

City of Fortuna General Plan

Final
Programmatic
Environmental
Impact Report



VISION
2030

October 2010

City of Fortuna General Plan Update

Final Program Environmental Impact Report

State Clearinghouse # 2007062106

Lead Agency:
City of Fortuna

Lead Agency Contact:
Stephen Avis
City of Fortuna
621 11th Street
Fortuna, CA 95540
(707) 725-1407

October 2010

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CHAPTER 1 INTRODUCTION

1.1 Introduction

The City of Fortuna is considering adoption of a comprehensive revision of its existing General Plan. The comprehensive revision, named the City of Fortuna General Plan 2030, represents a discretionary action and is therefore subject to the environmental review requirements of the California Environmental Quality Act (CEQA).

As the CEQA Lead Agency for the proposed plan, the City of Fortuna has prepared a Program Environmental Impact Report (PEIR) which evaluates the potential environmental effects of adopting and implementing the proposed plan. The PEIR, which together includes this Final PEIR (PEIR) and the July 2010 Draft PEIR, will be considered for certification by the City of Fortuna City Council. Only after PEIR certification may the City adopt the revised General Plan.

This FPEIR has been prepared in accordance with the State CEQA Guidelines. It responds to substantive comments from responsible/trustee agencies and members of the public on the DPEIR which was circulated for the required 45-day public review period from July 21 through September 8, 2010. It also responds to substantive comments received at an August 30, 2010 public meeting held by the City, and includes revisions to the DPEIR in response to both sets of comments.

1.2 Contents of this FPEIR

As required by CEQA Guidelines § 15132, this FPEIR consists of:

- The DPEIR (incorporated by reference);
- A list of public agencies, organizations and members of the public that commented on the DPEIR;
- Comments on the DPEIR;
- Responses to substantive environmental issues raised in the comments;
- Corrections and additions to the DPEIR in response to the comments received; and
- Mitigation Monitoring Program (incorporated by reference).

1.3 Incorporation of the DPEIR by Reference

The July 2010 City of Fortuna General Plan 2030 DPEIR is hereby incorporated into this FPEIR by reference. The DPEIR is on file for review by members of the public at the City of Fortuna Community Development Department, 621 11th Street, Fortuna, California 95540. The DPEIR is also on file for review at the Fortuna Branch of the Humboldt County Library, and is on the City's website at www.friendlyfortuna.com/index.aspx?nid=375.

1.4 Submission of the DPEIR to the State Clearinghouse

The attached printout from the State Clearinghouse CEQA Net Database confirms submission of the DPEIR to the State Clearinghouse on July 21, 2010 and provision of the required 45-day public review period.

1.5 Lead Agency Contact

Questions and comments on this FPEIR may be forwarded by mail, telephone, fax or e-mail to:

Stephen Avis, AICP, Associated Planner
City of Fortuna Community Development Department
621 11th Street
Fortuna, CA 95540

Telephone: (707) 725-1407
Fax #: (707) 725-7610
Email: savis@ci.fortuna.ca.us

California Home

Monday, October 11, 2010



OPR Home > CEQAnet Home > CEQAnet Query > Search Results > Document Description

City of Fortuna General Plan Update

SCH Number: 2007062106

Document Type: EIR - Draft EIR

Alternate Title: City of Fortuna General Plan Update Draft Program Environmental Impact Report City of Fortuna General Plan Update Program EIR

Project Lead Agency: Fortuna, City of

Project Description

NOTES: Review per Lead The City of Fortuna is updating the City's General Plan. The update proposed changes to existing or the provision of new General Plan Elements, including: Land Use, Transportation and Circulation, Natural and Cultural Resources, Parks, Recreation, Open Space, and Visual Resources, Public Facilities and Services, Public Health and Safety, Economic Development, and Community Character/Design. The update also includes an updated Land Use Diagram that includes four annexation areas, five focus areas, and the Mill District Area Plan. The Draft Program EIR adequately describes the General Plan and provides an assessment of the environmental impacts associated with its implementation. The Draft Policy Document is available for review at Fortuna City Hall and on the City's website.

Contact Information

Primary Contact:

Stephen Avis
City of Fortuna
(707) 725-1407
621 Eleventh Street
Fortuna, CA 95540

Project Location

County: Humboldt
City: Rio Dell
Region:
Cross Streets: 11th Street and L Street
Latitude/Longitude: 40° 35' 50" / 124° 9' 20" [Map](#)
Parcel No: Numerous
Township: 3N
Range: 1W
Section: 35
Base: HB&M
Other Location Info:

Proximity To

Highways: US 101, CA-36
Airports: Rohnerville
Railways: N.W. Pacific
Waterways: Eel River and Van Duzen River
Schools: Multiple
Land Use: Varied (all)

Development Type

Other

Local Action

General Plan Update

Project Issues

Agricultural Land, Water Supply, Wetland/Riparian, Wildlife, Aesthetic/Visual, Biological Resources, Air Quality, Archaeologic-Historic, Cumulative Effects, Drainage/Absorption, Economics/Jobs, Fiscal Impacts, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Growth Inducing, Landuse, Minerals, Noise, Population/Housing Balance, Public Services, Recreation/Parks, Schools/Universities, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality

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10/11/2010

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Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Conservation; Department of Fish and Game, Region 1E; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California Highway Patrol; **Caltrans, District 1**; Department of Public Health; Air Resources Board, Transportation Projects; **Regional Water Quality Control Board, Region 1**; Department of Toxic Substances Control; California Energy Commission; **Native American Heritage Commission**; State Lands Commission

Date Received: 7/21/2010 **Start of Review:** 7/21/2010 **End of Review:** 9/8/2010

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CHAPTER 2

Comments & Responses on the DPEIR

2.1 List of Commenters

The following 12 commenters submitted comment letters to the City of Fortuna on the DPEIR:

1. Federal Emergency Management Agency (FEMA)
2. Native American Heritage Commission (NAHC)
3. Bear River Band of Rohnerville Rancheria
4. California Department of Transportation (Caltrans)
5. California Department of Transportation (Caltrans; second letter)
6. Humboldt County Department of Public Works (DPW)
7. Craig Berry
8. California Department of Fish and Game (DFG)
9. The Harland Law Firm (Eel River Disposal or EDR)
10. Dean Glaser
11. Friends of Rohner Park Redwood Forest
12. California Regional Water Quality Control Board (RWQCB)

In addition, the following seven individuals commented on the DPEIR during the August 30, 2010 City-sponsored public meeting on the DPEIR held at City Hall:

1. Sylvia Jutila
2. Sue Long
3. Amber Jameson (Environmental Protection Information Center (EPIC))
4. Craig Berry
5. Dennis Wendt
6. Wally Wright
7. Mary Ash

2.2 Comments & Responses

Each comment letter is provided below in its entirety, followed by responses to the comments made in each letter. Each comment made in each letter is bracketed and numbered, with corresponding responses keyed to each comment.

Letter #1: FEMA – August 3, 2010

U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



FEMA

August 3, 2010

Stephen Avis
 City of Fortuna
 621 11th Street
 Fortuna, California 95540

Dear Mr. Avis:

This is in response to your request for comments on the Notice of Completion and Environmental Document Transmittal for Project City of Fortuna General Plan Update.

1 | Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of Fortuna (Community Number 060063), Maps effective May 3, 1982 and Humboldt County (Community Number 060060), Maps revised February 8, 1999. Please note that the City of Fortuna, Humboldt County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

2 | A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
 - If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.
- 3 |

www.fema.gov

Stephen Avis
Page 2
August 3, 2010

- 4
- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- 5
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtml>.

Please Note:

6 Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Fortuna floodplain manager can be reached by calling Dennis Ryan, Public Works, Director/City Engineer, at (707) 725-1407. The Humboldt County floodplain manager can be reached by calling Dan Larkin, Emergency Services Representative, at (707) 476-2396.

If you have any questions or concerns, please do not hesitate to call Sarah Owen of the Mitigation staff at (510) 627-7050.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Dan Larkin, Emergency Service Representative, Humboldt County
Dennis Ryan, Public Works/City Engineer, City of Fortuna
Raul Barba, State of California, Department of Water Resources, Northern Region Office
Sarah Owen, Floodplanner, CFM, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

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Responses to Letter #1: FEMA – August 3, 2010

1. The flood analysis contained in DPEIR, Section 8.5, is based on the cited effective FIRM Maps (see DPEIR Figure 8-8, 100-year Floodplain, including the source citation on the map). Also, it is acknowledged that the City of Fortuna is a participant in the NFIP. No change to the DPEIR is required.
2. The NFIP requirement that all buildings constructed within a riverine floodplain (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM) must be elevated so that the lowest floor is at or above the Base Flood Elevation level is identified on DPEIR page 8.5-7, Paragraph 2, Bullet #1. Proposed Policy HS-7.6 prohibits the development of new residential, essential facility and public assembly uses within the 100-year floodplain unless elevated above the 100-year Base Flood Elevation, and already prohibits the development of other uses within the 100-year floodplain unless either they are elevated above the 100-year Base Flood Elevation or no structure openings occur below the 100-year Base Flood Elevation. With implementation of DPEIR Mitigation Measure 8.5-1a, which requires that ALL buildings constructed within the 100-year floodplain be elevated above the Base Flood Elevation rather than only residential, essential facility and public assembly uses, the proposed plan would be consistent with this NFIP requirement.
3. The NFIP requirement that new development proposed within a Regulatory Floodway must not increase the 100-year Base Flood Elevation levels, and that a hydrologic and hydraulic analysis be performed prior to development demonstrating that development would not cause any such increase, is identified on DPEIR page 8.5-7, Paragraph 2, Bullet #2. With implementation of DPEIR Mitigation Measure 8.5-2a, which makes this requirement applicable to new development within the Regulatory Floodway, the proposed plan would be consistent with this NFIP requirement.
4. The City of Fortuna is not located within a coastal high hazard area (any of the “V” Flood Zones as delineated on the FIRM), and thus is not subject to this NFIP requirement.
5. The NFIP requirement that participating communities submit appropriate hydrologic and hydraulic data to FEMA for a FIRM revision for new development that changes existing Special Flood Hazard Areas is identified on DPEIR page 8.5-7, Paragraph 2, Bullet #3. With implementation of proposed Program HS-24, which requires this requirement applicable to new development, the proposed plan would be consistent with this NFIP requirement.
6. Comment noted. No further response is required.

Letter #2: Native American Heritage Commission – August 9, 2010

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



August 9, 2010

Stephen Avis
 City of Fortuna
 621 11th Street
 Fortuna, CA 95540

RE: SCH#2007062106 City of Fortuna Plan Update; Humboldt County.

Dear Mr. Avis:

1 The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- 2
- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
 - 3 ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
 - 4 ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated.**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
 - 5 ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
 Program Analyst
 (916) 653-4040

CC: State Clearinghouse

Native American Contact ListHumboldt County
August 5, 2010

Blue Lake Rancheria Claudia Brundin, Chairperson P.O. Box 428 Blue Lake , CA 95525 blrt@tidepool.com (707) 668-5101 (707) 668-4272 Fax	Wiyot Yurok Tolowa	Bear River Band of Rohnerville Rancheria Nick Angeloff, THPO 27 Bear River Drive Loleta , CA 95551 (707) 733-1900 (707) 733-1972 (FAX)	Wiyot Mattole
Bear River Band of Rohnerville Rancheria Len Bowman, Jr., Chairperson 27 Bear River Drive Loleta , CA 95551 lbowman@bearriver.com (707) 733-1900 (707) 733-1972 Fax	Wiyot Mattole	Wiyot Tribe Andrea Davis, Environmental Coordinator 1000 Wiyot Drive Loleta , CA 95551 (707) 733-5055 (707) 733-5601 Fax	Wiyot
Wiyot Tribe Gail Green, Chairperson 1000 Wiyot Drive Loleta , CA 95551 wiyotone@yahoo.com (707) 733-5055 (707) 733-5601 Fax	Wiyot	Bear River Band of Rohnerville Rancheria Edwin Smith, Environmental Coordinator/Cultural 27 Bear River Drive Loleta , CA 95551 (707) 733-1900 (707) 733-1972 (FAX)	Wiyot Mattole
Wiyot Tribe THPO Helene Rouvier, Tribal Historic Preservation Office 1000 Wiyot Drive Loleta , CA 95551 cultural@wiyot.us (707) 733-5055 (707) 733-5601 Fax	Wiyot	Blue Lake Rancheria Arla Ramsey, Tribal Administrator P.O. Box 428 Blue Lake , CA 95525 blrt@tidepool.com (707) 668-5101 (707) 668-4272 Fax	Wiyot Yurok Tolowa

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007062106 City of Fortuna General Plan Update; Humboldt County.

Native American Contact List

Humboldt County
August 5, 2010

Blue Lake Rancheria THPO
Janet Eidsness, Historic Preservation Officer
P.O. Box 428 Wiyot
Blue Lake, CA 95525
jeidsness@bluelakerancheria-nsn.
(707) 668-5101 ext 329
707-668-4272

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007062106 City of Fortuna General Plan Update; Humboldt County.

Responses to Letter #2: Native American Heritage Commission – August 9, 2010

1. Comment noted. See the following for responses to specific comments.
2. The proposed plan does not include a federal component or federal funding, and thus is not subject to Section 106 of the National Historic Preservation Act which requires identification and analysis of the APE.

With respect to an Information Center records search, DPEIR page 5.4-3 indicates that, while a records search was not conducted because of the programmatic nature of both the proposed plan and the DPEIR, the analysis makes the conservative assumption that the Planning Area has the potential to contain archaeological resources and bases the significance conclusions and mitigation measures accordingly.

As required by proposed Programs NCR-38, -39 and NCR-41: (1) NCIC records searches shall be required on a project-by-project basis for new development permitted under the proposed plan; (2) Native American consultations and certified archaeological investigations shall be undertaken, and archaeological reports prepared, where the records searches indicate the presence or potential presence of cultural resources; (3) any recommendations made in the archaeological reports shall be implemented by the developer (including, potentially, monitoring of construction work by a certified archaeologist and/or Native American monitor); and (4) construction work at the construction sites shall be suspended if archaeological resources or human remains are unearthed, an archaeologist shall be called in to assess the finds, and if human remains are unearthed, the required parties (County Coroner, THPOs, NAHC, etc.) shall be immediately contacted and any finds treated in accordance with NHHHC treatment and disposition requirements. While the proposed programs do not go into the level of detail of the comment(s), all archaeological work required by the proposed programs would occur consistent with NAHC, Native American, and other applicable regulations, requirements and industry standards. Therefore, with the implementation of these programs, the proposed plan would be consistent with NAHC recommendation(s).

3. The fact that a Sacred Lands File check was completed by the NAHC, and that no sites were indicated within the Planning Area, is acknowledged.

With respect to the list of appropriate Native American Contacts for consultation, the appropriate Native American representatives will be contacted for development project consultation as provided for in proposed Programs NCR-38, -39 and -41. Also, note that the NAHC, California Office of Historic Preservation, Wiyot Tribe, and Bear River Band of Rohnerville Rancheria were each sent the Notice of Preparation (NOP) and Notice of Completion (NOC) of the DPEIR.

4. Comment noted. No further response is required.
5. See response to Comment #2 above.

Letter #3: Bear River Band of Rohnerville Rancheria – August 16, 2010

BEAR RIVER BAND of ROHNERVILLE RANCHERIA
27 BEAR RIVER DR. LOLETA, CA 95551 707.733.1900, fax 733.1972



8/16/10

Stephen Avis
City of Fortuna
621 11th Street
Fortuna, CA 95540

Cc: George Williamson

RE: City of Fortuna General Plan

Dear Mr. Avis,

1

The Bear River Band of Rohnerville Rancheria (BRBRR) has concerns over the Programmatic Environmental Impact Report produced for the City of Fortuna General Plan. The plan indicates that there is less than significant impact to prehistoric archaeological resources as a result of the plan. The BRBRR would like to see a programmatic plan for the proactive location of known and unknown archaeological resources, the evaluation of such resources and the mitigation of such resources. We find that with plans in place the process is significantly streamlined and less costly when such plans are in place. We can provide you with examples and even draft a section to provide for the General Plan if you wish. Please contact Mr. Nick Angeloff, Tribal Historic Preservation Officer, at thpo@bearrivertribe.com or 707-407-6205 if you have any questions.

Sincerely,

X

Nick Angeloff
THPO

Responses to Letter #3: Bear River Band of Rohnerville Rancheria – August 16, 2010

1. The DPEIR Impact 5.4-1, pages 5.4-13 and -14, concludes that the proposed plan would result in a less than significant impact on archaeological resources based on the strong cultural resources policies and programs listed on page 5.4-14. These policies and programs include, but are not limited to, requirements for NCIC records searches and, if required, Native American consultations, archaeological investigations, monitoring of construction work, notification of applicable agencies and organizations of any cultural finds, and the treatment of cultural finds in accordance with HAHC treatment and disposition requirements (see response to Comment #2 in Letter #2 for further discussion).

The requested preparation of a programmatic plan for the proactive location and mitigation of such resources is not required for several reasons:

- (1) The proposed programs and policies would, on a case by case basis, identify and be protective of any archaeological resources that may exist in the Planning Area;
- (2) The General Plan Update is a “program” rather than a “construction project”, and as such a Program EIR has been prepared as defined by CEQA Guidelines §15168. Per CEQA §15146, the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity. Because the proposal for review is a program, documentation and analysis in the DPEIR can be at a lesser level of detail than in an EIR for a construction project;
- (3) CEQA does not require Information Center records search and archaeological field surveys for a General Plan in a Program EIR; and
- (4) Conducting an NCIC records search and archaeological field survey now for the whole 8,051-acre (12.6 square mile) Planning Area is infeasible because it would be prohibitively expensive, especially in this time of local government budgetary constraints, and would place the cost for such investigations on the City rather than on those proposing new development. Under proposed Programs NCR-38, -39 and -41, this type of records search and survey would be completed, as required, on a case by case basis when development is proposed.

Based on the above, the level of archaeological documentation and analysis in the DPEIR is appropriate, adequate and reasonable, and no change to the DPEIR is required.

Letter #4: Caltrans – August 17, 2010

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4542
FAX (707) 441-5869
TTY (707) 445-6463



*Flex your power!
Be energy efficient!*

August 17, 2010

City of Fortuna
621 11th Street
Fortuna, CA 95540
Attn: Stephen Avis, AICP

Fortuna GPU Draft PEIR

Dear Mr. Avis -

1 | Thank you for giving us an opportunity to review the City's General Plan Update Draft Programmatic EIR prepared for the City by Planwest Partners, Inc. Chapter 4 of this document pertains to the City's Roadway and Highway Systems, including US 101 and State Route 36. State Route 36 lies outside the City, but provides a significant means of conveyance for people and goods into and out of the City of Fortuna.

2 | We would like to note that several of the Mitigation Measures mentioned in this chapter are planned to occur at or adjacent to these State facilities. If and when these improvements are to be made, we request that consultation with our Staff take place early on to assist with planning, engineering and the encroachment permit process. Please see our previous comments attached.

Thank you again for this opportunity.

Sincerely,

Alyson Hunter
Associate Transportation Planner
District 1 - Office of Community Planning

CC: Scott Morgan - State Clearinghouse, PO Box 3044, Sacramento CA 95814

ATTACHMENT

"Caltrans improves mobility across California"

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
 EUREKA, CA 95502-3700
 PHONE (707) 441-2009
 FAX (707) 441-5869
 TTY (707) 445-6463



*Flex your power!
 Be energy efficient!*

June 30, 2008

1-HUM-101-Fortuna
 General Plan Update DEIR
 SCH# 2007062106

Stephen Avis
 Community Development Department
 City of Fortuna—City Hall
 P.O. Box 545
 Fortuna, CA 95540

Dear Mr. Avis,

3 | Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Fortuna General Plan Update. The planning horizon for the document extends to the year 2030. We have the following comments:

Transportation & Circulation

4 | In our letter to the Fortuna City Engineer, Doug Jackson (dated June 16, 2006), regarding the Fortuna Regional Shopping Center, we identified a number of traffic impacts at the existing Route 101 interchanges. The DEIR does not acknowledge the deficiencies that were previously identified as part of the regional shopping center review. With or without the proposed Fortuna regional shopping center, future growth is expected to impact existing State highway facilities and our previous comments are still valid. We have attached our comment letter from June 16, 2006 for reference.

In addition to the growth-related impacts to the Route 101 that have already been identified, the following significant issues will need to be addressed by both Caltrans and the City in the future:
12th Street/Riverwalk Drive Interchange:

- 5 |
- The 5-legged intersection at the southbound Route 101 ramps will need to be reconfigured if and/or when the intersection is signalized. This may require a significant realignment of Dinsmore Drive.
 - The street cross section on bridge structure is not wide enough to meet current standards and could be a constraint for future growth. We anticipate the need to upgrade or replace this structure in the distant future.

Kenmar Interchange:

- 6 |
- As stated in the letter to Doug Jackson (see attached), the length of the off-ramps is not sufficient to safely accommodate queuing. Adding signals at the ramp termini is expected to increase queue length and reduce deceleration length on the ramps, potentially causing a significant impact to traffic safety.

