

Addendum to the Mitigated Negative Declaration

For the

Humboldt Bay Trail North
(Also known as the Arcata Rail with Trail Connectivity Project)
SCH# 2013032008

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Background

The City of Arcata (Lead Agency) is proposing to construct a 3 mile Class 1 multi-use trail (project) that will follow the Humboldt Bay coastline along the Arcata Waterfront. The project purpose is to provide substantial nature study opportunities, further enhance non-motorized transportation/commuter corridor access, increase pedestrian connectivity, and increase public access to and along Arcata's Waterfront on Humboldt Bay. The project is intended to encourage nature study, appreciation of the environment and historic uses of the area, increase opportunities for active living to improve public health, increase the safety of non-motorized transportation, improve public safety, and decrease transportation related carbon dioxide (CO₂) output. The project is an important piece of the statewide initiative to complete the California Coastal Trail.

According to the adopted Mitigated Negative Declaration (MND), the project alignment just south of Samoa (Phase II project trailhead) will continue within the NCRA right of way (ROW) southward along the west side of the railroad tracks. Upon reaching the Arcata Marsh and Wildlife Sanctuary (AMWS), it will leave the ROW and cross an emergent wetland.

Modified Project Description

Since the adoption of the MND and subsequent addendum in May, 2016, the scope of the project has been slightly modified. Changes to the project include:

- Shortened Length: New trail terminus will be just north of Brainard Slough. The original project terminated south of Brainard Slough, just north of the Bracut Industrial Park. As such, one bridge crossing has also been eliminated. Greater Wetlands Impacts: *The certified MND considered 1.76 acres of permanent wetland impacts for both Phase I and Phase II. Based on the final design the Phase II project, there will now be a total of 1.93 acres of permanent wetlands impacts*
- Wetland Mitigation: The certified MND specified a minimum of 1:1 replacement ratio and a 2:1 enhancement ratio to mitigate for permanent wetland impacts. . Phase I impacts were fully mitigated during the Phase I construction phase and adhered to those ratios. The updated plan for the Phase II project wetland mitigation provides a 1:1 replacement ratio for in-kind and 2:1 replacement ratio for out-of-kind impacts. The Estuarine enhancement ratio is 5:1. Identified off-site mitigation sites include the "Lanphere Parcel" (APN 506-291-014) and "South I Parcel" (APN 506-011-004).
- Mitigation Re-vegetation: The re-vegetation plan that was prepared in conjunction with the certified MND will no longer be used for permanently impacted wetlands. As discussed in more detail below, creation areas will naturally re-vegetate from stockpiled sod and with wetland plants from surrounding area. Enhancement areas will also naturally revegetate with the desired native plant species. Temporary impact re-vegetation will follow the re-vegetation plan outlined in the original mitigation plan.
- Jacoby Creek Bridge Crossing: A new bridge crossing is proposed to span Jacoby Creek. This bridge will require four piles and will be approximately 80 feet in length. No piles will be below the High Tide Line (HTL), as the lowest will be installed between 8.5-9.0 feet (NAVD88).

Purpose

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Environmental Impact Report or (EIR) Negative Declaration if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or negative declaration have occurred. Section 15162 states that when an EIR or negative declaration has been adopted for a project, no subsequent EIR or negative declaration shall be prepared for that project unless the lead

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agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. *Substantial changes are proposed in the project which require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - a. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The purpose of this Addendum is to provide an analysis of the changes to the project scope based on the project modification that were not included in the adopted MND.

Summary of Significant Project Effects and Mitigation Recommended

The change in the scope of the project does not generate any significant effects that require mitigation.

Other CEQA Considerations

The lead agency suggests no further changes to the project as currently proposed.

Explanation of Decision Not to Prepare a Supplemental Environmental Impact Report Declaration

The modified project will not result in an increase of any potentially significant effects; new significant effects; or new information of substantial importance which was unknown at the time the MND was adopted.

