

ATTACHMENT 6

**Comments on Initial Study and Proposed Mitigated Negative Declaration
McKay Community Forest Trail Plan**



Humboldt Trails Council
Post Office Box 7164
Eureka, CA 95502

July 2, 2022

Hank Seemann, Deputy Director
Humboldt County Public Works
1106 2nd Street
Eureka, CA 95501

RE: Comments on the revised Initial Study and Mitigated Negative Declaration of environmental impacts for the McKay Community Forest Trail Plan in accordance with the CEQA

Dear Deputy Director Seemann,

I have reviewed the revised document for the Humboldt Trails Council (HTC) and wish to update our comments. The revised document gives updates on supplemental information with plans to address controllable sediment discharge sources on historic logging roads and revises the proposed action related to the R-1 road which leads to a private inholding. The Initial Study stands with the determination that the project will have a less than significant effect on the environment with the incorporation of the specified mitigation measures.

We appreciate that the plan provides a blueprint for the development of sustainable trails, much of them hand built with a "light touch" on the environment. The plan addresses the initial access points, some with accessible parking spaces, and amenities to support recreational and educational activities. The trail building and access points will occur incrementally and with flexibility over the course of many years. We are in strong support of volunteer trail construction, and look forward to partnering with the County in trail construction with our Volunteer Trail Stewards program.

It is encouraging that the County may consider future crosswalk enhancements on Harris Street, and ask that "may" be changed to "will." Harris Street is a busy street with high vehicle speeds and multiple turns from Hubbard Lane. It is also a major east-west arterial in Eureka with a Class II bike lane. To meet the plan's goal for providing non-motorized alternative transportation access to the trails, a safe bike and pedestrian crossing is essential.

We look forward to the development of the McKay Community Forest as a vital community resource. Thank you for all the hard work that has gone into this plan.

Sincerely yours,

Karen Underwood
Advocacy Chair

Seemann, Hank

From: Teicher, Margarete@Waterboards <Margarete.Teicher@waterboards.ca.gov>
Sent: Tuesday, July 05, 2022 10:20 AM
To: Seemann, Hank
Cc: Bey, Ryan A.@Waterboards
Subject: Initial Study and Proposed Mitigated Negative Declaration for McKay Community Forest Trail Plan, California Environmental Quality Act (CEQA), June 2, 2022, SCH No. 2020120382

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Mr. Seemann,

North Coast Regional Water Board staff has reviewed the June 2, 2022, *Initial Study and Proposed Mitigated Negative Declaration for McKay Community Forest Trail Plan* (McKay ISMND).

We offer the following comments, which should be addressed as part of the Clean Water Act (CWA) section 401 Water Quality Certification process:

1. Clean Water Act Section 401 Water Quality Certification: The ISMND states that a Streambed Alteration Agreement was obtained in 2021 from the California Department of Fish and Wildlife that permits ten of the twelve proposed bridge crossings. The County must also obtain all pertinent regulatory Water Board permits (e.g., Construction General Permit, CWA section 401) for all the proposed activities.

The subject proposed project, as described in the ISMND, has the potential to directly and indirectly impact waters of the State. Therefore, Humboldt County will be required to apply for a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects). Anyone proposing to conduct a project that requires a federal permit or involves dredge or fill activities that may result in a discharge to U.S. surface waters and/or waters of the state are required to obtain a CWA Section 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) from the North Coast Regional Water Quality Control Board, verifying that the project activities will comply with state water quality standards. The type of 401 certification coverage depends on the type of project activity, location, and federal permit issued.

2. Pre-Filing Meeting: We encourage Humboldt County to meet with Regional Water Board 401 staff early in the design process, before submitting a CWA 401 certification application, to discuss the potential project impacts, measures to avoid and minimize impacts to waters of the State, and mitigation for unavoidable impacts. Also, we encourage you to visit our website for more information on our water quality certification program at [Water Quality Compliance | California Northcoast Regional Water Quality Control Board](#).
3. Least Environmentally Damaging Practicable Alternative: The project proposes to construct twelve (12) bridges across waters of the state in addition to other trail construction activities that have the potential to directly and indirectly impact waters of the State, including wetlands. The ISMND does not include an alternative analysis demonstrating the least environmentally damaging practicable alternative (LEDPA). Per section 21002 (Approval of Projects; Feasible Alternative or Mitigation Measures) of the CEQA Guidelines:

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation

measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Therefore, the CWA section 401 water quality certification application must demonstrate that the proposed project has avoided and minimized impacts to waters of the state (e.g., LEPA) as wells as mitigation for unavoidable impacts. Section IV.A.1.h of the Procedures^[1] describes the process to include an alternative analysis that demonstrates LEDPA.

4. Wetland and Other Waters Delineation Report: The ISMND states that Pacific Coast Fish, Wildlife and Wetlands Restoration Association (PCFWWRA) performed a “limited investigation” to identify wetlands previously unmapped on the National Wetland Inventory maps. A wetland delineation report that identifies waters of the State, verified by the U.S. Army Corps of Engineers, should be included in the CWA 401 application

Please contact me with any questions.

Thank you.

Margarete “Maggie” Teicher
North Coast Regional Water Quality Control Board
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(707) 576-2501
Work Schedule 8:00-4:30

****Due to COVID restrictions, I am mostly working from home. The best way to contact me is via email.****

^[1] State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State: [Water Quality Compliance | California Northcoast Regional Water Quality Control Board](#)