"Caltrans improves mobility across California"

Stephen Avis
 6/30/2008
 Page 2

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- Due to the short bridge span of the highway over-crossing, there is inadequate width beneath the structure to widen Kenmar Road to add left-turn movement storage at the ramp terminal intersections. Traffic volumes at the intersections are expected to exceed capacity with future growth. Due to the insufficient storage space for the left turning vehicles at the freeway onramps, we would not support the installation of traffic signals for the existing interchange without substantial modifications.
 - The existing highway over-crossing will need to be improved to better accommodate pedestrians and will need to be addressed as part of any improvement proposal.
- TC-1.13 & -1.21: We support these General Plan Update policies as they make use of development impact funds to improve transportation infrastructure.
- Page 4.1-3: Please note that the California MUTCD was updated in 2007 and references to previous versions of the MUTCD in the General Plan Update and the environmental document should be revised.
- Page 4.1-16, Pass-by Trips: While higher pass-by rates may be justifiable, the Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002) states: "Pass-by trips are only considered for retail oriented development. Reductions greater than 15% require consultation and acceptance by Caltrans."
- Bicycle & Pedestrian Facilities**
- Page 4.2-1: Bicycle Facilities - Existing bicycle facilities listed in the text do not correspond with existing bicycle facilities displayed on Figure 4-6. In addition to [Class II] bike routes on portions of Main Street, 12th Street, and Rohnerville Road, the map shows bike routes on Redwood and Kenmar Road, but does not indicate the route classification.
- Page 4.2-2/Figure 4-6: Existing Bicycle Facilities Map - We recommend adding map features that show proposed bikeways (including the class designation), existing and proposed bike parking, and bicycling destinations, such as schools, government buildings, shopping centers and transit stops. The map included in the 2004 Humboldt County Regional Bikeway Plan can be used as an example.
- Page 4.2-3: Pedestrian Needs Assessment - The document references projects identified in the 2003 Humboldt County Pedestrian Needs Assessment. We recommend taking out the reference to the 2003 study as an updated (draft) Pedestrian Needs Assessment has just been released. The updated Needs Assessment should be consistent with the Fortuna General Plan Update document. We suggest that the Fortuna's pedestrian needs be identified on a map.
- Page 4.2-5: Assumptions Bullet #7- Kenwood and Redwood are not listed as having existing bikeways or bike lanes, which appears to be inconsistent with other portions of this chapter.

"Caltrans improves mobility across California"

Stephen Avis
6/30/2008
Page 3

15 | Page 4.2-5: Assumptions Bullet #9 – We encourage the City to notify us of any identified deficiencies in non-motorized facilities on State Routes and provide more specific detail on items that could be corrected. The Department may be able to implement incremental improvements at these locations with future projects.

16 | Page 4.2-5: Assumptions Bullet #10 - Bike Parking - We recommend that the City develop policies for bicycle parking, including guidelines which specify the number of bicycle racks/parking for various types and intensities of land uses.

17 | Page 4.2-9: Multi-use Access: Additional access to the Eel River will be provided via frontage roads and pedestrian accommodation on the over-crossing as a result of the Alton Interchange project. Contact Project Manager Richard Mullen at 441-5877 for more information about this project.

18 | **Public Transportation**
Currently, Humboldt Transit Authority (HTA) operates the only transit service in Fortuna. We recommend that the City assess and, if necessary, periodically monitor the need for a local (city-wide), independent transit service.

19 | We look forward to working with the City to improve transportation and circulation as part of the City's plans to accommodate future growth. If you have questions or need further assistance, please contact me at the number above or contact Jeremy Mills of District 1 Community Planning at (707) 441-4542.

Sincerely,



Jesse Robertson
Associate Transportation Planner
District 1 Office of Community Planning

c: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

Responses to Letter #4: Caltrans – August 17, 2010

1. No substantive environmental issues are raised, and no further response is required.
2. The City is aware that any improvements to state facilities (e.g., several US 101 and SR 36 on/off ramps) required by mitigation measures in the DPEIR will require prior consultations with Caltrans. No change to the DPEIR is required.
3. The comments in the June 30, 2008 comment letter from Caltrans are on the 2008 DPEIR, not the current version of the DPEIR which has been substantially enhanced.
4. The comment states that a June 16, 2006 letter from Caltrans is attached discussing “deficiencies” at SR 101 interchanges under the Fortuna Regional Shopping Center project, but no such letter is attached. In addition, the Regional Shopping Center is a separate project under CEQA. Finally, the DPEIR adequately documents existing and projected future operating conditions at state facilities under the proposed plan, and no evidence has been provided by the commenter that the DPEIR does otherwise. For all these reasons, summarizing deficiencies that were previously identified as part of the regional shopping center review is not required in the DPEIR.
5. DPEIR Table 4.1-5 documents that the proposed plan would result in significant impacts to the 12th Street/Riverwalk Drive/U.S. 101 SB ramps (Intersection 8), DPEIR Mitigation Measure 4.1-1a, Bullet #6 identifies mitigation to address the impacts, and DPEIR Table 4.1-6 indicates that the mitigation would reduce the impact at these ramps to less-than-significant levels. These determinations were based on intersection capacity calculations using the methodologies described in the TRB Highway Capacity Manual and capacity and level of service calculations of the improved intersection using Traffic© software. In other words, the conclusion that the proposed mitigation (e.g., signalization and providing dual left-turn lanes on the eastbound approach) would provide for acceptable LOS is supported by substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1). The commenter has provided no analysis to substantiate its contention that acceptable LOS would be achieved only by realignment of Dinsmore, street widening, and interchange reconstruction. No change to the DPEIR is required.
6. DPEIR Table 4.1-6 indicates that the Kenmar Road/U.S. 101 NB ramps would operate at acceptable LOS (LOS B) during both the a.m. and p.m. peak hour with implementation of Mitigation Measure 4.1-1a. This determination was based on intersection capacity calculations using the methodologies described in the ITE Highway Capacity Manual and capacity and level of service calculations of the improved intersection using Traffix© software (e.g., is supported by substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)). The commenter has provided no analysis to substantiate its contention that acceptable LOS would be achieved only by street widening and interchange reconstruction. No change to the DPEIR is required.
7. As indicated in Response #6 above, no improvement would be required to the Kenmar Interchange, and the commenter has provided no evidence to support its contention that the associated highway over-crossing would need to be improved to accommodate pedestrians under the proposed plan. No change to the DPEIR is required.

8. Commenter's expressed support for Policies TC-1.13 and -1.21 is noted. No change to the DPEIR is required.
9. In response to the comment, the reference to the 2003 MUTCD on DPEIR page 4.1-4, Paragraph 3, Sentence 1 is revised to read as follows:

The *Manual on Uniform Traffic Control Devices* (MUTCSD), Federal Highway Administration, ~~2003~~ 2007, has been adopted by the State of California as a replacement for the Caltrans Traffic Manual.

10. First, while the Caltrans Guide for the Preparation of Traffic Impact Studies may state that an assumed pass-by-trip reduction for retail oriented development greater than 15% requires consultation and acceptance by Caltrans, and while the DPEIR traffic analysis uses rates of between 15% and 30%, the comment acknowledges that "higher pass-by-rates may be justifiable". Second, new retail and shopping center land uses would make up only a small portion (less than 14%) of total new traffic under the General Plan such that the effect of using up to a 30% pass-by-trip assumption for these uses is negligible. Third, the commenter provides no evidence to substantiate its contention that the analysis underestimates operational traffic impacts. Finally, the analysis is for all aspects of the General Plan, not just those related to Caltrans facilities, and the City has determined that the projected pass through rates are appropriate for the analysis. Based on the above, No change to the DPEIR is required.
11. In response to the comment, DPEIR page 4.2-1, Paragraph 3, Sentence 1 is revised to read as follows:

"Fortuna's existing bicycle transportation system consists of bike lanes on Main Street, 12th Street, Redwood Road, Kenmar Road and Rohnerville Road, along with a limited number of bicycle racks for short term parking at area of elementary schools and a handful of other locations."

Identification of the classifications of existing bicycle routes is not required to assess impacts on existing and the demand for new bicycle facilities under the proposed plan. No change to the DPEIR is required.

12. Failure to include a proposed bicycle facilities plan in the proposed Policy Document (proposed plan) was an oversight. In response to the comment, proposed Policy TC-5.1 on DPEIR page 4.2-6 is revised as follows:

TC-5.1 Fortuna Bike-Bicycle Transportation Plan. The City shall prepare a Bicycle Transportation Plan that incorporates the bicycle facilities plan for the City included in HCAOG's 2009 Humboldt County Regional Trails Master Plan. A copy of the route plan is attached for reference. The City shall strive to fully implement Fortuna's Bike Plan on public streets, both major and minor, the proposed facilities to fill in gaps in the existing bicycle network, improve existing bicycle facilities, improve motor vehicle and bicycle interactions, and increase bicyclist safety. The City shall also identify the locations of planned bicycle parking facilities in the plan

linked to schools, government buildings, shopping centers and transit stops, establish bicycle parking standards, and shall strive to develop the Ultimate Bikeway System identified in the Circulation Diagram, particularly making sure Class II facilities require striping will be coordinated coordinate Class II bikeway striping with resurfacing of city streets. ”

13. In response to the comment that there is a more recent version of the HCAOG Humboldt County Pedestrian Needs Assessment, DPEIR page 4.2-2, Paragraph 5, plan title, replace “(2003)” with “(June 2008”).

In response to the suggestion that Fortuna’s pedestrian needs be identified on a map, proposed Policy TC-4.4 already calls for the City to implement the projects identified in the Pedestrian Needs Assessment, while proposed Program TC-13 already identifies specific corridors in need of sidewalks and other corridor improvements. Several other policies and programs (Policy TC-5.16, TC-4.10, Program TC-15, Program TC-1.28, etc.) also identify planned pedestrian, bicycle and parkway improvements. These are sufficient to identify pedestrian needs in the City – no map is required.

14. See response to Comment #11 above.

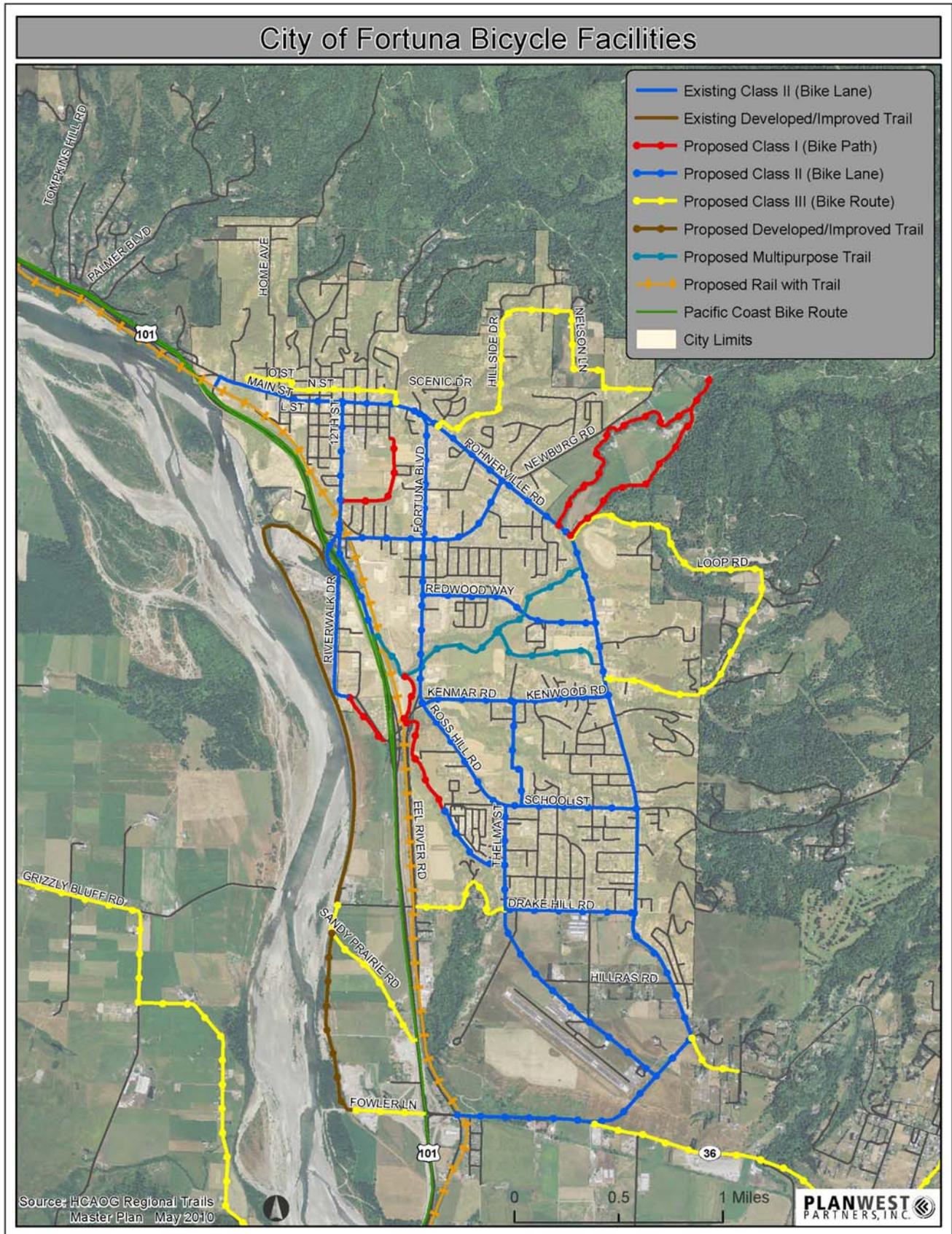
15. The DPEIR (#9 and in other bullets on page 4.2-5, the proposed transportation policies and programs on pages 4.2-6 through 4.2-10, and the analysis on pages 4.2-10 through 4.2-12) already identifies deficiencies in non-motorized facilities in the Planning Area. At such time as individual improvements to these facilities are proposed, the City will coordinate with and obtain any required approvals from Caltrans for improvements within Caltrans ROWs. Caltrans’ note that it may be able to implement incremental improvements at these locations with future projects is acknowledged.

16. See response to Comment #12 above.

17. Comment noted. No further response is required.

18. As listed in DPEIR pages 4.3-3 through -5, multiple policies are proposed in the General Plan calling for the City to work with HCAOG and the Humboldt Transit Authority to provide required bus service in the City, and requiring new development to provide required transit infrastructure. Under these policies, existing Redwood Transit Service will be extended, as required, to serve development permitted under the proposed plan. Establishment of City-operated transit within the City is therefore not required. No change to the DPEIR is required.

19. Comment noted. No further response is required.



Letter #5: Caltrans – August 19, 2010**From:** Alyson Hunter [mailto:alyson_hunter@dot.ca.gov]**Sent:** Thursday, August 19, 2010 8:27 AM**To:** Stephen Avis**Subject:** Fortuna GPU Draft PEIR

Stephen -

Here are some more details from our Traffic Operations unit to accompany the very general comment letter that you should be receiving in the mail shortly. They relate to specific sites that are mentioned in the potential mitigation measures section. No action is necessary at this time.

- 1 | 1. Significant impact to State facilities is expected with the full-build out of the General Plan. The Kenmar Drive/Riverwalk Drive interchange ramp intersections would be especially impacted by full-build out of the Mill District (old mill site).
- 2 | 2. Pg ES-12, 4th Bullet point, 12th Street-Riverwalk Drive/US 101 SB Ramps—Signalize and provide dual left turn lanes on the eastbound approach: **We agree in concept, but further study and preliminary design will be needed to determine the feasibility of signalizing and constructing dual left turn lanes (EB approach) when development triggers the need for mitigation.**
- 3 | 3. Pg ES-12, 8th Bullet point, Kenmar Road/U.S. 101 NB Ramps--Signalize and operate with permitted left-turn phasing. No additional lanes would be needed: **We do not concur that “no additional lanes would be needed.”** Our preliminary analysis indicates that left turn channelization on Kenmar Road will be required in order for both ramp intersections to operate at acceptable LOS and to minimize queuing, when both intersections are signalized. Two geometric issues stand in the way of effective signalization: (1) Inadequate width (beneath the undercrossing structure) on Kenmar Road to construct standard left turn lanes at each intersection and (2) Inadequate distance between the two ramp intersections to have adequate left turn storage. **Ultimate solution will likely require interchange reconstruction.**
- 4 | 4. Pg ES-13, 1st Bullet point, Kenmar Road/U.S. 101 SB Ramps—Signalize and add a right-turn lane on the EB approach and operate with permitted left-turn phasing: **See comments above regarding left turn channelization.**
- 5 | 5. Pg ES-13, 8th Bullet point, Newburg Road and 12th Street Realignment to include the NB U.S. 101 on-ramp and extend the NB off-ramp from U.S. 101 onto 12th Street: **We agree in concept, but further study and preliminary design will be needed to determine the feasibility of the proposed configuration when development triggers the need for mitigation.**
- 6 | 6. Pg ES-14, 1st Bullet point, Dinsmore Drive Intersection Redesign (five-point intersection of Dinsmore Drive, SB off-ramp, Riverwalk Drive, and 12th Street): **We agree that this confusing intersection needs to be reconstructed to improve safety and operations.**

Regards,

Alyson Hunter, Associate Transportation Planner
Caltrans District 1 - Community & System Planning
PO Box 3700, Eureka CA 95502
Ph. 707.441.4542



Please consider the environment before printing this email.

Responses to Letter #5: Caltrans – August 19, 2010

1. DPEIR Table 4.1-5 documents that the proposed plan would result in significant impacts to the Kenmar Drive/HWY 101 NB and SB ramps (Intersections 14 and 15) and 12th Street-Riverwalk Drive/U.S. 101 NB and SB ramps. DPEIR Mitigation Measure 4.1-1a would reduce the impacts at these intersections to less-than-significant levels as indicated in Table 4.1-6. No change to the DPEIR is required.
2. In response to the comment, DPEIR Mitigation Measure 4.1-1a, Bullet #6 is revised to read as follows:
 - 12th Street-Riverwalk Drive/US 101 South Ramps – Signalize and provide dual left turn lanes on the eastbound approach. If this improvement is found by both the City and Caltrans to be infeasible, implement an alternative feasible intersection improvement acceptable to both the City of Fortuna and Caltrans that would reduce the impact to less than significant levels.
3. DPEIR Table 4.1-6 indicates that the Kenmar Road/U.S. 101 NB ramps would operate at acceptable LOS (LOS B) during both the a.m. and p.m. peak hour with implementation of Mitigation Measure 4.1-1a. This determination was based on intersection capacity calculations using the methodologies described in the ITE Highway Capacity Manual and capacity and level of service calculations of the improved intersection using Traffix© software (e.g., is supported by substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)). The commenter has provided no analysis to substantiate its contention that acceptable LOS would be achieved only by street widening and interchange reconstruction. No change to the DPEIR is required.
4. See response #3 above which also applies to this comment.
5. In response to the comment, DPEIR Mitigation Measure 4.1-1a, Bullet #18 is revised to read as follows:
 - Newburg Road and 12th Street Realignment to include the northbound U.S. 101 on-ramp and extend the northbound off-ramp from U.S. 101 onto 12th Street. If this improvement is found by both the City and Caltrans to be infeasible, implement an equivalent alternative feasible improvement acceptable to both the City of Fortuna and Caltrans.
6. Commenter's concurrence is noted.

Letter #6: Humboldt County Department of Public Works – August 30, 2010

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707 / FAX 445-7409

PUBLIC WORKS BUILDING SECOND & L ST., EUREKA		CLARK COMPLEX HARRIS & H ST., EUREKA	
ADMINISTRATION 445-7491	NATURAL RESOURCES 445-7741	LAND USE	445-7205
BUSINESS 445-7652	PARKS 445-7651		
ENGINEERING 445-7377	ROADS & EQUIP. MAINT. 445-7421		
FACILITY MAINTENANCE 445-7493			

August 30, 2010

Liz Shorey
Stephen Avis
City of Fortuna
POB 545
Fortuna CA 95540

RE: GENERAL PLAN UPDATE

Previously on July 27, 2007, (copy attached) I provided comments for you on the general plan concerning Rohnerville Airport. I noticed that many of the concerns of the Department have been incorporated into the latest draft of the general plan dated May 2009. Thank you for considering the concerns of the Department. However, there are a couple of items that should be further refined: Deletions are shown in ~~strike through~~. Additions are shown in RED.

- 1 | 1. **TC-6.1 Airport Capacity and Services.** Since Rohnerville Airport is one of the most significant economic development opportunities and transportation resources for the region, the City shall work with ~~Humboldt County Public Works Airport and Aviation Department~~ the Aviation Division of the County of Humboldt Department of Public Works to improve and expand the capacity of the airport and services in the region.
- 2 | 2. **TC-6.2 Land Use Consistency.** The City shall continue to regulate land use around the Rohnerville Airport consistent with the Humboldt County Airport Land Use Compatibility Plan. Development shall be required to grant Avigation Easements, Overflight Easements, or Deed Notices to the County of Humboldt based upon the airport land use compatibility zone in which the development is located.
- 3 | 3. **HS-9 Goal Aircraft Hazards.** To minimize the risk of loss of life or injury, damage to property, and/or the relocation of commercial or residential land uses resulting from ~~aircraft hazard~~ constructing hazards to aircraft.
- 4 | 4. **TC-1.13 Development Impacts.** The City shall consider the effects of new development on local streets in residential areas and require new development to mitigate significant traffic impacts on residential neighborhoods. The City shall consider the effects of development on County maintained roads serving parcels within the City of Fortuna. Projects shall be conditioned to require, as feasible, off-site improvements to County roads to ensure that the County roads are capable of handling the increased traffic from new projects.

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5. **PFS-5.16 County Developments.** The City shall monitor development in the County to ensure that drainage impacts from new projects do not impact the City's drainage system. If any impacts are projected to occur from developments in the County, the City shall require, as feasible, the County or developer to install adequate improvements to mitigate the anticipated impacts.

Many County maintained facilities located downstream from the City are not built to handle increased drainage from development. If any impacts to County facilities are projected to occur from developments in the City, the City shall require, as feasible, the City or developer to install adequate improvements to mitigate the anticipated impacts.

6

6. **LU-1.13 Annexation.** The City shall encourage future urban development within the Planning Area to occur under the City's jurisdiction. To this end, the City shall require that vacant unincorporated properties be annexed into the City prior to providing City services. The County has experienced tremendous growth in the sphere of influence areas adjacent to the City. These areas should be annexed into the City and new sphere's of influence created. In particular Eel River Drive, Rohnerville Road, Dinsmore Drive - Twelfth Street, Drake Hill Road, and Strongs Creek Road areas should be annexed.

(These roads/areas were previously identified in a letter dated January 16, 2003 from Harless McKinley of the Land Use Division to Liz Shorey and in a letter dated January 10, 2005 from Harless McKinley of the Land Use Division to Duane Rigge.)

If you have any questions, please feel free to call me at 707-445-7205.