Shortened Length: The new trail terminus will be approximately 300 feet shorter than the originally reviewed trail length; the trail footprint will remain unchanged. In conjunction with the shorter trail length, one bridge crossing (Brainard Slough) will be eliminated. As such, the resultant impacts due to this change in scope will be less than the original impacts reviewed. Furthermore, 300 feet of the three-mile trail reflects an approximately 1.9% reduction in the original project scope. Therefore, there will be no increase of any potentially significant effects; new significant effects;

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or new information of substantial importance which was unknown at the time the MND was adopted associated with the new terminus.

Greater Wetlands Impacts: The certified MND considered 1.76 acres of permanent wetland impacts for both Phase I and Phase II of the project. Based on the final design for Phase II, there will now be 1.93 acres of total permanent impacts. Of these 1.93 acres, Phase I impacts included 6,625 square feet (0.1521) of permanent wetlands impacts. This phase has been completed and all mitigation has been implemented consistent with the original mitigation plan. Phase II of the project includes 1.78 acres of wetlands impacts.

Considering permanent wetlands impacts of both phases, there is an increase of 0.17 acres (7,405 square feet). This increase reflects a 9.66% increase in wetland impacts over what was considered in the certified MND. Furthermore, the additional permanent wetland impacts associated with Phase II constitute a 3.2% increase when considering the entire development footprint (which includes grading, shoulders, and paved surfacing) of Phase II. The additional wetlands that will be permanently impacted are all similar habitat and vegetation types as the initially reviewed wetlands. All mitigation measures will apply to the additionally impacted wetlands. Because the wetlands are similar in habitat type and value, mitigation measures will apply equally, and the change is relatively small considering the scope of the project (less than 10% change), there will be no increase of any potentially significant effects; new significant effects; or new information of substantial importance which was unknown at the time the MND was adopted resulting from the additional permanent impacts to wetlands.

Wetland Mitigation: The certified MND specified a minimum of 1:1 replacement ratio and a 2:1 enhancement ratio to mitigate for permanent wetland impacts. Based on the current wetland mitigation plan, there will be a 1:1 replacement ratio for in-kind and 2:1 replacement ratio for out-of-kind impact and an estuarine enhancement ratio of 5:1. Off-site mitigation sites include the "Lanphere Parcel" (APN 506-291-014) and "South I Parcel" (APN 506-011-004). The mitigation sites are adjacent to large existing wetlands.

Because the wetland mitigation ratios meet and exceed the minimum ratios specified in the certified MND and support existing large wetlands, there will be no potentially significant negative effects; new significant effects; or new information of substantial importance which was unknown at the time the MND was adopted associated with the wetland mitigation ratios.

Since the specific mitigation sites were not reviewed in the certified MND, potentially significant impacts associated with the mitigation site locations must be considered within this addendum.

Lanphere Parcel: The "Lanphere Parcel" is located on a parcel that is adjacent to Mad River Slough in north Humboldt Bay, and is roughly bounded by Lanphere Road on the north and west sides, and earthen levee and Mad River Slough on the east side, and the parcel boundary between the Lanphere parcel and the Ralph property on the south side. The USFWS Lanphere Dunes Unit of HBNWR flanks the project site to the west. The mitigation area is proposed within the southwestern quarter of the parcel in an area that has been defined by Caltrans and approved by the US Army Corps of Engineers (ACOE) as uplands.

The Lanphere parcel is currently low-lying flat pasturelands and was formerly tidal lands. Because the mitigation involves creating palustrine wetlands on a parcel that is currently undeveloped, does not include placement of significant fill that could significantly alter the existing topography, and does not involve erection of any structures, there will be no new significant impacts associated with aesthetics.

