trail and Eureka Waterfront Trail, and offers opportunities for tidal marsh restoration. The proposed study is necessary to determine how to proceed with management of the site for public access and natural resource enhancement, while avoiding impacts to sensitive resources and addressing potential human health and environmental threats. The study would include information on the history of the site, existing conditions, potential areas for public access and resource enhancement, and identify key data gaps for future planning.

The City of Eureka is qualified to carry out this project. It has demonstrated a strong commitment to and capacity for developing public access opportunities on its waterfront, implementing a number of successful public access projects in recent years. The City has already put in place approximately two miles of waterfront trail in several trail segments. These segments include the 0.25 mile long Eureka Boardwalk, which the City constructed with partial Conservancy funding in 2002, and the 0.5 mile-long PALCO Marsh trail, also constructed with partial Conservancy funding. The City currently owns and maintains 13 parks comprising 136 acres .

The North Coast Resource Center ("NCRC") is also highly qualified to clean up homeless encampments as part of this project, having worked with the poor and homeless in the area for over 32 years. The NCRC has been involved in outreach and cleanups in encampments since 2008, and has succeeded in cleaning up extensive encampments in PALCO Marsh while assisting encampment residents with gaining access to services.

**Site Description:** The proposed alignment of the Elk River Trail currently consists of disturbed areas with abandoned industrial infrastructure, encampments, and ruderal vegetation, as well as upland forest, foredune/dunemat, riparian forest, salt marsh, and freshwater marsh (Exhibit 4). Vegetation in disturbed areas along the planned trail is dominated by coyote bush, Himalaya berry, and Scotch broom. The upland forest areas are dominated by bluegum eucalyptus with small amounts of knobcone pine, while dominant plant species in the foredune /dunemat include European beachgrass, sandmat, salt rush, and sweet vernal grass. Riparian forest is dominated by willows, California wax myrtle, and cascara. Salt marsh is dominated by dense-flowered cordgrass, with pickleweed and saltgrass, as well as occurrences of the rare Point Reyes bird's beak, Humboldt Bay owl's clover, and Lyngbye's sedge. Dominant species in the freshwater

marsh include northern willow herb, velvet grass, silverweed, and creeping buttercup. The project area and vicinity provides habitat for a variety of wildlife, including red-shouldered hawks, American kestrels, osprey, marsh wrens, cedar waxwings, western meadowlark, grey foxes, and Pacific tree frogs. Construction of the Elk River Trail will minimize impacts to sensitive biological resources, and include measures to improve plant and wildlife habitat in disturbed areas. The planned location of the Truesdale Vista Point is currently a dirt lot with an unimproved surface with a moderate level of use for parking (Exhibit 4). It is located between Truesdale Street and the City's McCullens Avenue Pump Station.

**Project History:** The Conservancy has a long history of assistance to the City of Eureka in its effort to restore the City's waterfront, dating back to the late 1970s and through the 1980s. Over that period, the Conservancy provided nearly \$1.3 million dollars to assist the City with public access improvements along the northern waterfront. In January 1993 the City committed itself to revitalizing the Old Town District waterfront, improving historic public access to Humboldt Bay and the coast and returning the commercial hub of the city to the community. Since then, the City has undertaken a variety of waterfront restoration projects with public access components, including the Adorni recreation/community center and the Wharfinger Building events center, both of which include segments of waterfront trail. As noted above, the City constructed the Eureka Boardwalk, partially funded by \$500,000 in Conservancy funds, in 2002, and the Fishermen's Work Area and Commercial Dock, designed to allow the public to see fishermen at work and funded in part by a \$1,000,000 Conservancy grant in 2006. The City completed construction of the C Street Market Square adjacent to the Eureka Boardwalk in October 2010, and is currently constructing a Fishermen's Terminal Building adjacent to the Market Square. The terminal building, market square and work area together will serve the local fishing industry by providing space for fish buying, selling and processing, and will allow locals and visitors alike to view fishing boats unloading their catch, purchase fresh or processed seafood, and have a seafood meal. .

The Elk River Trail and associated paddling access facilities have been identified as priorities in a number of public access studies funded by the Conservancy. In December 2001, the Redwood Community Action Agency (RCAA) completed the Humboldt Bay Trails Feasibility Study with Conservancy funding, which plans for non-motorized access to and around Humboldt Bay and prioritizes implementation of the Elk River Access Project. RCAA completed a Phase I Implementation Plan for the Humboldt Bay Water Trail in 2008. This plan identified developing paddling access at Hilfiker Beach along the Elk River trail as important to the water trail.