Robert W. Bronkall, PE, LS
Associate Engineer
Land Use Division
3033 "H" Street, Room 17
Eureka, CA 95501

- c Jacque Hulsey, Airports Manager
Darcy Gray, Real Property Agent - Aviation

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ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
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PUBLIC WORKS BUILDING
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ENGINEERING	445-7377	ROADS & EQUIPMENT MAINT.	445-7421
	ARCHITECT	445-7493	

CLARK COMPLEX
HARRIS & H ST., EUREKA
LAND USE 445-7205

July 27, 2007

Liz Shorey, City Planner
City of Fortuna
POB 545
Fortuna CA 95540

**RE: NOTICE OF PREPARATION OF A DRAFT PROGRAM EIR FOR
THE CITY OF FORTUNA GENERAL PLAN UPDATE**

Thank you for the opportunity to provide comments on the update of the City of Fortuna's General Plan. There are several areas that should be addressed as part of the update of the General Plan:

7

AIRPORTS The general plan should consider the impacts of Rohnerville Airport. The 1993 Airport Land Use Compatibility Plan (ALUCP) identified compatibility zones around the airport. Zoning should be made consistent with the ALUCP. Projects within the compatibility zones should be conditioned to provide aviation easements, overflight easements, or deed notices as set forth in the ALUCP. (When notified by the City, I will the prepare the necessary documents for execution by the Applicant.) All projects within the compatibility areas should be consistent with the requirements of the ALUCP. The attached Exhibit "A" contains a list of Assessor Parcel Numbers (APNs) that represent the portion of the City of Fortuna that is within the ALUCP compatibility zones. In addition to the County's ALUCP, another reference that you may wish to utilize is the "California Airport Land Use Planning Handbook" prepared by the State of California, Department of Transportation, Division of Aeronautics. The City should consider including both the Department of Transportation, Division of Aeronautics and the Federal Aviation Administration (FAA) as part of the review/notification process.

The County provides grant assurances to the FAA in order to receive federal funding from the FAA for airports such as Rohnerville Airport. These grant assurances require the County to ensure that surrounding land uses are compatible with the airport. Grant Assurance 21 specifically states:

"Compatible Land Use. It (the County/Sponsor) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operation, including landing and takeoff of aircraft. In addition, if the project is for noise*

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Cont'd



If you have any questions, please feel free to call me at 707.445.7205.

Sincerely,



Robert W. Bronkall, PE, LS
Associate Engineer
Land Use Division
3033 "H" Street, Room 17
Eureka, CA 95501

Attachments:

- January 16, 2003 letter with attachments
- January 10, 2005 letter with attachments

- c Thomas K. Mattson, Director, Department of Public Works
Chris Whitworth, Deputy Director-Engineering, Department of Public Works
Stan Elcock, Deputy Director-Roads, Department of Public Works
Jacqueline Hulsey, Airports Manager, Department of Public Works

Exhibit "A"

List of Assessor Parcel Numbers in the City of Fortuna within the Airport Land
 Use Compatibility Plan (ALUCP) compatibility zones for Rohnerville Airport dated 07/27/2007
 Contact: Robert W. Bronkall • Humboldt County Department of Public Works • Land Use Division • 707-445-7205

203-082-13	203-091-09	203-093-04	203-102-05	203-112-03	203-121-10
203-082-14	203-091-11	203-093-05	203-102-06	203-112-04	203-122-01
203-082-15	203-091-13	203-093-06	203-102-07	203-112-05	203-122-03
203-082-16	203-091-14	203-093-07	203-102-08	203-112-06	203-122-04
203-083-01	203-091-15	203-093-08	203-102-09	203-112-07	203-122-05
203-083-04	203-091-17	203-094-01	203-102-10	203-112-08	203-122-06
203-083-05	203-091-19	203-094-02	203-102-15	203-112-09	203-122-07
203-083-06	203-091-20	203-094-03	203-102-16	203-112-10	203-122-10
203-083-07	203-091-21	203-094-04	203-102-17	203-112-11	203-122-12
203-083-08	203-091-22	203-094-05	203-102-18	203-112-12	203-122-13
203-083-09	203-091-23	203-094-06	203-102-19	203-112-13	203-122-15
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203-083-11	203-092-03	203-094-10	203-102-21	203-112-15	203-122-17
203-083-12	203-092-06	203-094-11	203-102-22	203-112-16	203-122-18
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203-083-22	203-092-22	203-094-26	203-103-12	203-113-09	203-123-01
203-083-24	203-092-23	203-094-27	203-103-13	203-113-10	203-123-02
203-083-25	203-092-24	203-101-01	203-104-01	203-113-11	203-123-03
203-083-26	203-092-25	203-101-03	203-104-02	203-113-12	203-123-04
203-083-27	203-092-26	203-101-04	203-105-07	203-113-13	203-123-05
203-083-30	203-092-27	203-101-05	203-105-08	203-113-14	203-123-06
203-083-32	203-092-28	203-101-06	203-105-09	203-113-15	203-123-07
203-083-34	203-092-29	203-101-08	203-105-10	203-113-16	203-123-08
203-083-36	203-092-35	203-101-09	203-105-11	203-114-01	203-123-09
203-083-37	203-092-36	203-101-10	203-111-03	203-114-02	203-123-10
203-083-40	203-092-39	203-101-15	203-111-04	203-114-03	203-123-13
203-083-41	203-092-40	203-101-16	203-111-05	203-114-04	203-123-14
203-083-42	203-092-41	203-101-17	203-111-06	203-114-05	203-123-15
203-083-45	203-092-42	203-101-18	203-111-07	203-114-06	203-123-16
203-083-46	203-092-47	203-101-20	203-111-09	203-114-07	203-123-17
203-083-47	203-092-48	203-101-21	203-111-10	203-114-08	203-123-18
203-083-48	203-092-49	203-101-22	203-111-11	203-121-01	203-123-19
203-083-49	203-092-50	203-101-23	203-111-12	203-121-02	203-123-20
203-083-50	203-092-51	203-101-24	203-111-13	203-121-03	203-123-21
203-083-51	203-092-52	203-101-25	203-111-14	203-121-04	203-123-22
203-091-02	203-092-53	203-101-26	203-111-15	203-121-05	203-123-23
203-091-03	203-092-54	203-102-01	203-111-16	203-121-06	203-123-24
203-091-06	203-093-01	203-102-02	203-111-17	203-121-07	203-123-25
203-091-07	203-093-02	203-102-03	203-112-01	203-121-08	203-124-01
203-091-08	203-093-03	203-102-04	203-112-02	203-121-09	203-124-02

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2 of 4

Exhibit "A"

List of Assessor Parcel Numbers in the City of Fortuna within the Airport Land
 Use Compatibility Plan (ALUCP) compatibility zones for Rohnerville Airport dated 07/27/2007
 Contact: Robert W. Bronkall • Humboldt County Department of Public Works • Land Use Division • 707-445-7205

203-322-36	203-332-18	203-383-01	203-383-53
203-322-37	203-332-19	203-383-02	203-383-54
203-322-38	203-340-19	203-383-03	
203-322-39	203-340-20	203-383-04	
203-322-40	203-340-21	203-383-05	
203-322-41	203-340-22	203-383-06	
203-322-42	203-340-23	203-383-07	
203-322-43	203-340-24	203-383-13	
203-322-44	203-340-25	203-383-14	
203-331-02	203-340-26	203-383-15	
203-331-05	203-382-01	203-383-16	
203-331-06	203-382-02	203-383-17	
203-331-07	203-382-03	203-383-18	
203-331-08	203-382-04	203-383-19	
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203-332-02	203-382-29	203-383-44	
203-332-03	203-382-30	203-383-45	
203-332-04	203-382-31	203-383-46	
203-332-07	203-382-32	203-383-47	
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203-332-13	203-382-35	203-383-50	
203-332-14	203-382-37	203-383-51	
203-332-17	203-382-38	203-383-52	

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4 of 4



**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
AVIATION 839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
NATURAL RESOURCES 445-7741
PARKS 445-7651
ROADS & EQUIPMENT MAINT. 445-7421
ARCHITECT 445-7493

CLARK COMPLEX
HARRIS & H ST., EUREKA
LAND USE 445-7205

January 16, 2003

Liz Shorey
City of Fortuna
POB 545
Fortuna CA 95540

RE: ANNEXATION OF ROADS AROUND THE CITY OF FORTUNA

Cheryl Bryant has asked that I send the following information to you regarding the issue of roads around the boundaries of the City of Fortuna. This issue has come about because of the construction of a water treatment facility by Fortuna within the County right of way for Eel River Drive (Co Rd. No. 3G170).

To resolve this problem, the Department of Public Works (Department) requests that a portion of Eel River Drive be annexed to the City of Fortuna (City).

8

The portion of Eel River Drive in question lies between Drake Hill Road and Kenmar Road. The annexation is requested because of the construction of City water facilities. Currently the City facility is partially constructed in the County right of way outside of the City boundaries. The annexation of the road would place the facility within the limits of the City. The Department was notified by our road crews that the City was constructing a water treatment facility within the right of way. The Department contacted the City. The City asked that the Department allow the construction to continue. The Department was told that the City would annex this road if we would allow the contract for the facility to continue. The Department was receptive to allowing the construction to continue subject to the City's acquiring a temporary encroachment permit and annexing the road. The City is still in the process of acquiring the encroachment permit. Cheryl Bryant asked that I prepare a description for the annexation.

The legal description of the annexation area is follows:

EEL RIVER DRIVE

All that portion of Eel River Drive that lies within Section 11, Township 2 North, Range 1 West, Humboldt Meridian located in the County of Humboldt, State of California, more particularly described as follows:

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Cont'd



Beginning at the intersection of the north line of Drake Hill Road (Co. Rd. No. C3G165) and the east line Eel River Drive (Co Rd. No. 3G170) said point being on the boundary of the limits of the City of Fortuna.

Thence, Northerly and Westerly along the City limits of Fortuna being the east line of Eel River Drive and the south line of Kenmar Road to the west line of Eel River Drive;

Thence, South, leaving the city limits boundary of Fortuna, along the west line of Eel River Drive to the north line of Drake Hill Road;

Thence, East along the north line of Drake Hill Road to the point of beginning.

As discussed with Cheryl Bryant, the Department would like to take this occasion to discuss other roads around the City that may best be addressed within the same annexation or by a separate agreement. The County and the City need to have formal agreements regarding the maintenance management and planning control of the roads. This Department has had continuing problems with management of the roads caused by the impacts of development within the City.

The roads that we would like to discuss are a portion of Rohnerville Road, Dinsmore Drive, Twelfth Street, and a portion of Drake Hill Road.

The Department still has management control of a portion of Rohnerville Road that is surrounded on three sides by the City limits of Fortuna. The Department would like the City to include this portion of road within the Eel River annexation. The portion of Rohnerville Road lies between the south line of the north end of Loop Road and the south line of the City recreational fields south of Newburg Road. The City has historically been spending City and STIP funds in the maintenance and reconstruction of this portion of road. The road is an island between the current City boundaries. The south boundary was created during the Campton Heights annexation in the '70's. The north boundary was created by the Fortuna Union School District annexation of the '70's. This land is now the recreation fields. I have attached a map that shows the portion of Rohnerville Road that is still in the County. The suggested legal description for this road if it is annexed is as follows:

ROHNERVILLE ROAD

All that portion of Rohnerville Road that lies within Section 1, Township 2 North, Range 1 West, Humboldt Meridian that lies within the County of Humboldt, State of California, more particularly described as follows:

Beginning at the intersection of the west line of Rohnerville Road and the westerly prolongation of the south line of Loop Road, said point being on the City limits line of Fortuna as created by the Campton Heights Annexation;

Thence, Northerly along the City limits line which is the west line of Rohnerville Road to the south line of the Fortuna Union High School District Annexation to the City of Fortuna;

Thence, easterly along the City limits line created by the Fortuna Union High School District Annexation to the east line of Rohnerville Road;

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Cont'd

Thence, Southerly along the east line of Rohnerville Road to the south line of Loop Road which is the City limits line of Fortuna;

Thence, Westerly along the City limits line to the point of beginning.

A portion of Strongs Creek Road (what you call Dinsmore Drive) is located within the unincorporated area of the County. A somewhat formal agreement was reached between the City and the Department many years ago regarding maintenance of the portion of Dinsmore Drive. In 1984 Robert Davies, then City Manager of Fortuna, provided the Department a letter stating that the City would be responsible for maintenance of the road from Sandy Prairie Road (now known as Riverwalk Drive) northerly to the current City limits.

Dinsmore Drive was not included in the City annexation. The Department objected to LAFCO. Dinsmore Drive only serves developable lands that are annexed to the City. There was no other developable land along the road. The Department agreed to not oppose the annexation if the City would agree to be responsible for the maintenance. The City has, to my knowledge, been performing the maintenance and has spent their City funds on the road for over 18 years. The letter from the past City Manager is not what I would consider an adequate document to memorialize the agreement between the City and the Department. The preferred option would be for the City to annex the road. I have attached a map showing the location in question.

The map also shows a portion of Twelfth Street that we would propose for annexation at the same time. It is the portion that lies between the railroad tracks near the intersection of Newburg Road and Twelfth Street southerly to Riverwalk Drive. The State of California owns the right of way for the Twelfth Street overcrossing and the County has a freeway agreement with Caltrans to be responsible for the maintenance of the surface of the road. I have attached a copy of the agreement. Should you annex the area, the agreement is automatically transferred to the City.

It makes no sense for the County to have this small portion of road between Riverwalk Drive, Dinsmore Drive, City portion of Twelfth Street, and State Highway 101. The City has commented for years that they would like to change the traffic signals at the intersection of the State Highway on ramp, Riverwalk Drive, Twelfth Street, and Dinsmore Drive. This would allow them to have control of all the streets and eliminate County involvement. The following is a description for this portion:

DINSMORE DRIVE - TWELFTH STREET

All that real property situated in Section 2, Township 2 North, Range 1 West, Humboldt Meridian that lies within the County of Humboldt, State of California described as follows:

Beginning on the West line of Dinsmore Drive at the property corner common to Parcels 1 and 2 as shown on Parcel Map No 3124 for the City of Fortuna as recorded in Book 29 of Parcel Maps, page 33 in the office of the Humboldt County Recorder, said West line being the City limits line of Fortuna;

Thence, Northerly and Easterly along said City limits line to the west line of Twelfth Street;

Thence, Northerly along the City limits line and the west line of Twelfth Street to the north line of the Northwestern Railroad right of way;

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Cont'd

Thence, Southeasterly along the City limits to the east line of Twelfth Street, said point being located 25 feet easterly of the east line of the west half of the northwest quarter of Section 2;

Thence, South parallel to said east line of the west half of the Northwest quarter of said Section 2 to the City limits line of Fortuna;

Thence, Westerly along the City limits line of Fortuna to the west line of Riverwalk Drive, said point being common with the westerly line of Dinsmore Drive;

Thence, Northerly along the westerly line of Dinsmore Drive to the point of beginning.

The County has recently rehabilitated Drake Hill Road between Rohnerville Road and Thelma Drive. The Department requests that the City incorporate this portion of Drake Hill Road in the scope of the annexation of the above mentioned roads.

The management of this road has been a problem for a number of years. The City has their sewer lines and water lines in the road. The lines serve the parcels along the road. A number of developments have occurred along the road without contacting or involving the Department. These developments have caused increase in use of the road and physical impacts to the road. It would seem to be an appropriate time for the City to assume responsibility of the road since the Department has recently spent County funds in resurfacing the road. I have attached a map showing the location of the portion of Drake Hill Road. The description of the portion requested to be annexed is as follows:

DRAKE HILL ROAD

All that portion of real property that lies within Sections 12 and 13, Township 2 North, Range 1 West, Humboldt Meridian that lies within the County of Humboldt, State of California described as follows:

Beginning at a point on the City limits of Fortuna that lies 25 feet more or less due north of the quarter section corner common to Sections 12 and 13;

Thence, East along the City limits line to the west line of Rohnerville Road;

Thence, South along the west line of Rohnerville Road being the City limits line of Fortuna to the south line of Drake Hill Road;

Thence, West along the south line of Drake Hill Road to a point that lies southerly of the west line of Thelma Street, said point being two thousand two hundred and twenty (2,200.00) feet more less west of the quarter corner common to Section 12 and 13;

Thence, North along the southerly prolongation of the west side of Thelma Street to the City limits line of Fortuna, said line being the north line of Drake Hill Road;

Thence, East along the City limits line to the point of Beginning.

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If there is any thing else that I can help with to encourage the annexation of these roads, please feel free to contact this office.



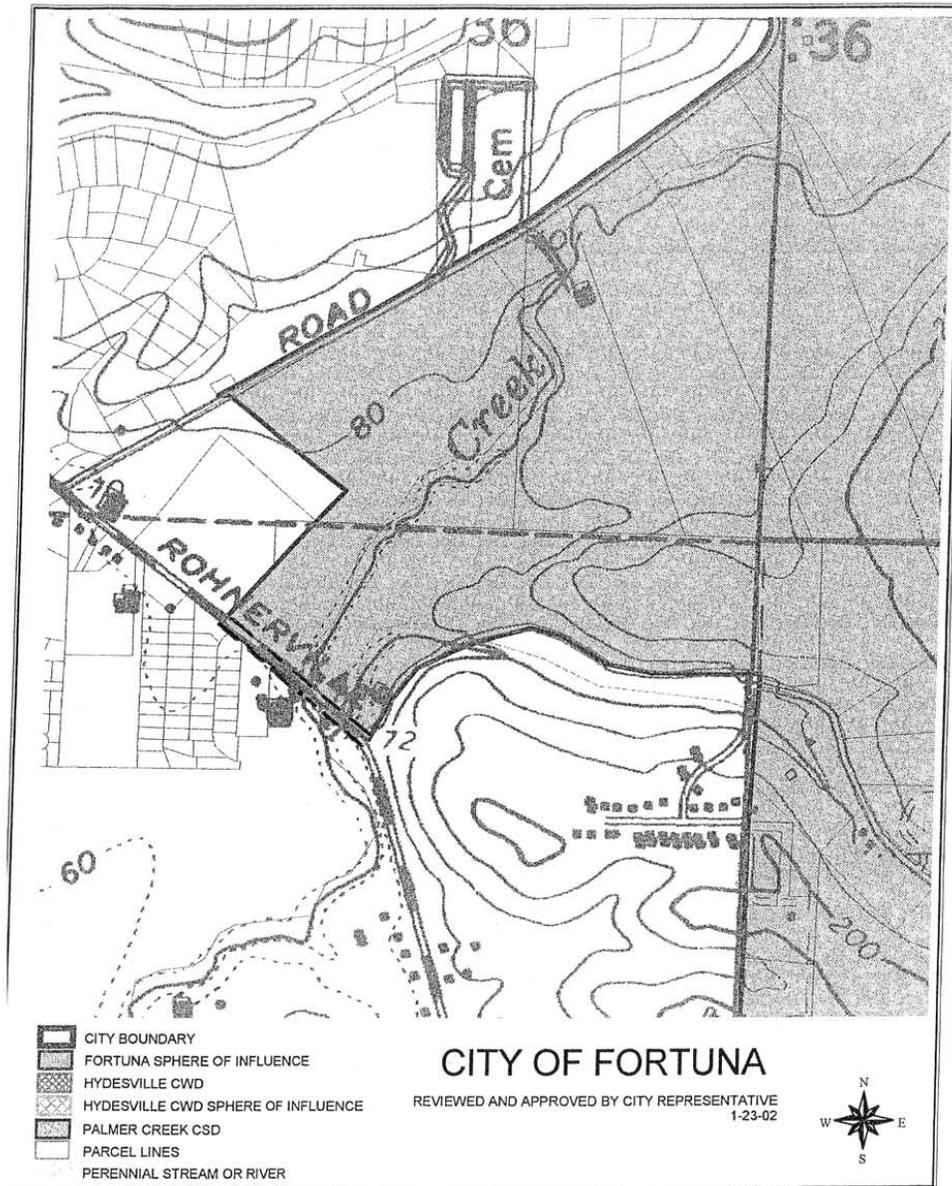
Charles McKinley
Associate Engineer
Land Use Division
445-7205
fax 445-7388