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The parcel is zoned for agriculture-exclusive uses. Because the mitigation involves creation of seasonal wetlands that will not preclude agricultural uses in the dry season, and does not affect forestry resources, there will be no new significant impacts to agriculture or forestry resources. Any potential air quality or greenhouse gas impacts that could result from the project mitigation at the Lanphere parcel would be associated with the use of heavy equipment during construction of wetlands. Potentially significant impacts to air quality or greenhouse gas emissions associated with use of mechanized equipment were considered in the adopted MND. As such, no additional review is necessary and all previously adopted mitigation measures associated with air quality and greenhouse gas emissions will also apply to this portion of the project.

The Lanphere parcel is not located within an Alquist-Priolo fault zone. It does not involve erection of any structures, and erosion control BMPs will be implemented during wetland construction. As such, there will be no new significant impacts associated with geology or soils. The Lanphere parcel was formerly tidal lands and is currently low-lying flat pasturelands. Based on the habitat and land use history of the parcel, there is no evidence that would suggest the presence of hazardous or contaminated materials or soil on-site. Construction of wetlands at this location would not impair or interfere with any adopted emergency response plans or evacuation plans, as the wetlands will not change any existing roads or access routes and the parcel is surrounded by open space. The only potential use, transport, or disposal of hazardous materials would be associated with the use of materials typical of construction activities (i.e. oil, diesel, hydraulic fluids), which were considered in the certified MND. As such, there will be no new significant impacts associated with hazards and hazardous materials.

Construction of wetlands at the Lanphere parcel will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge; it will provide additional capacity for groundwater recharge. While the drainage patterns may be slightly altered through construction of wetlands out of areas that are currently uplands, the drainage patterns will not be altered in a manner which would result in substantial erosion or siltation onsite or offsite and will not result in a new source of runoff. Slopes will be designed to prevent erosion, and the resulting topography of the constructed wetlands will be generally flat. During wetland construction, BMPs to protect water quality through erosion and sedimentation prevention will be implemented and a SWPPP will be prepared and adhered to. Furthermore, all mitigation measures included in the certified MND that are associated with protecting water quality during construction will remain in full force and effect. As such, there will be no new significant impacts associated with hydrology and water quality.

No mineral resources and no mineral resources extraction currently occurs within any portion of the Lanphere parcel. Therefore, there will be no significant impacts associated with mineral resources. The only sources of noise associated with wetland mitigation at the Lanphere parcel will be during construction, which will be temporary. Noise associated with construction was evaluated in the certified MND with regards to construction of the trail. Any noise generated through construction of wetlands at the Lanphere parcel will be to a lesser extent than noise generated in association with the trail construction. Because the noise sources are substantially similar in both scenarios, there will be no new significant noise impacts.

The Lanphere parcel is currently zoned for agricultural uses and does not contain any residences; it will have no impact on public services because it will neither preclude public services nor generate an increased need in public services. As such, there will be no effect on population and housing or public services. Wetland mitigation at the Lanphere parcel will neither preclude nor result in an additional need for recreation and will therefore have no significant impacts to

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recreation. The modified project will have no impact on transportation or traffic because it will not result in any altered transportation routes or conflict with any transportation plans. The modified project will have no impact to utilities and service systems because it will not generate an increased need for or result in any alteration to any utilities or service system.

The creation of palustrine wetlands at the Lanphere parcel will not result in a substantial adverse effect on any riparian habitat, sensitive natural community, or federal or state wetlands. Some wetlands will be enhanced by creating longer periods of inundation in the vicinity of the constructed wetlands. Additionally, the mitigation will result in the creation of wetlands by converting uplands. To confirm this, Caltrans prepared a Wetland Delineation Report in 2009, which was verified by the Army Corps of Engineers in 2010 and reverified in 2015. Because the mitigation area is currently an agricultural pasture and construction of wetlands will not create a division or impact existing habitat corridors, there will be no new significant impacts associated with the movement of any native resident or migratory fish or wildlife species, wildlife corridors, or nursery sites.