The Conservancy assisted staff in preparing the River Parkways proposal for the Elk River project in 2008. The City contacted the Conservancy seeking funding for the project in spring 2010, and Conservancy staff has been working with the City since that time.

## PROJECT FINANCING

<b>Coastal Conservancy</b>	\$525,000
<b>Pacific Gas and Electric</b>	\$230,000
<b>California Natural Resources Agency</b>	<u>\$994,463</u>
<b>Total Project Costs</b>	\$1,749,463

The expected source of Conservancy funds for this project is the FY 08/09 appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the use of funds for projects that will carry out the Conservancy's statutory mission (Bond Statute: Chapter: 7, Section: 75060(b), Implementing Statute: Public Resources Code § 31000 et. seq.).

Consistency of the project with the Conservancy's statutory mission is discussed below in "Consistency with Conservancy's Enabling Legislation." Conservancy funds directed towards the homeless encampment cleanup are expected to be derived from California Environmental License Plate (ELP) funds. ELP funds may be used "to support identifiable projects and programs of state agencies, cities, cities and counties, counties, districts, the University of California, private nonprofit environmental and land acquisition organizations, and private research organizations which have a clearly defined benefit to the people of the State of California and which have one or more of the following purposes...

(b) The acquisition, preservation, restoration, or any combination thereof, of natural areas or ecological reserves...

(e) Protection, enhancement, and restoration of fish and wildlife habitat and related water quality, including review of the potential impact of development activities and land use changes on that habitat." (Public Resources Code Section 21190)

The project would support the City of Eureka's natural areas management program that seeks to preserve natural areas and protect and enhance fish and wildlife habitat and water quality in such areas by cleaning up encampments.

City staff will provide the water and sewer hook-ups at a cost of \$4,725. City staff provided for compliance with CEQA, will obtain all necessary permits, and will develop and administer the construction contract. The California Conservation Corp is expected to provide assistance with minor trail enhancements, invasive plant removal and native planting.

#### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project will be undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 et seq.) relating to the provision of public access to the coast. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline.

In particular, this project is consistent with Public Resources Code Section 31400.1, which allows the Conservancy to provide grants to public agencies to develop lands for public access purposes; and 31400.3, in that the Conservancy may provide such assistance as is required to aid public agencies in establishing a system of public accessways.

#### **CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective A**, the proposed project will identify opportunities and constraints for trail development in Parcel 4, which is part of the planned Coastal Trail alignment.

Consistent with **Goal 1, Objective D** of the Conservancy's 2007 Strategic Plan, the proposed project will construct approximately 0.5 miles of new Coastal Trail.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project enjoys broad support. Supporters include State Senator Patricia Wiggins, State Assemblyman Wes Chesbro, the Humboldt County Board of Supervisors, the Trails Trust of Humboldt Bay, the Northcoast Environmental Center, Redwood Region Audubon Society, the North Coast chapter of the California Native Plant Society, and the Eureka Chamber of Commerce (Exhibit 5).
4. **Location:** The proposed project would be located within the coastal zone of the City of Eureka.
5. **Need:** While the City and its partners have raised significant funds for the project, they are not sufficient for implementation without the Conservancy's contribution.
6. **Greater-than-local interest:** The project will provide a unique riverine public access opportunity in the Humboldt Bay region. The final stretch of the Elk River provides – with its open grassland and beaches, saltwater and freshwater habitat, and long spit that borders the bay – superb shorebird-watching opportunities, particularly at low tide. New and upgraded trails will greatly increase the availability of safe places to walk and ride for healthy recreation in the city. There are no other current opportunities for greater Eureka area residents and visitors to walk or ride along a river and learn about natural and cultural history other than the Headwaters Reserve in the upper Elk River watershed, which is too distant to be accessible by foot or bike to most residents. Improved access, directional signage and interpretive facilities will attract out-of-area visitors traveling nearby US 101. By developing a section of the California Coastal Trail, the project contributes to the long-term state goal of completing an uninterrupted coastal trail from Oregon to Mexico.
7. **Sea level rise vulnerability:** The project area is located directly adjacent to Humboldt Bay and is therefore vulnerable to sea level rise. However, over the 20 year lifetime of the project, sea level rise impacts are expected to primarily consist of inundation during winter storms. Stormflows in the estuary are slowed by tidal influence. The proposed trail is on level ground at the same distance from the bay as frontage roads and is unlikely to be significantly damaged by flooding. Day use facilities that could be disturbed by flooding will be anchored in place and, again, not affected by estuarine type stormflows. Because there would be few users of the trail during inclement winter weather, such impacts are expected to have a minimal effect on the project's benefits. Project improvements, such as signage,

benches and picnic tables, will be designed for durability and resistance to deterioration in order to minimize their vulnerability to storm damage.