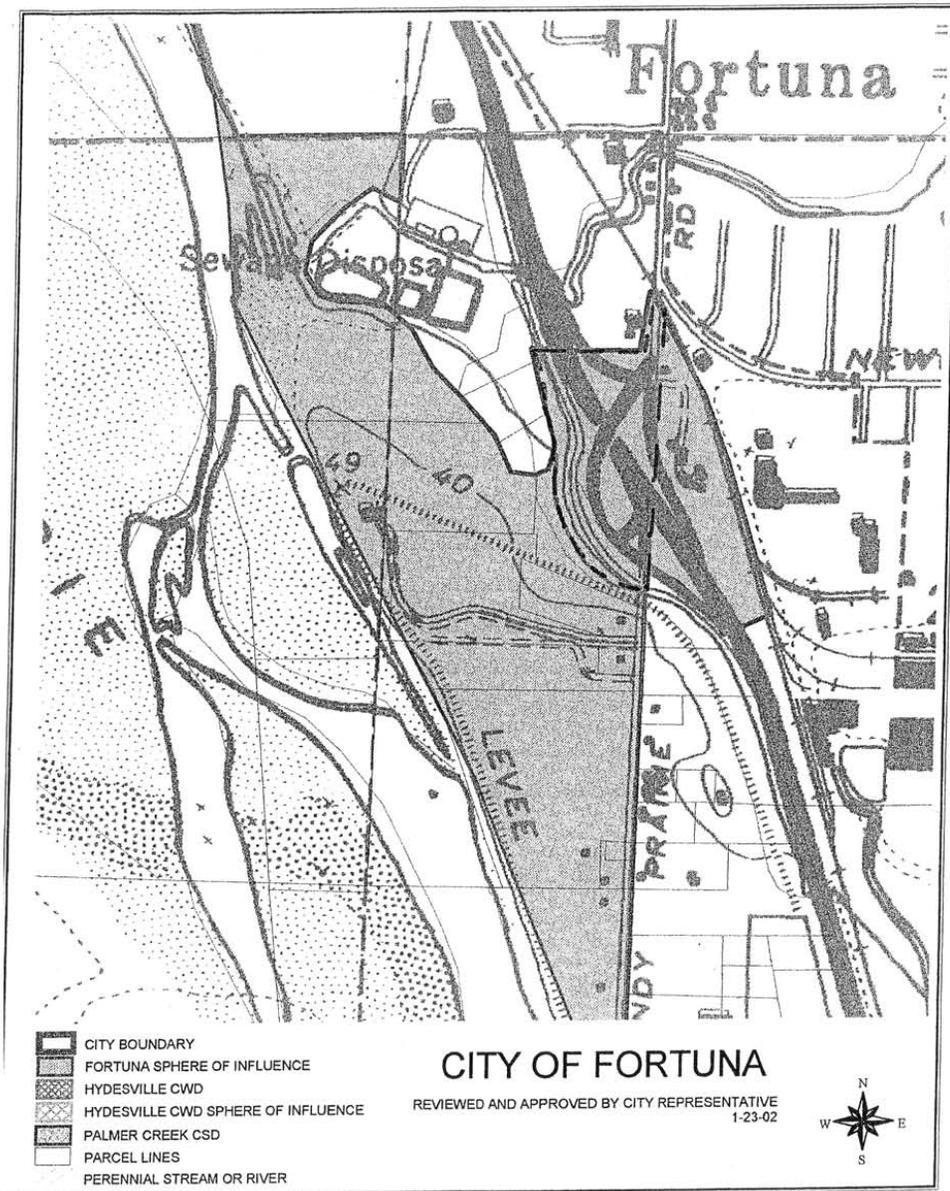
attachments

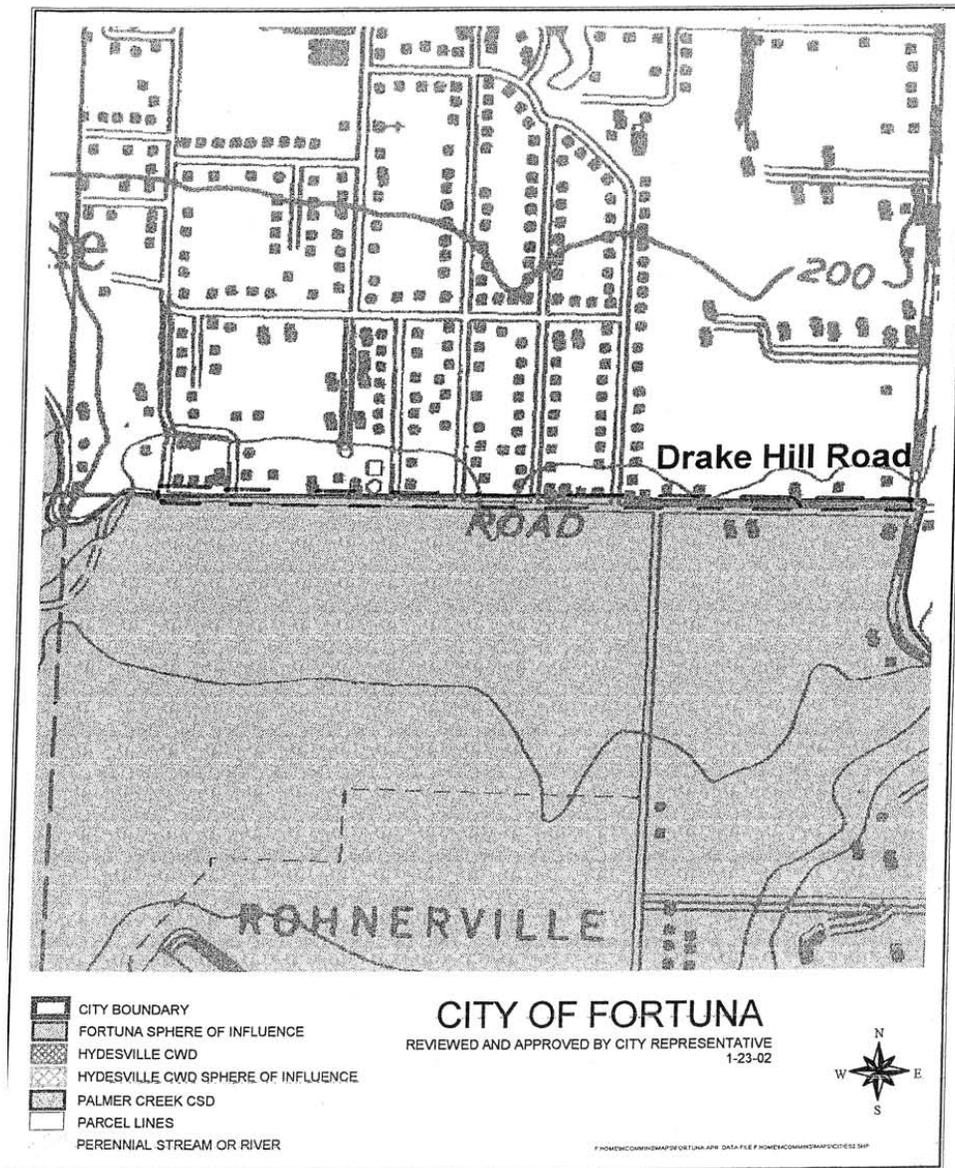
- c Cheryl Bryant , City of Fortuna w/attachments
- Joe Botkin, Senior Real Property Agent
- Tom Mattson, Deputy Director - Roads

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April 22, 1963

I-Hum-1-F,G

County of Humboldt
Department of Public Works
1106 Second Street
Eureka, California

Attention Mr. Charles H. Shaller,
Director of Public Works

Gentlemen:

9

In accordance with our letter dated March 18, 1963, there is attached for your files a fully executed copy of the Freeway Maintenance Agreement with your County dated April 15, 1963.

This agreement covers that portion of freeway on Route 1 between 0.6 mile north of Route 35 and 0.3 mile north of Fortuna, Road I-Hum-1-F,G.

The Freeway Maintenance Agreement defines the limits of maintenance responsibility inside the freeway proper for the Rehnerville Undercrossing and the 12th Street Overcrossing.

Yours very truly,

SAM HELWER
District Engineer

Attachment

CERTIFIED MAIL

ORIGINAL SIGNED BY
By W. Z. HEGY
W. Z. Hegy
Assistant District Engineer

GDW:mj
cc WZH
GDW
CGU
JEH
WSB

I-Hum-1-F,G

FREEWAY MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into, in duplicate, this 15th day of April, 1963, by and between the State of California, acting by and through the Department of Public Works, Division of Highways, hereinafter for convenience referred to as "the State", and the County of Humboldt, hereinafter for convenience referred to as "the County", witnesseth:

WHEREAS, on November 6, 1958, a Freeway Agreement was executed between the County and the State relating to the development of that portion of State Highway Route 1 in the County of Humboldt between 0.6 mile north of Route 35 and 0.3 mile north of Fortuna as a freeway, and

WHEREAS, under the provisions of said Freeway Agreement, the County agreed to certain adjustments in the County road system, and for the carrying of certain County roads over or under or to a connection with the freeway, and

WHEREAS, said freeway has now been completed or is nearing completion, and the parties mutually desire to clarify the division of maintenance responsibility as to separation structures, and County roads or portions thereof, within the freeway limits.

NOW, THEREFORE, IT IS AGREED:

1. ROADWAY SECTIONS

The County will maintain, at County expense, all portions of County roads and appurtenant structures and bordering areas, colored in yellow on the attached map marked Exhibit "A" and made a part hereof by this reference.

-2-

2. VEHICULAR OVERCROSSINGS

The State will maintain, at State expense, the entire structure below the top of the concrete deck surface, exclusive of any bituminous surface treatment thereof. The County will maintain, at County expense, the top of the concrete deck surface, together with any bituminous surface treatment thereon, and all portions of the structure above the concrete deck surface, and shall perform such other work as may be necessary to insure an impervious and otherwise suitable surface. The County will also maintain all traffic service facilities provided for the benefit or control of County road traffic.

3. VEHICULAR UNDERCROSSINGS

The State will maintain the structure proper. The roadway section, including the traveled way, shoulders, curbs, sidewalks, walls, drainage installations and traffic service facilities, will be maintained by the County.

4. EFFECTIVE DATE

This agreement shall be effective upon the date of its execution by the State; it being understood and agreed, however, that the execution of this agreement shall not affect any pre-existing obligations of the County to maintain designated areas pursuant to prior written notice from the State that work in such areas, which the County has agreed to maintain pursuant to the terms of the Freeway Agreement, has been completed.

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

J. C. WOMACK
STATE HIGHWAY ENGINEER

Approval Recommended

SAM HELWER
District Engineer

EDWARD L. TINNEY
Maintenance Engineer

Approved as to form:

RICHARD C. EAST
Attorney for Department
Attorney

By CHAS. E. WAITE
Deputy State Highway Engineer

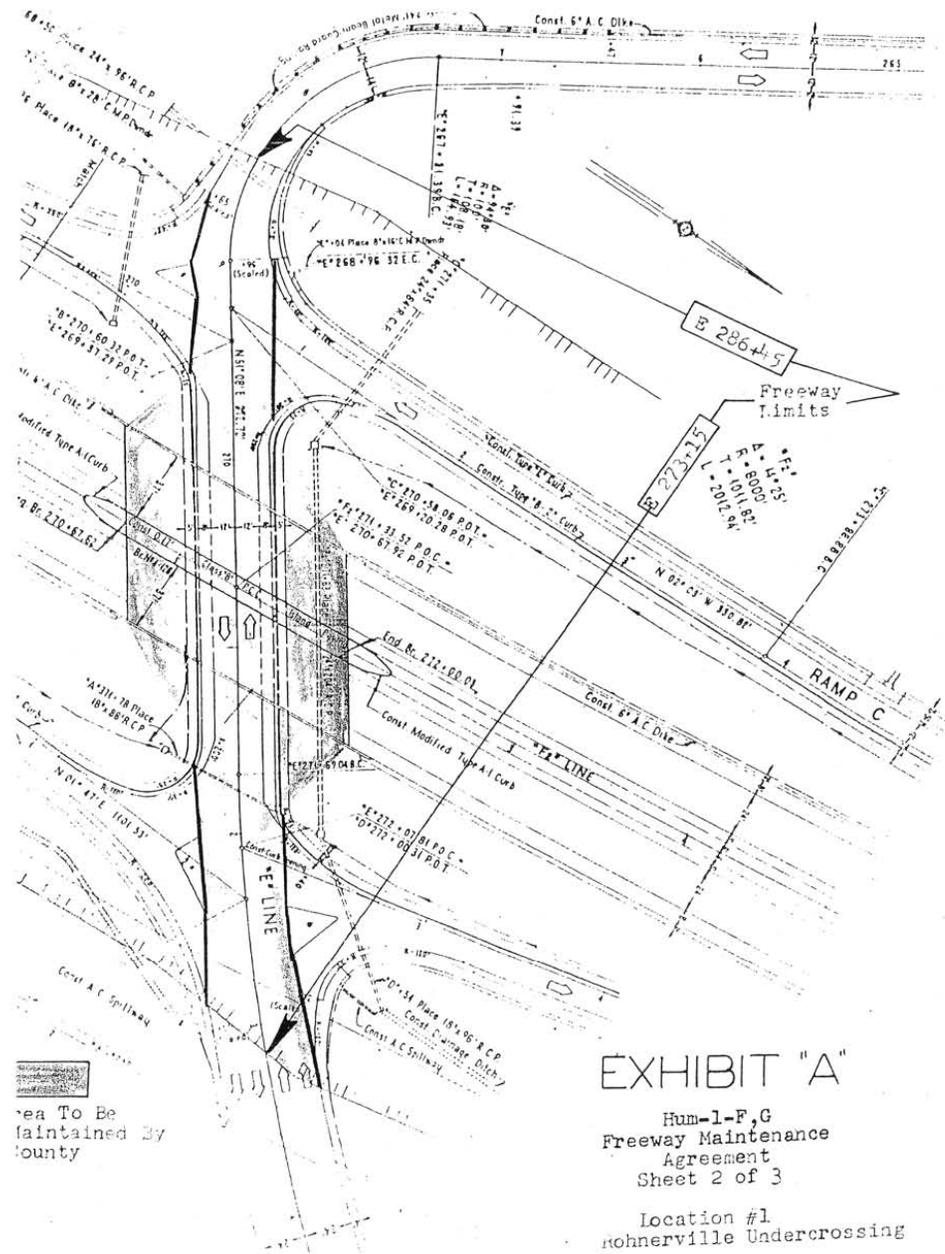
APR 15 1963

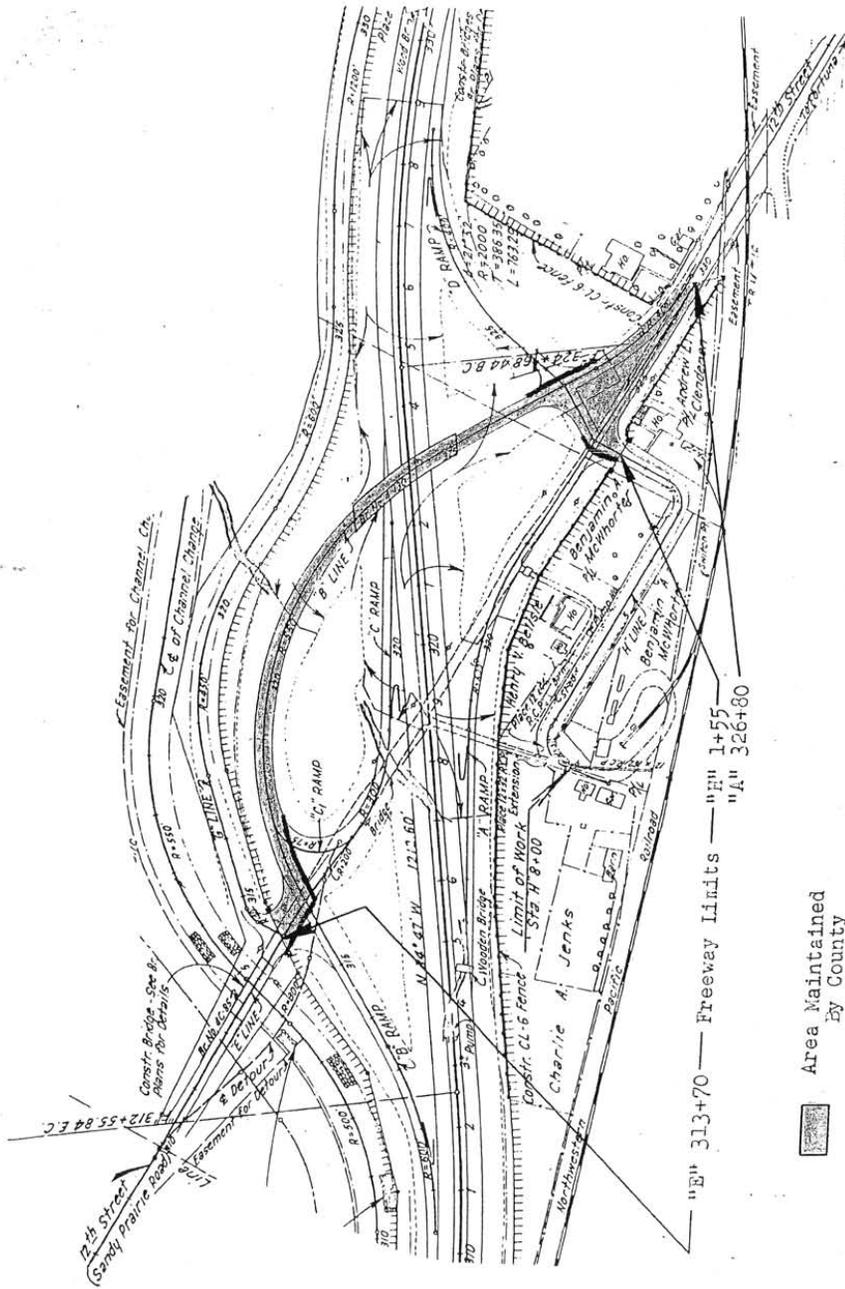
COUNTY OF HUMBOLDT

By NORMAN R. ROBERTSON
Chairman, Board of Supervisors

~~By~~ FRED J. MOORE, Jr. (SEAL)
County Clerk

By W. E. SCHUSSMAN





Area Maintained
By County

EXHIBIT "A"
Hum-1-F-G
Freeway Maintenance
Agreement
Sheet 3 of 3

Location #2



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707/FAX 445-7409

ARCATA-EUREKA AIRPORT TERMINAL
MOKINLEVILLE
AVIATION 839-5401

PUBLIC WORKS BUILDING SECOND & L ST., EUREKA			
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	PARKS	445-7651
ENGINEERING	445-7377	ROADS & EQUIPMENT MAINT.	445-7421
	ARCHITECT	445-7493	

CLARK COMPLEX
HARRIS & H ST., EUREKA
LAND USE 445-7205

January 10, 2005

Duane Rigge, City Manager
City of Fortuna
POB 545
Fortuna CA 95540

RE: ANNEXATION BY THE CITY OF FORTUNA OF COUNTY ROADS ADJACENT
TO THE CITY OF FORTUNA

Allen Campbell, Director, Humboldt County Department of Public Works, has requested that I provide you some information. It is in response to a request by you associated with roads proposed for annexation that were discussed in our previous letters. The previous letters discussed the annexation of Strongs Creek Road (known by the City as Dinsmore Drive), Twelfth Street, a portion of Rohnerville Road, a portion of Eel River Drive, and Drake Hill Road.

The information requested was regarding the County's cost of maintenance of the roads over the last five years and what it would cost if the County was to perform the desired future maintenance of the surface of the roads. The following is a description of the road, the County's past cost of the maintenance of the road, and an estimate of the cost to maintain the roads to the desired standard. The desired standard of maintenance consists of sealing the roads at a 12 to 14 year period and resurfacing the roads every 25 years. The County cost for sealing a road is estimated to be \$0.12 per square foot and a \$1.30 per square foot for resurfacing a road. These are the prices used currently by the County in the estimation of costs for maintenance of new subdivision roads.

STRONGS CREEK ROAD

This portion of road lies south of the city limits of Fortuna to the intersection of Riverwalk Drive. The County has not spent any funds on this road for the last 5 years or longer. When the City annexed the portion of land at the end of the road, the then city manager of Fortuna provided a letter to LAFCO and the County indicating that they would maintain this portion of Strongs Creek Road for the County as consideration of approval of the annexation.

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The portion of Strongs Creek Road in the County is approximately 640 feet in length and has an average width of 26 feet. The cost of sealing the road would be estimated at \$2,000 and \$21,632 for resurfacing the road at today's cost.

TWELFTH STREET

This portion of road lies within the limits of the CalTrans right of way for State Highway 101. It lies between the railroad tracks, over the overpass, to the intersection of Strongs Creek Road and Riverwalk Drive. The County entered into an agreement with CalTrans to be responsible for the surface of the road. CalTrans is responsible for the overpass structure.

The County has spent \$37 over the last five years on this portion of road. The length of road is approximately 1,530 feet and has an average width of 30 feet. The cost of resealing the road is estimated at \$5,500 and \$69,670 for resurfacing the road.

ROHNERVILLE ROAD

This portion of road lies north of Loop Road to the south line of the park. The road has been presumed by the City to be located in the City. The Campton Heights and Fortuna High School annexations by the City appear to have not included this portion of road. The County has not been providing maintenance of the road. The road was presumed by the City to be within the city limits of Fortuna and has been maintained by the City for a number of years.

EEL RIVER DRIVE

This portion of road lies between Drake Hill Road and Kenmar Road. It does not front any developable property located in the County. CalTrans and NWP Railroad front the west side of the road. The entire east side of the road serves lands located in the City. It is approximately 0.93 mile in length and has an average width of 24 feet. The County has spent approximately \$26,000 on this road in the last 5 years. The majority of the cost was associated with clean up of the movement of earth off of property owned by the City. The slide occurred in 2002.

The cost of resealing the road is estimated to be approximately \$14,142 and \$153,205 for resurfacing the road.

DRAKE HILL ROAD

This portion of road is located between Rohnerville Road and Eel River Drive. The City is located along the entire north side of the road. The north side of the road is zoned and planned for residential development. The south side of the road located in the County is mainly zoned and planned for agricultural use. The road is 1.25 miles in length and is approximately 22 feet in width. The County has spent approximately \$79,000 in maintenance of this road in the last 5 years. Approximately \$67,000 of the maintenance cost was associated with resurfacing Drake Hill Road between Thelma Drive and Rohnerville Road in 2002. This stretch of road is where the heaviest density of residential property is located within the City.

The cost of resealing the road is estimated to be approximately \$17,424 and \$188,760 is estimated for resurfacing the road.

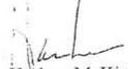
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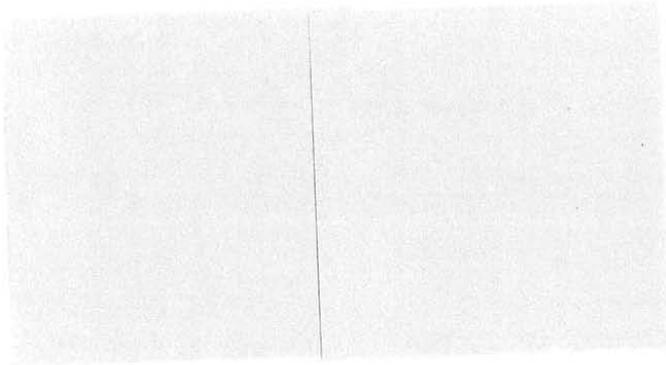
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If you have any additional questions regarding the roads or this letter, please don't hesitate to contact this office.

Sincerely,



Harless McKinley
Land Use Division
445-7205



Responses to Letter #6: Humboldt County Department of Public Works – August 30, 2010

1. In response to the comment, Policy TC-6.1 on DPEIR page 8.4-19.1 is revised to read as follows:

“TC-6.1 Airport Capacity and Services. Since Rohnerville Airport is one of the most significant economic development opportunities and transportation resources for the region, the City shall work with ~~Humboldt County Public Works Airports and Aviation Department~~ the Aviation Division of the County of Humboldt Department of Public Works to improve and expand the capacity of the airport and services in the region.”