The modified project will not conflict with any local policies or ordinances protecting biological resources, Habitat Conservation Plans, or National Community Conservation Plans. The Humboldt Bay National Wildlife Refuge (HBNWR) Complex Comprehensive Conservation Plan and Final Environmental Assessment, was developed for the entire HBNWR, which includes the Lanphere unit located adjacent to the proposed "Lanphere" mitigation site. The proposed mitigation project at the Lanphere Parcel is compatible with the HBNWR Conservation Plan. Because the wetlands will be shallow seasonal wetlands, they will provide foraging for Aleutian Cackling Goose on public lands, which is one of the habitat management objectives outlined in the HBNWR Conservation Plan. Goal 1 of the HBNWR Conservation Plan is to "Conserve, manage, restore, and enhance estuarine and palustrine wetlands habitats." As such, the creation of palustrine wetlands on the Lanphere parcel helps to accomplish this goal on adjacent lands. Goal 2 of the plan is to "Conserve and restore globally rare dune and dune forest habitats." One of the objectives of Goal 2 is to restore dune riparian/swamp habitats. Because the mitigation is located on the fringes of riparian and relic dune habitat, wetland creation in this location will also help to achieve this objective. Furthermore, because wetlands will be created from uplands which are currently pasture (rather than dune complexes) the mitigation won't conflict with dune conservation policies. Based on a review of the HBNWR Conservation Plan, the proposed mitigation is consistent with, and does not conflict with, the overall conservation and management of the HBNWR.

Because the mitigation site is a pasture, there are no sensitive aquatic species or sensitive salt marsh plants present. No sensitive species were identified in Caltrans' *Lanphere Parcel Restoration Project Concept Design Report* or Wetland Delineation. Furthermore, through the implementation of mitigation measures "Biological-3" and "Biological-5," in addition to all other applicable biological resources mitigation measures, no new significant impacts to biological resources will occur as a result of implementing wetland creation mitigation at the Lanphere parcel.

The Lanphere parcel is located within the footprint of Caltrans' "Humboldt Bay Area Mitigation" project. As such, Caltrans' archaeologist conducted a cultural/archaeological survey and consulted with local tribal heritage preservation officers (THPOs). No cultural or archaeological resources were discovered during the survey, and the survey results were shared with the three Tribal Heritage Preservation Officers for Wiyot Tribe, Bear River Band and Blue Lake Rancheria. As a result of the negative findings, the THPOs recommended that the standard inadvertent discovery protocol be adhered to. This protocol is included as a mitigation measure in the certified

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MND. As such, there will be no new significant impacts to cultural resources as a result of project activities at the Lanphere parcel.

South I Parcel: The "South I Parcel" is located in the City of Arcata's Arcata Marsh and Wildlife Sanctuary near the terminus of South I Street. Estuarine enhancement through spartina eradication will be conducted on approximately 9.4 acres of the parcel. Spartina eradication is part of a larger multi-jurisdictional collaborative effort throughout Humboldt Bay. As such, a programmatic EIR (SCH#2011012015) was prepared in March 2013, which includes the South I Street parcel. All applicable mitigation measures included in the PEIR, in addition to any applicable mitigation measures included in the certified MND that may not be within the PEIR, will be adhered to. As such, there will be no new significant impacts associated with estuarine enhancement at the South I parcel.

Based on the above analysis, the modified project does not result in an increase of any potentially significant effects; new significant effects; or new information of substantial importance which was unknown at the time the MND was adopted associated with the current wetland mitigation plan and mitigation locations.

Mitigation Re-vegetation: The re-vegetation plan that was prepared in conjunction with the certified MND will no longer be used for revegetating wetland mitigation areas associated with permanent impacts. The certified MND states:

"The City of Arcata Wetlands Mitigation and Monitoring Plan will replace impacted wetlands ... At a minimum, the plan: ... 3) includes a revegetation plan that reflects the native plant species within the wetlands types to be mitigated"

Although the specific revegetation plan referenced above will not be used, the same practicable effect will be achieved. According to the previously prepared re-vegetation plan, palustrine emergent wetland species included slough sedge (*Carex obnupta*), soft stem rush (*Juncus effuses*), and silverweed (*Potentilla anserine*). Estuarine intertidal emergent wetland species included saltgrass (*Distichlis spicata*), fleshy jaumea (*Jaumea carnosa*), picklweed (*Sarcocornia pacifica*), common Arrow-grass (*Triglochin maritimum*), Humboldt bay owls-clover (*Castilleja ambigua* ssp. *Humboldtiensis*), and Point Reyes bird's beak (*Cordylanthus maritimus* ssp. *palustris*).