**Additional Criteria**

8. **Urgency:** Unless full funding for the project is secured, the project runs the risk of losing portions of its funding due to time constraints. In addition, information used in environmental review of the project may become obsolete.
9. **Resolution of more than one issue:** This project would improve coastal public access opportunities, while also helping to revitalize a portion of the Eureka waterfront and implement LID to improve water quality by treating stormwater runoff from the Truesdale Vista Point.
10. **Leverage:** See the “Project Financing” above.
11. **Innovation:** The project will showcase LID principles to treat stormwater runoff at the Truesdale Vista Point.
12. **Readiness:** The project is expected to be constructed in summer 2011. Final design work and permits are expected to be complete at that time.
14. **Realization of prior Conservancy goals:** “See “Project History” above.”
15. **Return to Conservancy:** See the “Project Financing” section above.
16. **Cooperation:** The Trails Trust of Humboldt Bay, a local non-profit, adopted the project as a focus of community education and fund-raising efforts. The Northcoast Environmental Center has led biannual cleanup efforts on the site. The California Native Plant Society (“CNPS”) holds regular plant walks in the Elk River Wildlife Sanctuary (“ERWS”). ‘Discovery Walks’ volunteers lead annual walking events on site to promote the project and area value. The Redwood Region Audubon Society (“RRAS”) has supported the project because it will enhance opportunities for wildlife viewing and environmental education. RRAS holds guided birdwatching walks in the project area regularly. The Redwood Community Action Agency has assisted with fundraising for the project.
17. **Vulnerability from climate change impacts other than sea level rise:** The project may be affected by increased stormflows. Stormflows are expected to increase with climate change because a greater percentage of precipitation will be in the form of rain rather than snow. The project is expected to be robust to stormflow flooding, as discussed above in “Sea level rise vulnerability.”
18. **Minimization of greenhouse gas emissions:** The project will be easily accessible via public transit and bicycle, and may reduce vehicle miles traveled by providing an outdoor recreational opportunity accessible without driving.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The City’s 1997 General Plan Policy Document (“GPPD”), which was certified by the Coastal Commission as an update to the City’s Local Coastal Program in 1999, contains several policies consistent with implementation of the project:

Goal 5.B.1: The City shall provide public open space and shoreline access throughout the Coastal Zone, particularly along the waterfront and First Street, through all of the following...

c. Establish scenic vista points at numerous locations along the waterfront, including construction of a public access vista point at the foot of Truesdale Street.

Goal 5.B.3. The City shall promote the maintenance of and, where feasible, shall provide, restore, or enhance facilities serving commercial and recreational boating...

Goal 5.B.7. The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities...

Goal 5.B.10. To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.

The southern portion of the project area within the ERWS is zoned Natural Resources, and the portion north of the ERWS parking area is zoned Coastal Dependent Industrial. Conditionally permitted uses in areas zoned Natural Resources include pedestrian access, educational use, and wetland restoration. Conditionally permitted uses in areas zoned Coastal Dependent Industrial include recreational access/support facilities and boat launching facilities.

**COMPLIANCE WITH CEQA:**

The Parcel 4 feasibility study involves only data gathering, planning, and feasibility analyses for possible future actions that have not yet been authorized or approved by the Conservancy or another agency and is thus statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to 14 California Code of Regulations Section 15262. The study will, however, consider environmental factors, as required by Section 15262.