2. In response to the comment, Policy TC-6.2 on DPEIR page 3.1-20 is revised to read as follows:

“TC-6.2 Land Use Consistency. The City shall continue to regulate land use around the Rohnerville Airport consistent with the Humboldt County Airport Land Use Compatibility Plan. New development shall be required to grant Avigation Easements, Overflight Easements, or Deed Notices to the County of Humboldt based upon the airport land use compatibility zone in which the development is located.”

3. In response to the comment, Policy HS-9 is revised to read as follows:

“Goal HS-9 Aircraft Hazards. To minimize the risk of loss of life or injury, damage to property, and/or the relocation of commercial or residential land uses resulting from ~~aircraft hazard~~ constructing hazards to aircraft.”

4. The comment requests that Policy TC-1.13 be revised to state that the City shall consider the effects of development on County maintained roads serving parcels within the City, and that projects shall be conditioned to require off-site improvements to County roads to ensure that the County roads are capable of handling the increased traffic from new projects. Proposed Program TC-5 on DPEIR page 4.1-16 would have the same effect by requiring that proposed new development mitigate any significant traffic LOS/delay impacts resulting from development. This would include impacts to County-maintained roads. In addition, proposed Policy TC-1.21 on DPEIR page 4.1-16 would assess impact fees on new development to cover the fair share portion of that development’s impacts on the local and regional transportation system. Therefore, traffic impacts generated by development permitted under the proposed plan are mitigated consistent with DPW’s request. No change to the DPEIR is required.
5. The comment requests that Policy PFS-5.16 be revised to state that if development permitted under the proposed plan were to significantly impact existing downstream County storm drainage infrastructure, the City or developer shall install adequate improvements to mitigate the impact. This is already required by proposed Policy PFS-5.16. Therefore, the proposed plan would be consistent with DPW’s request.
6. As indicated in DPEIR Figure 2-5, areas containing several of the roads referenced in the comment would be included in the proposed annexation areas, while areas containing

several of the other roads referenced (for example, Eel River Drive) would not. The annexation areas identified in Figure 2-5 represent the extent of the areas currently proposed for annexation, and it is within the City's prerogative to determine which areas to annex at this time. However, this does not preclude the possibility of annexing additional areas in the future. In any event, the comment does not raise any substantive environmental issues on the DPEIR, and no change to the DPEIR is required.

7. The letter comments on an earlier version of the DPEIR and is no longer relevant. A substantial number of additional policies and programs have been added to the proposed General Plan to ensure the consistency of uses permitted under the General Plan with the ALUCP as it applies around Rohnerville Airport. The DPEIR has also been substantially enhanced, and Sections 3.1 and 8.4 provide a complete evaluation of the potential environmental impacts of the proposed plan on Rohnerville Airport.

With respect to the issue of aviation easements, overflight easements, and deed notices by properties around the airport, see response to Comment #1 above.

8. With respect to the annexation issues, see response to Comment #6 above.

With respect to the contended encroachment issues associated with the City's water treatment facility, No change to the DPEIR is required because: (1) the water treatment facility is a separate project under CEQA and has already been constructed; and (2) the comment does not raise any substantive environmental issues on the DPEIR.

9. The provision of a copy of the 1963 Freeway Maintenance Agreement is acknowledged.
10. The provision by the County in 2005 of the information regarding the County's cost of maintenance of Strongs Creek Road (known by the City as Dinsmore Drive), Twelfth Street, a portion of Rohnerville Road, a portion of Eel River Drive, and Drake Hill Road, is acknowledged. The comment does not raise any substantive environmental issues concerning the DEIR. No further response is required.

Letter #7: Craig Berry – August 30, 2010

CRAIG L. BERRY

PO Box 576 Fortuna, CA 707-725-5111

August 30, 2010

To: Stephen Avis
Asst. City Planner
City of Fortuna

Re: Draft PEIR

have read a lot of the report and I have some constructive questions and/or comments. I think that an EIR should answer questions, not raise them.

- 1 | 1. Section 8.5 Flooding. Speaking to the physical area between South Fortuna Boulevard and 12th Street - several inaccuracies:
 - page 8.5-2 indicates (item 4) Smith Lane is in floodplain - it is not
 - page 8.5-12 - same comment
 - Figure 8.8 - same comment
 - page 8.5-5 talks about Alder Drive area - correct
- 2 | Downstream from Alder Drive, the area that the creek leaves its banks is over near South 15th St. - it causes flooding on 12th St. near your "new" police/maintenance facility
- 3 | The "flood protection improvements" section on page 8.5-5 says only one major improvement was the Sandy Prairie Levee. It was by far the biggest, but it is my understanding that a major project occurred on Rohner Creek (east of 12th Street) - was enlarged and relocated after the 1955 flood.
- 4 | Also, not enough time is spent addressing streambed maintenance. Before the trees we see now were allowed to grow, they were annually cut down, leaving berry vines and human stuff (sofas, etc.) to clog the creek. Trees are good, but not if they grow horizontally in the streambeds. They allow the sofas to block the creeks. Sometimes nature is not very wise.
- 5 | 2. General Plan 2030 Figure 3-2, Existing General Plan Land Use Designations (page 3.1-6) - it is not clear what this represents. It says "existing" uses; does it also mean "proposed" uses?
- 6 | 3. General Plan "buildout", page 3.2-8, Program LU-8 commercial - it is not clear what the square foot figures mean - is it a total for the entire area, or per parcel, or what? For example, commercial, Mill District 250,000 sq ft - what does it mean? Same for LU-9 industrial and maybe other similar statements elsewhere in the report.

- 7 | 4. Rohnerville Airport Annexation - industrial designation; access is not addressed properly. Also, industrial is not a practical use. It would be about as useful to designate the Stewart St Reservoir area as industrial - it is land but not practical. EIR doesn't cover.

- 8 | 5. Housing - EIR projects 586 housing units from 2007-2014. Really! Completely unrealistic. It hasn't been adopted and is already out of date. What about 2030? Over half of the number of units projected are mid to lower income units - where and how are they going to be built? Who is going to buy or rent them? The EIR should tie living wage jobs (industrial areas) to housing.

Craig

Responses to Letter #7: Craig Berry – August 30, 2010

1. Attached is an enlargement of the portion of Figure 8-8 along Smith Lane area. The map is from FEMA FIRM Community Panel FE60063 which is the authoritative source for flood zone information in the subject area (FEMA, 2010). As indicated, most of Smith Lane is located outside the 100-year floodplain, but a portion of the lane bisects the floodplain west of Fortuna Boulevard. In response to the comment, DPEIR Item #4 on page 8.5-2 and DPEIR Item #4 on page 8.5-12 are revised to read as follows:

“~~The~~ Portions of the Fortuna Boulevard area generally north of Smith Lane ~~area~~, including the northern portion of the Fortuna Boulevard Focus Area, ~~is~~ are located within the Rohner Creek 100-year floodplain...”

In response to the comment, DPEIR page 8.5-5, Paragraph 2, second to last sentence is revised to read as follows:

“Minor flooding was reported on Jameson Creek, upstream from the confluence with Strongs Creek; and an undersized culvert on Hillside Creek at Fortuna Boulevard was noted to cause flooding in the ~~Smith Lane and Fortuna Boulevard area~~ generally north of Smith Lane.”

With respect to the Alder Drive area, the comment does not raise any substantive environmental issues. No change to the DPEIR is required.

2. The fact that the Alder Drive area currently experiences periodic flooding is already noted on page 8.5-5, Paragraph 2, Sentence 3. No change to the DPEIR is required.
3. There is not a clear standard for determining whether other smaller flood control improvements, such as the Rohner Creek improvement referenced by the commenter, are “major” flood protection improvement. It is the DPEIR preparers opinion that only the Sandy Prairie Levee on the Eel River represents a “major” flood protection improvement. In any event, adding additional background information about the Rohner Creek improvement would not substantially alter the background information about flood conditions in the Planning Area or alter the DPEIR’s impact analysis, significance conclusions, or mitigation measures. Therefore, no change to the DPEIR is required.
4. DPEIR Program HS-22 requires City staff to investigate measures for the abatement of flooding hazards, including debris removal programs, and report its findings to the City Council for consideration. If the City determines that existing debris removal practices must be modified, the City will act as required by this program.
5. DPEIR Figure 3-2 shows existing General Plan land use designations as shown in the City’s existing (1993) General Plan Land Use Diagram. Under California General Plan law, every City and County in the State must have a land use diagram in their General Plan that identifies planned or permitted land uses in their jurisdiction by land use designation (e.g., land use category). In the case of the City of Fortuna, these include such designations as Low Density Residential (R-1), Medium Density Residential (RM), Public Facility (PF) and Neighborhood Commercial (NC) – see the legend in Figure 3-2).

The following is a brief identification of the figures and tables in the DPEIR showing: (1) existing land uses; (2) existing (1993) General Plan land use designations; (3) proposed General Plan land use designations; and (4) the amount of development under each:

- (1) Figure 3-1: Identifies existing land use in the Planning Area;
- (2) Figure 2-6: Identifies existing (1993) General Plan land use designations;
- (3) Figure 2-7: Identifies proposed General Plan land use designations;
- (4) Table 3.1-2: Quantifies existing land uses by land use type in the Planning Area;
- (5) Table 3.1-6: Quantifies land uses by land use type under proposed General Plan buildout;
- (6) Table 3.1-7: Quantifies and compares land use by land use type under existing (1993) and proposed General Plan buildout; and
- (7) Pages 2-16 and -17: Include a list of major changes between the Existing (1993) and proposed General Plans.

The DPEIR clearly identifies existing uses, existing (1993) General Plan land use designations, and proposed General Plan land use designations, and provides quantified estimates of the amount of development under existing conditions and under buildout under both the existing and proposed General Plans. No change to the DPEIR is required.

6. Programs LU-8 and -9 identify levels of commercial and industrial uses, in square feet, for each proposed commercial and industrial land use designation shown in the proposed Land Use Diagram (DPEIR Figure 2-7).

The purposes of these levels are two-fold. The first is to equitably distribute commercial and industrial generating uses in the City and annexation areas – in other words, to make sure that commercial and industrial uses are balanced through the community and that no single development takes up all the projected commercial and industrial development planned under the proposed plan. The second is to allow for the calculation of traffic, air emissions, noise, and service demand under the proposed plan in the DPEIR.

The levels identified in Programs LU-8 and -9 are not per parcel, but rather are the total amount of commercial and industrial development levels for each commercial and industrial General Plan land use designation.

7. With respect to the comment regarding access around Rohnerville Airport, the airport area is already served by an existing street system which provides access in and around the airport. When specific development projects are proposed around the airport, traffic access and associated impacts will be evaluated on a project-by-project basis, and additional rights-of-way developed, if required. Given the programmatic nature of the proposed plan and DPEIR, and given that no specific development proposals have been

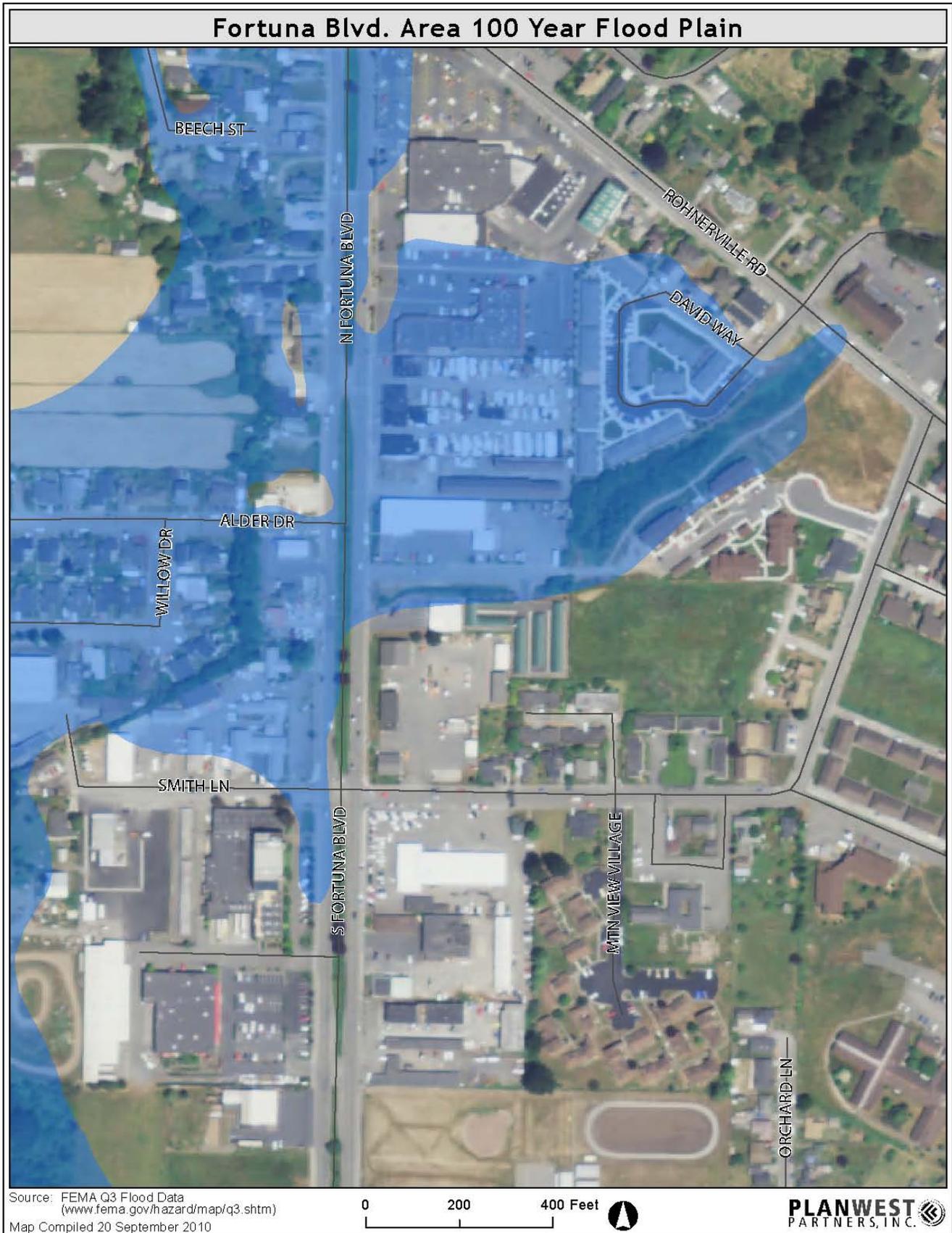
made around the airport at this time, it would be premature and inappropriate to attempt to evaluate airport area access issues at this time. No change to the DPEIR is required.

With respect to the practicality of developing industrial uses around the airport, this question is within the purview of the General Plan Policy Document formulation process and not the DPEIR which evaluates the General Plan as proposed. This comment does not raise any substantive environmental issues related to the DPEIR, and thus no further response is required.

8. The DPEIR does not project 586 new housing units in the City between 2007 and 2014. As indicated on DPEIR Table 3.2-4, the 586 number is HCAOG's fair share allotment of regional housing demand for the City as set forth in HCAOG's 2009 adopted Regional Housing Needs Assessment. The DPEIR does not assume that this number of housing units would be developed in the City between 2007 and 2014, but rather concludes on DPEIR page 3.2-13 that there would be adequate residentially-designated land under the proposed General Plan to accommodate this level of housing demand over the next five years. Similarly, DPEIR page 3.2-13 concludes that there would be adequate residentially-designated land under the proposed plan to accommodate the projected 2030 demand for housing.

The DPEIR does not project that over half of the number of housing units projected would be mid to lower income units. As discussed above, DPEIR table 3.2-4 shows HCAOG's fair share allotment of regional housing demand for the City between 2007 and 2014, and per the table, slightly over half of the projected need is for mid to lower income units.

With respect to who would fund the development of low income housing units, this issue is within the purview of the General Plan Housing Element which is a separate project under CEQA. As indicated above, the DPEIR merely determines whether there is enough high density residentially-designated land in the proposed General Plan to meet HCAOG's-identified fair share allotment of regional housing demand, and per the conclusion on DPEIR page 3.2-13, there is. This comment does not raise any substantive environmental issues related to the DPEIR, and thus no further response is required.



Letter #8: DFG – August 30, 2010

State of California Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 Northern Region
 601 Locust Street, Redding, CA 96001
www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director



August 31, 2010

Mr. Stephen Avis
 City of Fortuna
 621 Eleventh Street
 Fortuna, CA 95540

**RE: City of Fortuna General Plan Update Recirculated Draft Program
 Environmental Impact Report State Clearinghouse #2007062106**

Dear Mr. Avis:

1 The following presents the Department of Fish and Game's (DFG) comments and recommendations on the recirculated City of Fortuna draft program environmental impact report (DPEIR) for the City's General Plan Update (Update). The Update anticipates that by the year 2030, Fortuna's population will increase by 6,370 persons. This growth will result in a demand for 2,272 additional dwelling units and the conversion of 289 acres of prime farmland to urban use.

2 As a trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, DFG administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. DFG offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resource Code §21000 *et seq.*

3 DFG has submitted two previous comment letters to the City on its Update. These include an August 10, 2007 letter on the Update notice of preparation and a July 15, 2008 letter on the previous DPEIR. On October 31, 2007, DFG also sent a detailed letter to Fortuna City Manager Mr. Duane Rigge, concerning the resource values of Strongs Creek and threats from adjacent development, specifically, the Strongs Creek Residential Subdivision project approved by the City in 2007. This project resulted in wetland filling and impacts to the creek. That project resulted in an on-going multi-agency three year assessment of impacts and mitigation and restoration planning involving the U.S. Environmental Protection Agency's Enforcement Division, U.S. Army Corps of Engineers, North Coast Regional Water Quality Control Board, and DFG. The scientific basis and rationale for the comments and recommendations in this letter are detailed in these three previous letters.

Conserving California's Wildlife Since 1870

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4 | Although the current DPEIR has improved some fish and wildlife habitat protections over the 2008 DPEIR, DFG remains concerned that the Update will continue to permit development resulting in onsite and downstream aquatic habitat loss and degradation due to encroachment, fragmentation, conversion of adjacent wetland, riparian habitat, hydromodification, and diminished water quality from stormwater runoff.

5 | Although DFG has a number of concerns regarding the DPEIR's assessment of the Update stormwater provisions and other aquatic resource protections, our comments here pertain to the Update's inadequate wetland and riparian buffers.

Previous DFG Update Comments

6 | DFG's previous comment letters provided substantial evidence that future development allowed under the Update is likely to result in significant impacts to aquatic habitats and species unless the Update includes feasible measures to mitigate these impacts to a less than significant level. DFG presented in these letters mitigation recommendations to assist the City to substantially improve its aquatic habitat protection efforts. DFG described two principal potentially significant environmental impacts that this Update will have on wetlands, streams, riparian corridors, and the species that depend upon them: 1) aquatic and riparian habitat will be lost or degraded unless substantially improved buffers are enforced to minimize the direct and indirect impacts of the anticipated development and; 2) increased non-point source pollution, increased peak flows, and altered hydrologic regimes from urban stormwater runoff will degrade water quality will unless improved stormwater mitigations are implemented.

8 | In these letters, DFG emphasized that the City's five named streams provide important habitat for listed salmonid fishes, including habitat for coho salmon (*Oncorhynchus kisutch*), a State- and federally-threatened species; coastal cutthroat trout (*Oncorhynchus clarki clarki*), a California species of special concern; and steelhead (*Oncorhynchus mykiss*) a federally-threatened species and a California species of special concern. Chinook salmon (*Oncorhynchus tshawytscha*) a federally-threatened species, occurs downstream in the lower Eel River and reliable reports indicate it was historically present in Strongs Creek and its tributaries.

9 | Strongs Creek also has one of the southern-most documented populations of coastal cutthroat trout, a species whose range stretches from Alaska's Kenai Peninsula and terminates in the Fortuna area. In addition to these salmonids, a breeding population of Willow flycatcher (*Empidonax traillii*) a State-endangered species is documented within the GPU study area along the Van Duzen River.

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10 | These species, with the exception of coastal cutthroat trout, are listed pursuant to the federal Endangered Species Act and/or the California Endangered Species Act.

11 | The Update study area includes over five miles of the eastern bank of the lower Eel River and approximately two miles of the lower Van Duzen River. To maintain and improve the habitat conditions of Fortuna's streams, DFG, often working collaboratively with the City, has recently undertaken over \$200,000 in stream restoration and fish passage improvement projects in the Update study area.

Wetland and Riparian Habitat Buffers

In our August 10, 2007 letter on the Update, DFG stated the following:

12 | DFG finds that the proper implementation of effective streamside buffers is one of the single most important mitigation strategies to protect streams from the impacts of urban development. Since 1994, DFG Region 1 has promoted a suite of no-disturbance buffer recommendations to maintain and protect aquatic and riparian habitats from the impacts of adjacent development. Although currently under review and revision, DFG recommends a minimum 150-foot no-disturbance buffer on major rivers such as the Eel and Van Duzen rivers, 100-foot buffers on smaller tributaries that provide habitat for fish, such as on Strongs Creek, and 50-foot buffers on non-fish bearing streams.

13 | The DPEIR (page 5.2 – 25) proposes streamside management areas (SMAs), or buffers, of at least 50 feet around perennial streams and 25 feet around ephemeral streams. It is not clear from the DPEIR, but it appears these SMA distances are for the entire stream, not for each bank of a stream. In other words, a 50 foot SMA around perennial streams could be construed to require a 25 foot development setback, and a 25 foot SMA, appears to require a 12 and one-half feet development setback. The Update's proposed SMA buffers are significantly narrower than the 1994 DFG Region 1 recommendations.

DPEIR page 5.2 – 25 is also unclear if the SMA begins at the centerline of the stream, at the top of bank, or the edge of riparian vegetation. DFG believes buffers should begin at the edge of riparian habitat, or the top of bank, whichever is greater.

14 | An important function of riparian and wetland buffers is to maintain native riparian vegetation in an undisturbed state. DPEIR Program NCR-14(a) (page 5.2-25) states that (among other activities) development/activities within SMAs shall be limited to "management and maintenance of trees, shrubs, and other plant life." Based upon this wording, it appears the DPEIR allows for removal of riparian vegetation within an SMA.