The currently proposed mitigation plan includes palustrine creation and estuarine enhancement. In order to establish palustrine wetland vegetation, the top layer of sod will be stockpiled and replaced to allow for natural revegetation from the native seeds that are contained in the sod. Wetland vegetation at the mitigation site is currently dominated by pacific rush (*Juncus effuses* var. *pacificus*), silverweed (*Potentilla anserine*) and creeping buttercup (*Ranunculus repens*). It also includes populations of slough sedge and soft stem rush. Based on the vegetation characteristics and wetland mosaic of the site, desired wetland plants are expected to establish naturally. Estuarine enhancement will include removal of invasive spartina (*Spartina densiflora*). Removal of this invasive species will allow for native salt marsh species to recolonize the area. Current spartina control efforts show that native salt marsh species do rapidly recolonize treated areas. This method will therefore restore a similar plant palette to the originally prepared revegetation plan for estuarine intertidal emergent species.

Both the palustrine and estuarine wetland habitat types that will be created under the current plan are substantially similar to the habitat types that were included in the original re-vegetation plan. Furthermore, the objective of the revegetation plan within the certified MND is to reflect the native plant species within the wetland types to be mitigated. The current mitigation plan achieves this objective. Therefore, the modified project does not result in an increase of any

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potentially significant effects; new significant effects; or new information of substantial importance which was unknown at the time the MND was adopted associated with the revegetation of wetland mitigation areas.

Jacoby Creek Bridge Crossing: A new, pre-manufactured pedestrian bridge crossing is proposed to span Jacoby Creek. This bridge will require four piles and will be approximately 80 feet in length. No piles will be below the HTL, as the lowest pile will be installed between 8.5-9.0 feet (NAVD88). No piles will be installed in the active slough channel. All wetland impacts were considered in the "Greater Wetlands Impacts" discussion.

While the adopted MND did not include the Jacoby Creek crossing, it did include a new crossing at Brainard Slough, which is no longer part of the project. The Brainard Slough crossing that was reviewed was an 80-foot long pre-manufactured pedestrian bridge that included six piles (five below the HTL). The habitats associated with Jacoby Creek and Brainard Slough are similar. The Jacoby Creek Bridge design and construction methods will also be comparable to the Brainard Slough Bridge, which will result in similar impacts to those that were considered in the adopted MND. Furthermore, the Jacoby Creek Bridge will have lesser impacts than the Brainard Slough Bridge would have had. The Jacoby Creek Bridge requires two fewer pilings in total, with only two that may be below the HTL (As opposed to five below HTL). In addition, the Jacoby Creek Bridge does not require the installation of rip-rap bank armoring, which the Brainard Slough Bridge required. The Jacoby Creek Bridge is within the originally considered trail footprint. As such, the Jacoby Creek Bridge crossing does not result in an increase of any potentially significant effects; new significant effects; or new information of substantial importance which was unknown at the time the MND was adopted.

In summary, the projected impacts of the modified project are substantially the same as the original project for which the MND was adopted. Based upon this review, the following findings are supported:

Findings

1. The modified project does not include substantial changes which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified potentially significant effects.
2. No substantial changes have occurred with respect to the circumstances under which the project will be undertaken which will require major revisions to the adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified potentially significant effects.
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted as complete has been identified.

Conclusion

Based on these findings, it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the current project proposal. All of the findings and mitigation requirements of the MND are applicable to the current project proposal.

References

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