The City of Eureka, as lead agency for the Elk River Access Project under the California Environmental Quality Act (CEQA), prepared a Mitigated Negative Declaration (“MND”) for its Elk River Access Project (See Exhibit 4). The City adopted the MND and a Mitigation Monitoring and Reporting Plan (“MMRP”) with respect to the required mitigation measures. The initial study examined and identified no impacts with regard to agricultural resources, and mineral resources, and found only less than significant impacts in the following areas: aesthetics (additional low-level, low glare lighting that will be on for a few hours after sunset will be added at three locations in the project area), geology and soils (compliance with the Universal Building Code will comply with seismic and soil standards), greenhouse gas emissions (less than significant short-term construction emissions only, long term reduction in vehicle miles traveled anticipated), land use and planning (proposed uses are conditionally permitted according to current zoning), noise (construction noise will be of limited duration and intensity), population and housing (project will not be growth-inducing), public services (will result in a small increased need for public services that will not exceed the capacity of local service providers), recreation (the project is designed to prevent increased use from resulting in the deterioration of existing recreational facilities at the ERWS in the project area), transportation/traffic (roadways providing access to the site have the capacity to support anticipated increased use without additional delays), and utilities (slight increase in wastewater treatment demand due to construction of restrooms).

All other areas considered were found to have a less than significant impact once applicable mitigation measures were incorporated, as follows:

**Air Quality.** Air quality impacts shall be generally limited to the construction period and will include mitigation measures to ensure dust control. The project is expected to have a balanced or

reducing effect on vehicle miles traveled.

**Biological Resources.** Sensitive biological resources on the site shall be avoided whenever feasible. Special status plant species identified in the project area shall be avoided. Minor filling and grading of wetland areas are expected to be required for trail construction. The total square foot amount of wetland fill anticipated is 12,089 square feet. Potential impacts shall be avoided or mitigated through construction period breeding bird surveys, sensitive habitat fencing, and on-site restoration of 1.1 acres of salt marsh for a ratio of wetlands restored to wetlands filled of approximately 4:1. A Storm Water Pollution Prevention Plan (“SWPPP”) or other preventative measures shall be implemented to reduce sedimentation and erosion into sensitive areas.

**Cultural Resources.** An archaeological survey of the project area determined that the trail and trail heads pose no physical threat to surface archeological resources. However, to avoid potential impacts, the City or its contractor shall dig test excavation pits at the location of construction related ground disturbance at least a month prior to construction to determine whether subsurface cultural resources are present. Any cultural resources encountered during construction shall be evaluated and protected through work stoppages and consultation with a cultural resources specialist.

**Hazards and Hazardous Materials.** Impacts regarding any potential hazardous materials used onsite during construction shall be mitigated through compliance with a spill response plan in the event of any release of a hazardous substance. No contaminated soils are thought to be present in the project area. However, if there is any evidence during project construction that indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the City shall be responsible for performing soil sample analyses. The findings of the analyses shall be submitted, as applicable, to the Regional Water Quality Control Board (“RWQCB”), Department of Toxic Substance Control (“DTSC”), and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils to the satisfaction of the applicable agencies.

**Hydrology and Water Quality.** Potentially increased stormwater contamination and stormwater flows onto adjoining properties or environmentally sensitive habitat areas shall be mitigated through the implementation of a SWPPP approved by the appropriate agencies. The SWPPP shall include LID techniques (permeable pavements/surfacing, green roofs, bioretention and or vegetated swales) that will infiltrate stormwater on-site so that post development hydrology mimics pre-development. Good housekeeping practices shall include maintenance and cleaning of the parking areas a regular basis. No contaminants from construction operations shall be allowed to enter or be placed where it can enter any portion of the drainage system of the City of Eureka. The project is located in a tsunami run-up zone. To mitigate for public exposure to tsunami hazard, each trailhead location shall have signage informing the public of what actions to take in the event of seismic activity.

Finally, the project was found to not have the potential for significant cumulative environmental impacts.

The draft Mitigated Negative Declaration was circulated for a 30-day public review period commencing November 22, 2010. The City received formal comments from the California Department of Transportation, Pacific Gas & Electric, Humboldt County Division of Public

Health, the North Coast Unified Air Quality Management District, and the Native American Heritage Commission. The City responded to the satisfaction of each commenter. On January 11, 2011, the City filed a Notice of Declaration, adopting the Mitigated Negative Declaration and the MMRP.

Staff has independently reviewed the City's Mitigated Negative Declaration and concurs that there is no substantial evidence that the project as mitigated will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project does not have the potential for an adverse effect on the environment as defined in 14 Cal. Code of Regulations, Section 15382. Staff will file a Notice of Determination upon approval of the project.