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15 | DPEIR NCR-14 Wetlands Section (a) (page 5.2-25) states "The City shall maintain Wetland Buffer Areas around jurisdictional wetlands, unless a biological report indicates that such Wetland Buffer Areas are not required." It appears from this section, that if a project consultant states in a biological report that no wetland buffer area is required, then the City would not require a wetland buffer.

16 | DPEIR Policy NCR-2.13 Watercourse, Wetland, and Riparian Buffers, states: "The City shall require appropriate watercourse and wetland buffers to protect water quality and biologic values." DFG finds the Update's proposed wetland and riparian buffers to be inadequate to protect wetland and riparian habitats and the species that rely upon them. These proposed buffers are not likely to be effective because of their narrow widths and because of inadequate or unclear implementing provisions.

17 | DPEIR Policy NCR-2.3 CDFG Collaboration, states: "The City shall work to implement the recommendations put forth in the Recovery Strategy for California Coho Salmon to benefit salmonid species present within the General Plan Area..." However, the City should understand that in recommending effective wetland and riparian buffers to the City, DFG is implementing Coho Recovery Strategy Range-wide Recommendation RW-XXV-B-03, which states: "Where necessary, revise General Plans, Local Coastal Plans, and/or Community Development Plans to direct development away from riparian habitats on coho salmon streams and tributaries."

In our June 25, 2008 letter, DFG recommended the City incorporate substantially improved and enforceable wetland and riparian habitat buffers and stormwater quality mitigations into the Update and stated the following:

- 18 |
- Where DFG determines the City has approved, or intends to approve, a project adjacent to a stream, particularly a coho salmon-bearing stream, with ineffective riparian buffers and stormwater quality mitigations, DFG may, as appropriate:
- I. Find the project is likely to result in the incidental take of State- and federally-threatened species and therefore require the issuance of an ITP (incidental take permit), pursuant to CESA, prior to approval.
 - II. Provide substantial evidence, pursuant to CEQA Section 15064(1)(a) that the project will have a significant effect on the environment, and therefore require the preparation of an EIR.

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18
Cont'd

- III. Determine the project will result in cumulatively considerable impacts on riparian and aquatic species, as defined in CEQA §15065(a)(3).
- IV. Appeal the project's approval before the City Council.

19

DPEIR Table ES-1 Summary of Impacts and Mitigation Measures, states that for the following potential impacts: 5.2-2 wildlife and fish management; 5.5-3 watercourses and wetlands; 5.2-4 riparian habitat, and other sensitive natural communities, no mitigation measures are required and the Updates' impacts will be "less-than-significant." DFG finds the mitigations included in the Update and the DPEIR's assessment that the Update's impacts to these resources are "less than significant" is not substantiated by the best available science.

20

The DPEIR states the Update will avoid significant impacts to watercourses and wetlands, in part by adopting SMAs similar to Humboldt County's SMA ordinance. The City should be aware that DFG has informed the County during its general plan update process that the County's current SMA ordinance is also not adequate to consistently protect aquatic and riparian resources and avoid significant impacts.

21

DFG continues to recommend that at a minimum, the City incorporate into the Update mitigations at least as effective as the 1994 DFG Region 1, wetland and riparian buffer recommendations. These DFG Region 1 wetland and riparian habitat recommendations are currently being revised and improved to better protect aquatic and riparian habitats. By adopting wetland and riparian buffers, at least as effective as DFG's 1994 riparian habitat recommendations, the Update will be implementing feasible mitigation measures which are likely to avoid take of listed salmonids and minimize impacts to streams and rivers to a less than significant level.

If you have questions or comments regarding this matter, please contact Staff Environmental Scientist Gordon Leppig at (707) 441-2062.

Sincerely,



NEIL MANJI
Regional Manager

ec: See Page Six

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August 31, 2010
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Responses to Letter #8: DFG – August 30, 2010

1. The comment indicates that, by 2030, the proposed plan would increase Fortuna's population by 6,370 persons, create a demand for 2,272 additional dwelling units and convert 289 acres of prime farmland to urban use. Based on a comparison of DPEIR Tables and 3.1-2 (existing) and 3.1-6 (projected), buildout under the proposed plan would actually result in an incremental increase of 13,415 new residents and 5,725 dwelling units. As indicated on DPEIR page 5.3-9, implementation of the proposed plan would actually convert up to 289 acres of prime farmland to urban use, "but probably much less" given the proposed General Plan policies (listed on DPEIR page 5.3-9) which call for the preservation and protection of prime farmland.
2. DFG's jurisdiction over biological resources, and its role as both a responsible agency and trustee agency for the proposed plan, is acknowledged.
3. DFG's August 10, 2007 comments on the NOP and July 15, 2008 comments on the 2008 DPEIR were on the 2008 DPEIR, not the current version of the DPEIR which has been substantially enhanced with dozens of new policies and programs designed to protect the environment (including new policies and programs requiring Streamside Management Area (SMA) buffers around watercourses and wetlands). In addition, the Strongs Creek Residential Subdivision was a separate project under CEQA. Therefore, those previous comments, and any studies or agreements associated with the subdivision project, do not apply to the current General Plan Update and associated DPEIR. Furthermore, the referenced comments, studies, agreements, etc., were not attached to the comment letter, and thus there is no opportunity to review these materials to see whether they may apply to the current version of the proposed plan and DPEIR. The comment does not include substantive environmental comments on the DPEIR. No further response is required.
4. The proposed plan would not result in significant impacts to on-site or downstream aquatic habitat. This conclusion is based on the analysis contained under DPEIR Impacts 5.2-3 (Watercourses and Wetlands) and 5.2-4 (Riparian Habitat and Other Sensitive Natural Communities) which represent substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1). Below is an item-by-item response to the types of activities DFG contends would occur under the proposed plan and result in habitat loss or degradation, and the reasons why these activities would not result in significant aquatic habitat impacts.

Encroachment, Fragmentation, and Conversion: Development permitted under the proposed plan would not encroach into, fragment, or convert aquatic habitat because: (1) no development is proposed within watercourses or wetlands; (2) 25'-50' wide development buffers (e.g., SMAs) would be provided around all watercourses and wetlands in accordance with proposed Program NCR-14 which would avoid encroachment into, and/or fragmentation of, aquatic habitat; and (3) the following policies and programs are proposed, as listed under DPEIR Impacts 5.2-2 (Wildlife and Fish Movement), 5.2-3 (Watercourses and Wetlands), and 5.2-4 (Riparian Habitat

and other Sensitive Natural Communities) that would be protective of aquatic habitat and riparian corridors:

- (1) Policies NCR-2.1 and -2.13: Require the City to establish watercourse, wetland and riparian buffers to provide for fish and terrestrial wildlife habitat protection, enhancement and movement along riparian corridors;
- (2) Policy NCR-2.3: Requires the City to work to implement the recommendations of the Recovery Strategy for California Coho Salmon, including enhancing and restoring riparian ecosystems, improving water quality, and reducing flooding;
- (3) Policy NCR-2.4: Requires the City to use North Coast Basin Planning Project stream inventory reports to manage each identified stream as an anadromous fish and natural production stream;
- (4) Policy NCR-2.6: Requires biological studies for proposed development, consultation with trustee agencies, and implementation of mitigation measures identified in the study (including mitigation to avoid impacts to watercourses and wetlands);
- (5) Policy NCR-2.10: Requires a wetland delineation/assessment, agency (DFG, USACE) concurrence, and implementation of required mitigation (e.g., avoidance, minimization, restoration, off-site replacement, and/or use of buffers) for any projects that could impact jurisdictional wetlands; and
- (6) Policy NCR 2.11: Requires the City to identify/map movement corridors and requires development to limit physical barriers to allow wildlife movement;
- (7) Policy NCR-2.13: Requires development and activity buffers around watercourses and wetlands; and
- (8) Program NCR-14: Requires the City to prepare an SMA/ wetland protection ordinance, equivalent to Humboldt County's SMA ordinance, that requires the establishment of SMAs and Wetland Buffer Areas of specified widths around streams and wetlands, limits activities within these SMAs, prohibits uses and activities that would degrade watercourse and wetland habitat and water quality, controls the quantity and quality of stormwater runoff draining to watercourses and wetlands, and prohibits septic systems within SMAs and Wetland Buffer Areas.

Hydromodification: Development permitted under the proposed plan would not significantly impact aquatic habitat due to hydromodification because: (1) no development would occur in watercourses and wetlands; (2) approximately 2,187 acres of the 8,051-acre Planning Area would be designated for some form of open space (e.g., in agriculture, parks/greenways or open space per DPEIR Table 3.1-5), thus providing substantial infiltration area; (3) 25'-50' wide development buffers (e.g., SMAs) would be provided around all watercourses and wetlands in accordance with proposed Program NCR-14 which would provide adequate infiltration area

around these features; and (4) the following policies and programs are proposed, as listed under DPEIR Impact 5.1.1 (Groundwater Supply/Recharge), that would maximize infiltration and minimize the development of impervious surfaces:

- (1) Policy PFS-5.20: Encourages bioswales and permeable pavement in new development;
- (2) Program NCR-4: Requires the City to manage the extent of impervious coverage and minimize impervious areas; and
- (3) Program NCR-14: Requires development setbacks along perennial streams, ephemeral streams, and wetlands [thereby protecting important infiltration areas from urban development].

Diminished Water Quality from Stormwater Runoff: Development permitted under the proposed plan would not significantly impact water quality due to stormwater runoff because of: (1) required compliance with the substantial number of existing federal, state and local regulations designed to protect water quality (e.g., CWA, Rivers & Harbors Act, Eel River TMDLs, RWQCB Basin Plan, Fortuna's NPDES Permits, Fortuna's RWQCB Discharge Permits, etc.), all formulated to avoid significant water quality impacts from stormwater runoff; and (2) the following proposed policies and programs listed under DPEIR Impact 5.1-2 (Runoff Water Quality) that would be protective of water quality:

- (1) Policy PDS-5.8: Requires stormwater detention facilities to mitigate stormwater quality impacts;
- (2) Policy PFS-5.10: Prohibits grading activities during the wet weather period unless a Wet Weather Plan is implemented to control erosion/sedimentation;
- (3) Program PFS-18: Requires the City to develop a Post Construction Stormwater Runoff Control Ordinance to minimize pollutants in post-construction stormwater discharges;
- (4) Program PFS-19: Requires the City to adopt a Manual of Stormwater Quality Control Standards for New Development which includes requirements for BMPs to control the volume, rate and pollutant load of stormwater runoff;
- (5) Policy PFS-5.20: Requires the City to encourage new development to incorporate LID techniques such as bioswales and permeable pavement to minimize runoff;
- (6) Policy NCR-1.1: Requires the City to condition development to minimize point and non-point source pollutant discharges to local watersheds;
- (7) Policy NCR-2.13: Requires development and activity buffers around watercourses and wetlands to protect water quality;
- (8) Program NCR-1: Requires the City to implement a stormwater management program (SWMP) which prohibits the discharge of non-stormwater discharges into the municipal stormwater system;

- (9) Program NCR-2: Requires projects with greater than one acre of ground disturbance to implement a Stormwater Pollution Prevention Plan (SWPPP) to avoid significant sedimentation in runoff from the construction site;
- (10) Program NCR-3: Requires that new projects that result in parcels of less than one acre in size to connect to the City's municipal storm drain system;
- (11) Program NCR-5: Requires the integration of BMPs in new development and re-development to control pollutant sources and prevent pollutants in runoff during and following development;
- (12) Program NCR-6: Requires the use of water quality strategies that self-treat runoff in new development, such as infiltrating runoff, retaining/detaining runoff, conveying runoff through vegetation, and/or treatment of runoff; and
- (13) NCR-7: Requires compliance with CWA to minimize pollutant discharges to surface waters (e.g., wetland restoration, off-site replacement for no net loss).

The above regulations, policies and programs would effectively protect aquatic habitat, and DFG has submitted no site-specific analysis or studies of the proposed plan (e.g., no substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)) to indicate otherwise. Therefore, no change to the DPEIR is required.

5. See response to Comment #4.
6. With respect to the portion of the comment concerning previous letters submitted by DFG, see response to Comment #3. With respect to portion of the comment concerning impacts to aquatic habitat and non-point source pollution, see response to Comment #4.
7. The proposed plan would not result in significant water quality impacts from increased peak flows or altered hydrologic regimes. This is because the proposed plan includes policies and programs designed to control stormwater discharges from new development, including the following which are listed under DPEIR Impact 7.3-1 (Alter Existing Drainage Patterns leading to Substantial Erosion or siltation) and Impact 7.3-2 (Increase Surface Runoff Leading to Increased Flooding):
 - (1) Policy PFS-1.4: Requires the City to ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs;
 - (2) Policy PFS-5.3: Requires the provision of adequate drainage facilities in new development to adequately convey 25-year storm event runoff without on-site or downstream flooding;
 - (3) Policy PFS-5.4: Requires new development to improve the quality of runoff through use of appropriate and feasible mitigation measures;
 - (4) Policy PFS-5.8: Requires the City to use and model storm water detention facilities and other low impact development techniques in order to mitigate drainage impacts;

- (5) Policy PFS-5.9: Requires the City to work with property owners in hillside areas to minimize erosion and conveyance into City-owned drainage facilities;
- (6) Policy PFS-5.10: Prohibits grading activities during the rainy season unless a Winterization Plan has been submitted and approved by the City;
- (7) Policy PFS-5.14: Requires site-specific technical studies for all major developments with the potential of creating erosion control, watershed or flooding problems;
- (8) Policies PFS-5.18 and -5.19: Require mitigation measures for developers to ensure that new development does not increase the existing estimated 25-year peak runoff volume from a site;
- (9) Program PFS-12: Requires large development projects route urban runoff through grassy swales, infiltration/sedimentation basins, and oil/grit separators prior to discharging to the City's municipal storm water drainage system;
- (10) Program PFS-16: Requires the City to prepare and adopt a Storm Water and Flood Protection Ordinance to address storm water runoff and flood protection;
- (11) Program PFS-19: Requires the City to adopt a Storm Water Quality Control Standards Manual for new development and redevelopment and incorporate such requirements in any proposed development or redevelopment project;
- (12) Policy PFS-5.20: Requires the City to support the incorporation of low impact development techniques in proposed development projects; and
- (13) Program NCR-3: Requires proposed new projects that result in parcels less than one acre in size to connect to the City's municipal storm drain system.

These policies would avoid increasing peak runoff, avoid significant erosion/sedimentation, and along with implementation of the proposed SMA buffers, avoid substantial changes to hydrologic regimes. Therefore, per the analysis under DPEIR Impacts 7.3-1 and -2, the proposed plan would result in less than significant water quality and drainage impacts associated with these factors, and DFG has submitted no studies or analysis to suggest otherwise (e.g., no substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)). No change to the DPEIR is required.

8. The fact that the watercourses within and adjacent to the Planning Area contain coho salmon, coastal cutthroat trout, and steelhead, and that these species are listed pursuant to the FESA and/or CESA, with the exception of coastal cutthroat trout which is a Species of Special Concern, is already acknowledged on DPEIR pages 5.2-13 through 5.2-16.
9. See response to Comment #8.
10. With respect to coastal cutthroat trout, see response to Comment #8. The fact that Willow flycatcher has been previously recorded in the Planning Area, and is listed as Endangered under the CESA, is already acknowledged on DPEIR pages 5.2-15 and -16.

11. The fact that the Eel and Van Duzen Rivers abut the Planning Area is already acknowledged on DPEIR Table 5.2-1, in numerous DPEIR figures, and in numerous other DPEIR sections. With respect to the balance of the comment, no substantive environmental issues are raised on the DPEIR. Therefore, no further response is required.

12. With respect to DFG's August 10, 2007 letter, see response to Comment #3.

With respect to the "recommended" buffer widths, there are no statutory requirements for 150' around the Eel and Van Duzen rivers or 100' buffers around smaller tributaries, and DFG has not submitted any site-specific studies or other evidence to support its contention that such setback widths are required.

13. The portion of the comment concerning DFG's confusion as to whether the 50' and 25' SMA buffers required by the proposed plan are for the entire stream or from each bank of the stream is acknowledged. In response, the first part of Program NCR-14 on DPEIR page 5.2-25 is revised as follows:

"Program NCR-14. The City shall prepare a streamside management/wetland protection ordinance, following collaboration with resource agencies including but not limited to DFG, establishing setback recommendations for perennial and intermittent streams, wetlands, and riparian corridors. At a minimum, the City shall implement the following watercourse, wetland and riparian area protection measures:

Watercourses and Riparian Areas

(a) The City shall maintain Streamside Management Areas (SMAs) of at least 50 feet around perennial streams and 25 feet around ephemeral streams, unless a biological report indicates that such SMA setbacks are not required. The buffers shall be measured from the top of the stream bank (for example, the 50 foot setback would be 50 feet from each stream bank, for a total of a 100 foot wide buffer). New development/activities within SMAs shall be limited to: (1) activities for wildlife enhancement/restoration, flood control or drainage, new fencing so long as it would not impede natural drainage or wildlife, and bank protection; (2) commercial timber management and harvest activities regulated by the Forest Practices Act; (3) road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality; (4) removal of vegetation for disease; (5) control or public safety; and (6) management and maintenance of trees, shrubs and other plant life; and"

With respect to the portion of the comment stating that the Update's proposed SMA buffers are significantly narrower than the 1994 DFG 1 "recommendations", Program NCR-14 requires the City to prepare an SMA ordinance, equivalent to Humboldt County's SMA ordinance, which requires 50' development buffers around perennial watercourses and 25' development buffers around ephemeral watercourses, unless a

biological report indicates that such SMA setbacks are not required (setbacks and biological review requirements are also included in Policy NCR-2.6). The Humboldt County SMA setbacks was evaluated by the County during its SMA Ordinance formulation process and found to be protective of the water quality and biological values of surface waters and associated riparian habitat (e.g., based on substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)). In addition, there are no statutory requirements for either 150' or 100' buffers, DFG acknowledges that such buffer widths are “recommendations”, and DFG has not submitted any site-specific studies or other evidence (e.g., no substantial evidence in the record) to support its contention that such buffer widths are required. Therefore, no change to the DPEIR is necessary.

With respect to the portion of the comment stating that DFG believes buffers should begin at the edge of riparian habitat, or the top of bank, whichever is greater, Policy NCR-2.6 requires biological and wetlands studies where the CNDDDB or ESHA inventory indicate the presence or potential presence of sensitive species or sensitive species habitat, or of watercourses, wetlands or riparian habitat is on or within the vicinity of a proposed development site. Thus, if riparian habitat were present, a biological and wetlands assessment would be required, and if that assessment recommended the preservation of some or all of that riparian habitat, it would be preserved. This is consistent with CEQA which requires the protection of the environment from significant impacts, where feasible. There is no basis under CEQA for requiring mitigation such as setbacks where no setbacks are required. The biological and wetlands studies required by proposed Policies NCR-2.6 and NCR-2.10, respectively, could actually require buffers wider than those required by Program NCR-14 – again, any such requirement would be based on substantial evidence in the record (e.g., the biological and/or hydrological reports) rather than a blanket requirement not based on site-specific studies. Therefore, no change to the DPEIR is required.

14. In response to the comment, the referenced provision (e.g., #6, “management and maintenance of trees, shrubs and other plant life”) is deleted from the “Wetlands and Riparian Areas” portion of Program NCR-14, DPEIR page 5.2-25.
15. The commenter is correct – if a certified biologist or wetland ecologist determines that a buffer is not required around wetland, no buffer would be provided under Program NCR-14. The purpose of CEQA is to protect the environment from significant impacts, where possible, and if a technical study can demonstrate that there would be no significant impacts on the environment, there would be no basis under CEQA for requiring mitigation such as setbacks.
16. With respect to the portion of the comment concerning the widths of proposed SMA buffers, see response to Comment #13.

With respect to the portion of the comment concerning the implementing provisions for the SMA buffers required by Policy NCR-2.13, these implementing provisions are spelled out in Program NCR-14 (e.g., formulation and adoption of an SMA/wetland

protection ordinance, following collaboration with applicable resource agencies, that establishes buffers for perennial and intermittent streams, wetlands, and riparian corridors that meet the minimum requirements set forth in the program). The buffers would be required as part of grading permits, drainage permits, and building permits for ministerial projects, and by these as well as through the CEQA process (e.g., as mitigation measures) for discretionary projects.

17. The proposed plan would direct development away from riparian habitats on coho salmon streams and tributaries, and would provide effective wetland and riparian buffers, through implementation of Program NCR-14 which requires the establishment of SMA buffers along and around watercourses, wetlands and riparian corridors, and through the myriad of other proposed protections. See response to Comment #13 with respect to the adequacy of these SMAs, and responses to Comment #'s 4 and 7 with respect to the other proposed protections.
18. DFG's June 25, 2008 comments were on the 2008 version of the Policy Document and DPEIR, not the current versions which has been substantially enhanced with dozens of new policies and programs designed to protect the environment (including new enforceable policies and programs requiring SMA buffers around watercourses and wetlands as requested by DFG).

With respect to the portion of the comment concerning inefficient riparian buffers and stormwater quality mitigations, see responses to Comment #'s 4, 7 and 13.

With respect to the portion of the comment concerning DFG's jurisdiction, the potential for DFG to represent a responsible agency and permitting authority for development projects in the Planning Area that would impact biological or water resources is noted.

19. The analysis and significance conclusions for impacts 5.2-2, 5.5-3, 5.2-4, and for the other impacts in the DPEIR are all based on substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)) and all applicable regulations and requirements, and represent an adequate program-level analysis under CEQA. DFG has not submitted site-specific studies or evidence to support its contention that the analysis is inadequate, that the significance conclusions are in error, or that the analysis is not substantiated by the best available science.

After receiving public and agency comments on the 2008 versions of the Policy Document and DPEIR, dozens of policies and programs protective of the environment were added to the proposed plan. These policies and programs were designed to make the plan self-mitigating in exactly the fashion intended under CEQA (e.g., modify a project, based on the analysis, to avoid significant impacts). This is why there are so few mitigation measures in the DPEIR.

20. See response to Comment #13.
21. See responses to Comment #'s 4,7, 13 and 17.

Letter #9: The Harland Law Firm – September 3, 2010

The Harland Law Firm LLP

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September 3, 2010

Stephen Avis
City of Fortuna
621 11th Street
Fortuna, California 95540

Dear Mr. Avis:

This letter is written in order to provide comments on the Fortuna General Plan Update process (the "Project"), specifically the Draft Program Environmental Impact Report (the "DPEIR").

1 | The Project, which is studied by the DPEIR, includes incorporating into the City lands now located in the County and on the west side of Riverwalk Drive, assigning general plan land use designations to them and changing the use designations for property currently located in the City and on the east side of River Walk Drive. The Project also proposes to have zoning and allowable uses in both of these areas be changed to conform with the Project's general plan designation of "River Walk District" ("RD"). The most recent policy document provides the following RD land use designation: "This designation provides for single-use and mixed-uses development oriented towards the Eel River. Uses may include retail and service establishments, hotels and conference centers, restaurants, entertainment venues, professional and administrative offices, public and quasi-public uses, and similar and compatible uses. The FAR in this district shall not exceed 0.80."

2 | This comment is focused on the unstudied significant environmental impacts that the Project will have on all of the solid waste collection and disposal and recycling activities that now serve the City and its environs. The Eel River Disposal ("ERD") transfer station and recycling center are located In the City on the north end and on the east side of River Walk Drive. This site is currently in a light industrial zone and the transfer station operates under a conditional use permit as a permitted activity within this zone. On the other side of the street and in the County, ERD operates its metal and construction debris recycling operation, as well as a storage and yard for equipment used in ERD's solid waste and recycling activities. This will soon also become the location for ERD's recyclable sorting line, which will move here from the east side of the street. The west side of the street is zoned heavy industrial and these activities also operate as a conditionally permitted use in this zone under a use permit.

3 | The DPEIR states that the Project will have a *significant land use impact* if it conflicts with an applicable land use plan, program, or regulation of an agency with jurisdiction over the project adopted to avoid or mitigate environmental impacts, *or if it*

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results in substantial land use conflicts.

3
Cont'd

As the Project's proposed Land Use Diagram applies to (1) the Planning Area now in the City and (2) the proposed annexation areas, it will create substantial land use conflicts creating potentially significant environmental impacts as it affects ERD's currently conforming present and planned activities now partially in the City and partially in the County on each side of River Walk Drive.

4

In reference to Riverwalk Drive, the DPEIR states that "the northern area currently is the location for a waste transfer station and recycling center. In contrast, the southern portion maintains a recreational vehicle park, restaurants, hotels, and light industrial uses, all of which are currently served by public transit. Under the proposed Plan, the Riverwalk District will be designated for single-use and mixed-use development (e.g., retail, service, hotels, conference centers, restaurants, offices, and public uses) oriented toward the Eel River."

With these changes all ERD activities under the current conforming conditional use permits will become non conforming uses, making any future and necessary expansion or changes in the current activities not possible. This will significantly restrict the future change or expansion of solid waste and recycling activities in the City and the adjoining areas or may require a possible relocation of these activities.

5

The DPEIR fails to analyze and discuss the Project's potential for significant impacts on the environment as it relates to its (1) restrictions on local solid waste removal and the processing of recyclable material, (2) the availability of another conforming location to accept these activities and (3) the environmental impacts of such relocation. If left as a non-conforming use these activities could not expand, nor could they change operations to either better serve the City's needs, or to meet state mandates to increase the extent or efficiency of recycling, all changes that are very likely to occur with the passage of time.

6

Although the policy document provides that the City shall encourage the relocation of non-conforming uses in the Riverwalk District deemed incompatible with the successful promotion of tourist-serving businesses, in reality it is almost impossible to site or relocate transfer stations. Besides relocation being an impracticable solution, both the policy document and the DPEIR fail to discuss or to identify other compatible zones where the existing non-conforming uses could and potentially should be relocated, the environmental effect of such a shift in physical location of such uses, or the potential environmental effects of a lack of sufficient property with appropriate zones for these uses.

7

This failure is especially remarkable where the DPEIR recognizes that there is a contrast between the land uses in the northern and the southern portion of Riverwalk Drive and then fails to comment on the potential for environmental impact of grouping such contrasting land uses within the same RD land use designation.

8

Furthermore, Land Use policy LU -1.14 Complete/Compatible Annexation provides: "The City shall ensure that proposed annexations develop as complete neighborhoods or complimentary extensions of existing neighborhoods and promote

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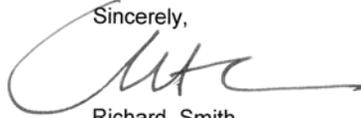
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continuous open space." Here, the annexation will not result in a complementary extension of the RD where the land use designation does not take into account the existing use of the scrap metal yard and/or any future development intensities that will result to that site from increased needs and demands for those services.

9 |

As a result, the Project's DPEIR fails to meet the requirements of law in that the Project will potentially have significant environmental impacts that it fails to analyze.

Sincerely,



Richard Smith

RAS/ds

Responses to Letter #9: The Harland Law Firm – September 3, 2010

1. This comment does not raise any substantive environmental issues on the DPEIR. No further response is necessary.
2. Section 7.4 of the DPEIR evaluates potential solid waste impacts resulting from General Plan implementation including whether the proposed plan will: 1) be served by a landfill with adequate capacity to meet the needs of projected growth, and 2) comply with state-mandated solid waste diversion requirements (e.g., AB 939). The DPEIR acknowledges that the City contracts with Eel River Disposal (ERD) for municipal solid waste collection services and that the ERD waste transfer station is located within the Planning Area. Because the Policy Document is not proposing changes to ERD's existing permitted activities, and because the DPEIR evaluates the proposed plan at a programmatic-level rather than a project-level, the analysis in the DPEIR is adequate under CEQA – there are no unstudied significant environmental impacts.
3. The commenter is making the assertion that ERD facilities could potentially become non-conforming land uses under the proposed plan, thus reducing ERD's ability to operate and expand these facilities in the future, and that this would represent a "substantial land use conflict." However, neither the proposed Policy Document nor the DPEIR identify any facilities as non-conforming land uses under the proposed plan. In addition, the "Riverwalk District" land use designation allows for "public and quasi-public uses," which generally refer to institutional, academic, governmental, and community serving uses. A privately operated community solid waste collection and disposal operation, with municipal contracts, would fit that definition. Use details referenced in the comment would be more appropriate for the zoning code, which will be updated following the General Plan.

Furthermore, "substantial land use conflicts" as used under DPEIR Impact 3.1-3 refers to conditions where unlike land uses occur adjacent to one another, thus causing noise, air quality, aesthetic, light/glare, or other physical incompatibilities between the two land uses (for example, resulting in nighttime loading dock noise that interferes with the sleep of existing residents in an adjacent residential subdivision). The potential for a use to become non-conforming is not a physical impact on the environment, and need not be identified as a significant land use impact or require mitigation in the DPEIR. For all these reasons, no change to the DPEIR is required.

4. See response to Comment #3.
5. See responses to Comments #2 and 3.
6. See responses to Comment #'s 2 and 4.
7. The Riverwalk District Focus Area includes 262 acres located on the western edge of Fortuna between Highway 101 and the Eel River. The proposed Land Use Diagram applies several land use designations to this Focus Area, such as Industrial, Public,

Riverwalk District, and Commercial. Therefore, the proposed plan acknowledges the various land uses in this area, and requires the preparation of a Riverwalk District Area Plan (Program LU-11) to address the unique planning and design needs for this area. No change to the DPEIR is necessary.

8. See response to comment #4. In addition, the proposed Riverwalk District Annexation is a complimentary extension, adding to the land area already within the City limits within the proposed Riverwalk District Focus Area. This annexation would allow the City to plan and oversee development consistent with the proposed Riverwalk District Area Plan. No change to the DPEIR is necessary.
9. See responses to Comment #'s 2, 3, 7 and 8. No change to the DPEIR is necessary.

Letter #10: Dean Glaser – September 3, 2010

Dean Glaser
1546 Ronald Ave
Fortuna, CA 95540

September 3, 2010

Stephen Avis
City of Fortuna
621 11th Street
Fortuna, CA 95540

Re: Comment on the DPEIR (General Plan 2030)

Dear Mr. Avis,

Here are my comments as we discussed:

	<u>Page #</u>	<u>Comment</u>
1	4.1-5	#20 Proposed Strongs Creek Blvd/S. Fortuna Blvd. This intersection already has a traffic signal in place.
2	4.1-5	#26 Proposed State Highway36/Highway 36 Connector. This language is confusing and appears to be redundant. What is Highway 36 Connector?
3	5.1-2	Barber Creek No location for this creek is provided as is the case with the other streams. Barber Creek flows into the Wolverton Gulch watershed.
4	5.1-12	Last paragraph. Throughout the document, the service population is listed as growing from 11,351 to 24,904 persons. The service area includes the current Fortuna resident population of just over 11,000 persons and by extrapolation must contain a larger number of individuals than what is listed. The growth projection appears realistic in light of the fact that the City's population is expected to grow to just over 16,000 with another 9,000 in the greater planning area. Please verify that this base figure is correct.
5	5.2-3	Fourth paragraph. As of 2009, the California Ground Squirrel is classified as <i>Otospermophilus beecheyi</i> (formerly <i>Spermophilus beecheyii</i>).
6	6.2-20	Glare Under the examples listed in the first paragraph of this section: An addition is proposed – Pryor Court Industrial Park – based on the number of complaints about glare that were made upon construction.
7	7.4-6	Discussion Final paragraph. AB 393 has transposed numerals. Should be 939.
8	8.1-5	Particulate Matter (PM₁₀ and PM_{2.5}) . The discussion addresses neither forest pollens in the basin nor airborne silt and dust blown off of the river bar from the Eel and Van Duzen Rivers.
9	8.1-13	Program HS-5 (d) . Please define or describe <i>inactive exposed</i> soil.

- 10 | 8.4-5 | **Airport Hazards** Is there any particular reason that this section has a light blue background? If so, it is not noted.
- 11 | 8.4-6 | Opening paragraph. A reference is made to 27,800 general flights at the Rohnerville Airport in 2004. This equates to an average of 76 flights per day for an entire year and seems in excess form what is generally observed from the Campton Heights area. Can this number be verified? Does this high number affect any safety factors that could be moderated if the number is actually lower?
- 12 | 8.5-7 | **National Flood Insurance Program** First bulleted point. The text states that the lowest floor is "at or above the BFL level." I believe that the requirement for construction is one-foot (1') foot above the Base Flood Elevation level.

Sincerely,

Dean Glaser

 9/3/10

Responses to Letter #10: Dean Glaser – September 3, 2010

1. The comment is correct in that the Strongs Creek Boulevard/S. Fortuna Boulevard intersection already has a signal in place. Whereas the intersection and signal have been constructed for the Strongs Creek Shopping Area, the completion of the Boulevard is still “proposed.” This Boulevard is not proposed as part of the General Plan Update and represents a separate project under California Environmental Quality Act (CEQA).
2. The Highway 36 connector represents a future intersection and street connection that extends from Highway 36 to Rohnerville Road. However, the intersection and road is not proposed as part of the General Plan Update, and represents a separate project under CEQA.
3. The DPEIR is looks at each issue on a programmatic level in accordance with State CEQA Guidelines §15168. Per CEQA §15146, the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity; because the proposal for review is a plan, documentation and analysis in the DPEIR can be at a lesser level of detail than in an EIR for a construction project. The DPEIR does not identify and evaluate all watercourses in the 8,151 acre Planning Area, but instead describes the watersheds and major watercourses in the Planning Area. The absence of describing the location of Barber Creek on DPEIR page 5.1-2, and the lack of identification of this creek in DPEIR Figure 5-1, does not alter the analysis or significance conclusions in the Hydrology and Water Resources Section of the DPEIR. No change to the DPEIR is necessary.
4. As indicated by DPEIR Table 3.2-1, the existing 2009 City of Fortuna population of 11,351 persons is based on the California Department of Finance (DOF) Report E-4, Historical Population Estimates for California Cities and Counties (1970-1980). This is the DOF-estimated 2009 City population but is not the entire existing or “base” population in the Planning Area in that it does not include the estimated 138 existing residents currently residing within the unincorporated portion of the Planning Area. In some DPEIR sections, only the DOF-estimated 2009 City population is noted (such as in the referenced Groundwater Supply/Recharge section) since water consumption data only exists for the City; this is used to establish a per capita water consumption rate which is then applied to the buildout population to get an estimate of water demand under General Plan buildout. In other DPEIR sections, such as in Population/Housing where per capita estimates aren’t required to come up with housing demand under the proposed Plan, the full existing Planning Area population of 11, 489 is identified. However, whether the DOF-estimated 2009 City population (11,351) or the existing Planning Area population (11,489) is used, the buildout estimates and hence impact analysis results are approximately the same. Therefore, no change to the DPEIR is necessary.
5. In response to the comment, “*Spermophilus beecheyi*” is changed to “*Otospermophilus beecheyi*” on DPEIR page 5.2-3, paragraph four, sentence 2.

6. In response to the comment, “Pryor Court Industrial Park” is added to the examples listed on DPEIR page 6.2-20, second to last paragraph, sentence 2.
7. In response to the comment, “AB 393” is changed to “AB 939” on DPEIR page 7.4-6, last paragraph, Sentence 2.
8. The PM₁₀ and PM_{2.5} calculations in the air quality analysis are based on modeled results from the California Air Resources Board’s Urban Emissions Model (URBEMIS, version 9.2.2, November 2007). Use of this model is the industry-accepted standard for estimating PM₁₀ and PM_{2.5} emissions associated with proposed development. No change in the DPEIR is necessary.
9. In response to the comment, DPEIR page 8.1-13, Program HS-5, item “d” includes the following addition at the end of the sentence: “(e.g., areas where development or landscaping will not occur within 3 days of grading).”
10. In response to the comment, the light blue highlighted background is removed from DPEIR pages 8.4-5 and -6.
11. According to the Federal Aviation Administration (FAA) Airport Master Recording for Rohnerville Airport (Form 5-10; <http://www.gcr1.com/5010WEB/airport.cfm?Site=FOT>) and the Humboldt County Aviation Division (<http://co.humboldt.ca.us/aviation/>), approximately 27,500 flights per year, or 75 flights per day, operate out of Rohnerville Airport. However, even if the operational statistics were lower, the impact analysis and significance conclusions in DPEIR Section 8.4 are based on the consistency of proposed uses with those permitted around the Rohnerville Airport by the County’s Airport Land Use Compatibility Plan, and not on aircraft traffic volumes. No change to the DPEIR is necessary.
12. According to the Federal Emergency Management Agency (FEMA), “all buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map” (see FEMA Comment Letter #1 in this Final PEIR, page 1, first bullet).

Letter #11: Friends of Rohner Park Redwood Forest – September 7, 2010

September 7, 2010
Friends of Rohner Park Redwood Forest
241 Newell Dr.
Fortuna, CA 95540

Mr. Stephen Avis
City of Fortuna
621 11th St.
Fortuna, CA 95540

Dear Mr. Avis:

In July of '08 the Friends wrote a letter to you and Liz Shorey expressing concern about statements in the General Plan referring to placement of a 2 MG water tank in Rohner Park redwood forest. A memo to you of April 22, 2009 reaffirms our concerns. On January 12, 2009 City Staff informed the City Council and the public that the redwood forest had been removed from consideration as a site for the tank.

We note in the present General Plan Update that there still remains the same statement that refers to the placement of the tank in the redwood forest. See Chap. 7.1 - p.5.

Policy PFS – 3.4 – “Completion of Water System Improvements. The City, through its Capital Improvements Program (CIP), shall complete the recommended water system improvements as identified and prioritized in the most recent Water System Improvements Study.”

Then note: The April 2007 Oscar Larsen Water System Improvements Report in the Executive Summary, p. 1 recommends,

“D. Construct a new 2 MG Zone 1 Reservoir in Rohner Park.”

We would very much appreciate your changing or qualifying the wording of PFS – 3.4 so that it does not indicate that the tank is to be placed in the Park. Thank you very much for your consideration in this matter.

Sincerely yours,



Marian L. Perry

1

Responses to Letter #11: Friends of Rohner Park Redwood Forest – September 7, 2010

1. The policy referenced, PFS-3.4 is a tool for the City. It identifies a process by which water system improvements are made. Specifically, the City's Capital Improvements Program (CIP) is used to schedule a variety of projects for the City. This policy is used to ensure that necessary improvements to the City's water system are addressed on a prioritized basis through the CIP.

The Friends of Rohner Park are concerned that the most recent Water System Improvements Study (Oscar Larsen 2007) has as a priority for the construction of a 2 million gallon water reservoir (tank) in the Rohner Park as a replacement for two leaking concrete reservoirs on Stewart Street.

The City's 2005 Hydraulic Study is a complete review of the City's Water System and identified capital replacement and system improvement projects. The 2007 Water System study specifically focused on water transmission and storage capacity to support infill of the City's current boundaries with specific recommendations for three existing water storage tanks. The Rohner Park site was identified as an optimal location for replacement of the two existing Stewart Street water tanks. Due to a number of factors, the City has studied alternative sites other than Rohner Park. The site selected is the Stewart Street site for replacing the existing two concrete tanks with a combined 1 million gallon capacity with a new partially below-grade two million concrete tank and pumping station.

The City initiated a series of neighborhood meetings, received authority to proceed from the City Council, and is preparing to put this engineered project out to bid as part of the current CIP. Once the project is awarded and completed, the need for a new tank as identified in the 2007 Oscar Larsen Study will no longer exist.

The recommendations identified in the various infrastructure studies commissioned by the City do not become projects until they are identified and appropriations authorized by the City Council. The City Council approves a five-year Capital Improvement Project Program every year which reflects changes in various projects including scheduling and project scope of work. Policy PFS-3.4 is to ensure that necessary water infrastructure improvements are not overlooked and are addressed through the CIP.

The noted policy language does not list Rohner Park as a location for a water tank. It merely references one study that cited the park location. No change in the policy text is required.

Letter # 12: RWQCB – September 13, 2010

California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

www.waterboards.ca.gov/northcoast
 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
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Arnold
Schwarzenegger
Governor

September 13, 2010

Mr. Stephen Avis
 City of Fortuna
 621 11th Street
 Fortuna, CA 95540

Dear Mr. Avis:

Subject: Comments on the City of Fortuna General Plan, Draft Programmatic
 Environmental Impact Report, SCH No. 2007062106

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Report (PEIR) for the City of Fortuna General Plan Update. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for the PEIR, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters.

1

The PEIR assess potential environmental impacts that could result from implementation of the Fortuna General Plan 2030, an update of the City's existing General Plan adopted in 1993. The PEIR includes improved mitigations to protect water quality over those proposed in the draft General Plan Update circulated in 2008. The Regional Water Board has some remaining concerns that should be addressed to more effectively protect water quality.

Impaired Waters

2

The City of Fortuna drains to the Eel River watershed. The Eel River and its tributaries are CWA section 303(d) listed for excess sedimentation/siltation and temperature. The Regional Water Board has the responsibility to protect the Eel River watershed from water quality impacts caused by new sources and increased levels of discharged pollutants. Without adequate mitigation, this General Plan Update may allow further impairment of the Eel River. The PEIR acknowledges that implementation of the General Plan Update will probably lead to additional pollutants discharged to impaired waters and water quality degradation. Regional Water Board staff can not approve this concept and believe that improved mitigations in the PEIR could alleviate this concern.

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Mr. Stephen Avis

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September 13, 2010

Storm Water

3 The Regional Water Board would like to compliment City staff on the many improvements made to the PEIR to address significant concerns with potential impacts to water quality related to increased volume and pollutants contained in storm water runoff. The addition of Low Impact Development (LID) concepts and techniques has greatly improved the PEIR. The PEIR has added policies to treat storm water runoff from new development and redevelopment and protect the natural hydrology of a site through infiltration and other techniques. The PEIR also seeks to promote ground water recharge through these policies.

Regional Water Board staff supports the policies in the PEIR to limit hillside erosion, restrict wet weather grading, treat storm water runoff during construction and after construction, promote the use of LID, and promote infiltration and ground water recharge. It is unclear, however, how some of these policies will be implemented.

4 The PEIR should better address which projects will need to include post-construction storm water treatment best management practices (BMPs). Also LID should be required for new development and redevelopment projects, rather than only recommended. Regional Water Board staff recommends that the General Plan Update set criteria for projects that need to incorporate post-construction storm water treatment and LID; new development and redevelopment projects that create or replace 10,000 square feet is a feasible criterion consistent with requirements set by communities throughout the State of California.

Surface Waters

5 The PEIR fails to adequately recognize the Regional Water Board's permitting authority for projects that impact waters of the United States and waters of the State. We issue permits for projects that need a 404 permit from the Army Corps on Engineers (Army Corps) and need a 1600 permit from the California Department of Fish and Game (DFG). The Regional Water Board also regulates impacts to waters of the State and state wetlands that may not be regulated by either the Army Corps or DFG. The PEIR should recognize our jurisdiction over these waters. The Regional Water Board also may require mitigation for projects to implement the State's "no net loss" policy even if the Army Corps or DFG do not.

6 Individual stream and wetland systems contribute to the water quality of larger aquatic ecosystems through surface and subsurface hydrologic connections, and healthy systems perform functions that protect and enhance watershed-wide water quality. In addition, surface waters provide habitat that supports a variety of plant and animal life for rare and endemic species. Riparian areas between streams and wetlands and their adjoining environments play critical roles in protecting and enhancing water quality. An important tool for reducing and avoiding impacts to surface waters is the implementation of setbacks to development, construction or landscaped areas.

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Mr. Stephen Avis

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September 13, 2010

7

Setbacks of 25 or 50 feet from any surface water are insufficient to protect critical riparian habitat from potential impacts due to construction and development. The Regional Water Board and the United States Environmental Protection Agency (EPA) recommend a *minimum* setback of 100 feet from the top of bank of a stream, watercourse or the edge of a wetland. Given the sensitive and valuable nature of riparian corridors and the sensitivity of the Eel River watershed, the Regional Water Board does not support the implementation of a setback that is half the size of the minimum acceptable buffer. The PEIR should require buffer zones of at least 100 feet for all perennial and seasonal surface waters including wetlands. The PEIR also should not allow the removal of wetland setbacks based on a biological study prepared for a project applicant. Setbacks should be vegetated and undisturbed or enhanced with native plants.

Thank you for the opportunity to comment on the PEIR. The PEIR has been improved from the previous draft, but additional mitigations are needed to protect water quality. If you have any questions or comments, please contact me at (707) 570-3761 or mdougherty@waterboards.ca.gov.

Sincerely,

Original signed by

Mona Dougherty
Water Resources Control Engineer

Cc: Scott Morgan, State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812
RE: SCH No. SCH No. 2007062106

California Environmental Protection Agency
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Responses to Letter #12: RWQCB – September 13, 2010

1. RWQCB's role as a responsible agency for the proposed plan is acknowledged.

The comment that the current DPEIR includes improved mitigations to protect water quality over those in the previous 2008 DPEIR, but that RWQCB has some remaining concerns, is acknowledged.

2. It is acknowledged on DPEIR pages 5.1-8 and 5.1-16 that the Eel River is CWA Section 303(d) listed for excess sedimentation/siltation and temperature. DPEIR Impacts 5.1-2 and -3 evaluate water quality impacts on the river based on this listing.

DPEIR Impacts 5.1-2 and -3 conclude that the proposed plan would permit additional development that could lead to additional point and non-point discharges of polluted runoff and additional discharges of treated wastewater to 303(d) listed receiving waters, and identify applicable proposed policies and programs. The analysis concludes that, with implementation of these policies and programs, these discharges would result in less than significant water quality impacts to receiving waters. The applicable proposed policies and programs addressing discharges are substantial and include:

- (1) Policy PFS-5.7: Requires the City to implement on-site storm drainage treatment facilities in City projects;
- (2) Policy PDS-5.8: Requires stormwater detention facilities to mitigate stormwater quality impacts;
- (3) Policy PFS-5.10: Prohibits grading activities during the wet weather period unless a Wet Weather Plan is implemented to control erosion and sedimentation;
- (4) Program PFS-18: Requires the City to develop a Post Construction Stormwater Runoff Control Ordinance to minimize pollutants in post-construction stormwater discharges;
- (5) Program PFS-19: Requires the City to adopt a Manual of Stormwater Quality Control Standards for New Development which includes requirements for BMPs to control the volume, rate and pollutant load of stormwater runoff;
- (6) Policy NCR-1.1: Requires the City to condition development to minimize point and non-point source pollutant discharges to local watersheds;
- (7) Policy NCR-2.13: Requires development and activity buffers around watercourses and wetlands to protect water quality;
- (8) Program NCR-1: Requires the City to implement a stormwater management program (SWMP) which prohibits the discharge of non-stormwater discharges into the municipal stormwater system;
- (9) Program NCR-2: Requires projects with greater than one acre of ground disturbance to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) which identifies measures to manage exposed soils, control deposition of pollutants by construction vehicles, cleanup spills of oil and other pollutants,

and prevent pollutants from leaving the construction site in runoff, and which identifies BMPs to avoid significant construction sedimentation in runoff;

- (10) Program NCR-3: Requires that new projects that result in parcels of less than one acre connect to the City's municipal water, wastewater and storm drain system;
- (11) Program NCR-5: Requires the integration of BMPs in new development and re-development to control pollutant sources and prevent pollutants in runoff during and following development; and
- (12) Program NCR-6: Requires the use of water quality strategies that self-treat runoff in new development, such as infiltrating runoff, retaining/detaining runoff, conveying runoff through vegetation, and/or treatment of runoff.
- (13) Policy PFS-4.1: Requires all new urban development to construct sewer infrastructure according to the City's municipal standards and incorporate it into the City's sewer collection system;
- (14) Policy PFS-4.3: Requires the City to comply with the requirements of the Federal Clean Water Act to minimize the discharge of pollutants to surface waters, as required by the City's NPDES permit;
- (15) Program PFS-12: Requires all new subdivisions, PUD's and other large development project route urban runoff through onsite grassy swales, infiltration/sedimentation basins, and oil/grit separators prior to discharging to the City's municipal storm drain system;
- (16) Program PFS-13: Requires proposed new industrial and manufacturing projects of greater than 5 acres to include wastewater studies that quantify the pollutants to be generated and the impacts of adding the new stream to the City's wastewater stream (including impacts on the City's ability to comply with its wastewater WDRs, NPDES permits and TMDL discharge requirements for discharges to the Eel River), and identify mitigation measures if the additional waste stream would compromise the City's ability to comply with its discharge requirements; and
- (17) Program PFS-14: Requires proposed new industrial or manufacturing uses of greater than 5 acres file a Notice of Intent to comply with the California General permit for Discharges of Storm Water Associated with Industrial Activities adopted by the SWRCB.

In addition, federal, State, County and City regulations, plans and permits are in place to minimize the quantity of pollutants in the discharges and ensure the protection of the water quality of receiving waters, including but not limited to the federal CWA, SWPPP requirements, Basin Plan requirements, SWRCB General Permit for Storm Water Associated with Construction Activity, State TMDLs for the Eel River, Fortuna Storm Water Management Plan, Fortuna Storm Drainage Master Plan, Fortuna NPDES Phase II municipal stormwater discharge permit, and NPDES treated wastewater discharge permit. Both new City and new private development under the proposed plan would be required to adhere to these regulations, plans and permits. The analysis in the DPEIR represents an adequate programmatic analysis under CEQA, and represents substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1) that the proposed plan

would not result in significant water quality impacts to receiving waters. RWQCB has submitted no evidence to support its contention that the above would be insufficient to protect water quality, thus requiring “improved” mitigation.

3. RWQCB’s complement to City staff on the many improvements made since the 2008 DPEIR with respect to policies and programs protecting water quality and groundwater recharge is acknowledged.
4. RWQCB’s support for the proposed policies limiting hillside erosion, restricting wet weather grading, treating storm water runoff during and after construction, promoting the use of LID, and promoting infiltration and ground water recharge is acknowledged. With respect to how the requirements in these policies would be implemented, they would be required as part of grading permits, drainage permits, and building permits for ministerial projects, and by these as well as through the CEQA process (e.g., as mitigation measures) for discretionary projects.

In response to the last part of the comment regarding which projects would need to include BMPs, that LID should be “required” rather than “recommended”, and the recommended criteria for these, the following is added to DPEIR page 5.1-16 under the “Mitigation Measure” heading:

“While the plan would result in a less-than-significant runoff-related water quality impact with implementation of the proposed policies and programs, and thus not require mitigation, RWQCB requested in its September 13, 2010 comments on the DPEIR that the following mitigation be added to both make LID strategies a requirement and better address which projects would need to include post-construction storm water treatment BMPs and LID:

Mitigation Measure 5.1.2a: New development and redevelopment projects that create or replace 10,000 building square feet or more shall be required to implement post-construction storm water treatment best management practices (BMPs) and Low Impact Development (LID) strategies to reduce pollutants in storm water runoff from the project site during project operation.”

5. The City of Fortuna acknowledges RWQCB’s permit authority for projects that would impact waters of the U.S., waters of the State, and wetlands that may not be regulated by either the Army Corps or DFG. The City would ensure that all new development permitted under the proposed plan adheres to 404, 1603 and other federal and state permitting requirements during the City’s development review and approval process for this development.
6. The comment concerning the importance of development setbacks from watercourses to protect water quality and biological resources is acknowledged. The comment does not raise any substantive environmental issues concerning the DPEIR. No further response is required.

7. Programs NCR-2.6 and -14 requires the City to prepare a Streamside Management Area (SMA) ordinance, equivalent to Humboldt County's SMA ordinance, which requires 50 feet development setbacks around perennial watercourses and 25 feet setbacks around ephemeral watercourses, unless a biological report indicates that such SMA setbacks are not required.

The Humboldt County SMA setbacks were evaluated by the County of Humboldt during the County SMA Ordinance formulation process and found to be protective of the water quality and biological values of surface waters and associated riparian habitat (e.g., based on substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)). There are no statutory requirements for 100 foot setbacks, and RWQCB has not submitted any site-specific studies or other evidence to support its contention that 100' setbacks are required. Therefore, no change to the DPEIR is necessary.

With respect to the comment that removal of setbacks based on a biological study should not be allowed, the purpose of CEQA is to protect the environment from significant impacts, where possible, and if a technical study can demonstrate that there would be no significant impacts on the environment, there would be no basis under CEQA for requiring mitigation such as setbacks. Furthermore, the biological and wetlands studies required by proposed Policies NCR-2.6 and NCR-2.10, respectively, could actually require that buffers wider than those proposed by Program NCR-14 be provided to protect biological and water quality values – again, any such requirement would be based on substantial evidence in the record (e.g., the biological and/or hydrological reports) rather than a blanket requirement not based on site-specific studies. Therefore, no change to the DPEIR is required.

With respect to the comment that setbacks should be vegetated and undisturbed or enhanced with native plants, proposed Program NCR-14 sets forth the activities permitted within SMAs and the re-vegetation requirements for SMAs based on the County's SMA Ordinance (see Policy NCR-14 on DPEIR page 5.2-25 for a list of the permitted activities and re-vegetation requirements). Again, this ordinance has been found by the County to be protective of the biological and water quality values of surface waters and associated riparian habitat (e.g., based on substantial evidence in the record). Therefore, while the proposed SMA standards would not prohibit all disturbance within SMAs, and would not require re-vegetation with native species, these restrictions were not found to be required by the County to be protective of water quality and habitat values, and RWQCB has not submitted any evidence to support its contention that these restrictions are required. Still, the proposed plan includes additional applicable policies, including:

- (1) Policy NCR-2.6: Requires site-specific biological studies for proposed development, consultation with trustee agencies, and the implementation of mitigation measures required to avoid significant impacts
- (2) Policy NCR-2.8: Requires the preservation of native vegetation; and
- (3) Policy NCR-2.10: Requires wetland assessments/delineations for new development to identify, delineate, assess, and mitigate wetlands impacts.

Under these policies and programs, the requested restrictions could very well be applied. However, the application of any such requirements would be based on need as determined by technical studies (e.g., substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)).

Comments from Public Comment Meeting, August 30, 2010

- 1 | Sylvia Jutila, 3665 Rohnerville Road: Executive Summary page numbers can't be determined. In the section on underground tanks, summary page 8, the "J" in George Jutila is missing; The tank was removed 10 years ago. This calls into question the accuracy of the list.
- 2 | Sue Long, 3661 Clifton Way; Questions re circulation: Is staff feeling confident in the report? Will agency or public comments change the EIR?
- 3 | Amber Jameson, Environmental Protection Center; re Department of Fish and Game (DFG) letter from the previous draft: Their letter outlined requests for buffers for salmonids. Fish bearing streams should have a 100-foot buffer. Policy NR 2.6 a and c calls for only a 50-foot setback. Encourage larger buffers for fish bearing streams. Work more closely with DFG to bring it up to date to best available technology. Also cojo salmon in jeopardy per DFG.
- 4 | Craig Berry; Re limiting size to 250,000 sq. ft. in the Mill District: Is that per parcel or the whole Mill District. Also, if we need jobs, not sure how it'll work if most of the industrial land is placed at the Airport; access may be a problem. Map of existing land uses—are they being changed in this study? Not clear what the EIR is recommending.
- 5 | Sylvia Jutila, re Airport and commercial development: No roads are available. Can't see how it can be developed. The County is not ready to turn airport over yet.
- 6 | Dennis Wendt: A lot of people aren't here because they've had their fill of the update. This whole town is affected. A lot of people don't agree with this document. Stream setback: is it 50 feet? A 50-foot buffer is considerable compared to the current standard, and it's a taking of land. Who will compensate the land owner? City is doing the right thing; DFG is out of line. It's a taking.
- 7 | Amber Jameson: NCR 14 says 50 feet around perennial & 25 feet around ephemeral streams. Waterways are in everyone's interest. These state & fed agencies have jurisdiction over waterways and I encourage you to consider those.
- 8 | Wally Wright; re 50-foot buffer: Object to these agencies that weigh in that the impervious surfaces are degrading the streams. Implies that if we continue on with no development, these species will go extinct. So does this mean there won't be any development in the future, no impervious surface. No one has looked at the cost. 100 feet is a taking, but most of the lots are already developed. Look at Kendall Court—It's right on the creek. It's a little late. Second issue is water retention; only a few subdivisions

- 8 ↑ with retention; we've had the opportunity for retention on recent subdivisions. Hopefully,
Cont'd | the city can come up with a program that will treat runoff rather than these agencies
coming in and telling the city what to do.
- 9 | Mary Ash 5028 N Street: Has anyone seen any salmon coming up these little creeks?

Responses to Public Comment Meeting Comments - August 30, 2010

1. With respect to the Executive Summary not giving page numbers, the Executive Summary is not meant to substitute for a full review of the Draft PEIR (DPEIR), but rather provides a general overview of the document as well as an impacts and mitigations summary which references DPEIR chapters and sections. These references to DPEIR chapters and sections identify where in the DPEIR the full analysis is provided. There is no requirement specifying the inclusion of page numbers in executive summaries. Therefore, no change is necessary.

With respect to the specified underground storage tank, the DPEIR data on underground storage tanks are based upon a hazardous materials database record search of local, state and federal records performed by Environmental Data Resources, Inc. (EDR). The records search identifies recorded hazardous materials sites within the Planning Area, which includes current and past underground storage tanks, as well as current and past instances of hazardous materials contamination. Appendix F of the DPEIR provides detailed listings and descriptions of the sites. George A. Jutila is listed in the “Historical Underground Storage Tank Registered Database” but is not listed in the “Hazardous Substance Storage Container Database” administered by the State Water Resources Control Board, which lists *registered* underground storage tanks. The DPEIR is reporting on EDR records and therefore, no change is necessary.

2. The DPEIR may be changed in response to substantive public comments. See the “Corrections and Additions” chapter of the Final PEIR (FPEIR) for changes.
3. The DPEIR acknowledges that salmonids, including Chinook, Coho and Steelhead, and other special status fish species, as identified by the California Natural Diversity Database (CNDDDB), have previously been recorded in watercourses within and adjacent to the Planning Area, including but not limited to Palmer Creek, Strongs Creek, Wolverton Gulch, and Rohner Creek (see Section 5.2 Biological Resources, Pages 12-16).

The proposed plan contain a substantial number of strong policies and programs designed to provide Streamside Management Area (SMA) buffers, protect watercourses, protect riparian and salmonid habitat, and protect listed salmonids (see DPEIR pages 5.2-21 through 5.2-26). These include, but not limited to, the following:

- (1) Policies NCR-2.1 and 2.12: Require the City to establish riparian buffers to provide for terrestrial wildlife and fish habitat protection, enhancement and movement, and water quality protection, with activities within these buffers limited to passive recreational uses and certain approved maintenance activities.
- (2) Policy NCR-2.4: Requires the City to use North Coast Basin Planning Project (BPP) stream inventory reports that characterize applicable habitat components to manage each identified stream tributary as an anadromous fish and natural production stream.

- (3) Policy NCR-2.5: Requires the City to collaborate with DFG and NOAA Fisheries to develop sustainable long-term salmonid stocks, improve quantity and quality of habitat for salmonids, and accelerate species recovery.
- (4) Policy NCR-2.6: Requires the performance of CNDDDB records searches for proposed development, and the conducting of biological surveys and preparation of biological reports for development proposed within the vicinity of streams, wetlands, riparian areas, or areas identified as potentially containing sensitive species by the records search, and/or for proposed development of greater than 10 acres.
- (5) Policy NCR-2.11: Requires the City to identify and map movement corridors for terrestrial wildlife and fish along fish bearing streams within the Planning Area and limit physical barriers to movement within and along these streams.
- (6) Program NCR-13: Requires the City, where possible and through grant funding, to maintain and repair streams with high sedimentation by installing habitat restoration and fish passage structures, restoring gravel beds, and creating deep ponds.
- (7) Program NCR-14: Requires the City to prepare a streamside management/wetland protection ordinance, based on Humboldt County's Streamside Management Area (SMA) Ordinance, following collaboration with resource agencies including DFG, that (1) establishes SMA buffers around watercourses and wetlands, with SMAs of 50 feet around perennial and 25 feet around ephemeral streams, unless a biological report demonstrates that such setbacks are not required; (2) prohibits development within the buffers, severely limits the activities permitted within these buffers, and requires re-vegetation where disturbance occurs; (3) restricts changes in runoff to these buffers; and (4) requires that urban runoff be filtered through Low Impact Development (LID) features and BMPs before being discharged to these buffers.

The DPEIR evaluated impacts to special-status species (including salmonids), fish movement, watercourses and wetlands, and riparian habitat with implementation of the proposed policies (see Impacts 5.2-1 through 5.2-4), and concluded that the proposed plan would result in less than significant impacts.

The County's SMA setbacks were evaluated by the County during the ordinance formulation process and found to be protective of surface waters (e.g., based on substantial evidence in the record in accordance with CEQA Guidelines §15064(a)(1)). There are no statutory requirements for 100 foot riparian setbacks, and neither the commenter nor the DFG have submitted any studies or other evidence, and certainly no site-specific studies, to support their contention that 100' setbacks are required. Therefore, no change to the DPEIR is necessary.

4. Program LU-8 on DPEIR page 3.2-8 establishes development levels for new commercial development to equitably distribute sales and employment generating uses in the City and annexation areas. The 250,000 square foot commercial development level is for the entire Mill District focus area and not for individual parcels within the focus area.

With respect to the comment regarding access to industrial development in the Airport Annexation Area, the airport area is already served by an existing street system which provides access in and around the airport. At such time as specific development is proposed around the airport, as permitted by the proposed plan, traffic access and associated impacts will be evaluated on a project-by-project basis, and additional rights-of-way developed, if required.

With respect to existing versus “recommended” or proposed land uses, DPEIR Figure 3-1 on page 3.1-3 identifies the existing land use pattern in the Planning Area, DPEIR Figure 2-6 on page 2-17 identifies the land use pattern under buildout of the existing (1993) General Plan, and DPEIR Figure 2-7 on page 2-18 identifies the land use pattern under buildout of the proposed General Plan. In addition, DPEIR Table 3.1-2 on page 3.1-4 quantifies existing land uses by land use type in the Planning Area, while DPEIR Table 3.1-6 on page 3.1-18 quantifies land uses by land use type under proposed General Plan buildout. Finally, a list of major changes between the Existing (1993) and proposed General Plans is included on DPEIR pages 2-16 and -17. Therefore, the DPEIR adequately identifies the changes in land use under the proposed plan.

5. See response to Comment #4 regarding the access issue. With respect to the ownership of the airport, the County of Humboldt would retain ownership under the proposed plan.
6. With respect to the meeting attendance and contended public opposition to the proposed plan and DPEIR, the comment does not raise any substantive environmental issues.

With respect to the width of the proposed SMA setbacks, the plan proposes 50 foot development setbacks around perennial streams and 25 foot setbacks around ephemeral streams unless a biological report indicates that such SMA setbacks are not required (see Program NCR-14 and Policy NCR-2.6 on pages 5.2-22 and -25).

Compensation issues would be addressed on a case by case basis as specific development projects are proposed under the General Plan, and would take into account the principles under federal and State takings law.

With respect to the 100 foot development setbacks requested by the DFG, please see response to Public Comment Meeting Comment #3 above.

The comment supporting 50 foot rather than 100 foot development setbacks is acknowledged.

7. See response to Public Comment Meeting Comment #3 above.

8. The Draft PEIR evaluates runoff water quality impacts relative to additional sources of polluted runoff generated by new impervious surfaces and land activities associated with new development (see DPEIR Section 5.1, Hydrology and Water Resources). The proposed General Plan does not propose, nor does the DPEIR include, mitigation that prohibits the development of impervious surfaces. Development under the proposed General Plan would be permitted to occur so long as it does not significantly impact surface water quality, and with adoption and implementation of policies and programs proposed in the General Plan, such significant impacts would be avoided.

With respect to the proximity of existing development to area watercourses and to water retention associated with existing development, the DPEIR is required under the California Environmental Quality Act (CEQA) to mitigate significant impacts that could result through the implementation of the proposed Fortuna General Plan 2030, not impacts from past development projects. Furthermore, much of the existing development in the City occurred prior to adoption of many existing environmental regulations, and those environmental regulations are not typically retroactive to existing development. Finally, as the lead land use authority, the City of Fortuna is responsible for overseeing and/or ensuring consistency of development in the City with many of these environmental regulations.

9. As indicated on DPEIR pages 5.2-8 and -9, a California Natural Diversity Database (CNDDDB) search was conducted for the biological resources analysis in the DPEIR. The records search is a standard search of government records for previous recordings of special-status plant and animal species observed during biological surveys conducted by certified biological consultants and other biological experts for a range of previous projects, in this case previous projects in the City of Fortuna Planning Area and the greater USGS topographic quadrangle in which the Planning Area is located. As indicated on DPEIR pages 5.2-13 through 5.2-16, Coastal cutthroat trout have been recorded in Strongs Creek and the Eel River. In addition, DFG and other biologists have indicated that they have observed Coho salmon in Palmer Creek, Strongs Creek, Wolverton Gulch, and Rohner Creek, and steelhead in Palmer Creek, Strongs Creek, an unnamed tributary to Strongs Creek (aka Mill Creek), Wolverton Gulch, and Rohner Creek. DPEIR Section 5.2 evaluates the potential impacts of the proposed plan to these special-status fish species, and concludes that the proposed plan would result in less than significant impacts to these species with implementation of the policies and programs proposed in the plan.

CHAPTER 3

DPEIR Corrections & Additions

3.1 Corrections & Additions

The following corrections and additions are made to the DPEIR in response to public comments received during the 45-day DPEIR public review period:

1. In response to Letter #4, Comment #9 from Caltrans, the reference to the 2003 MUTCD on DPEIR page 4.1-4, Paragraph 3, Sentence 1, is revised to read as follows:

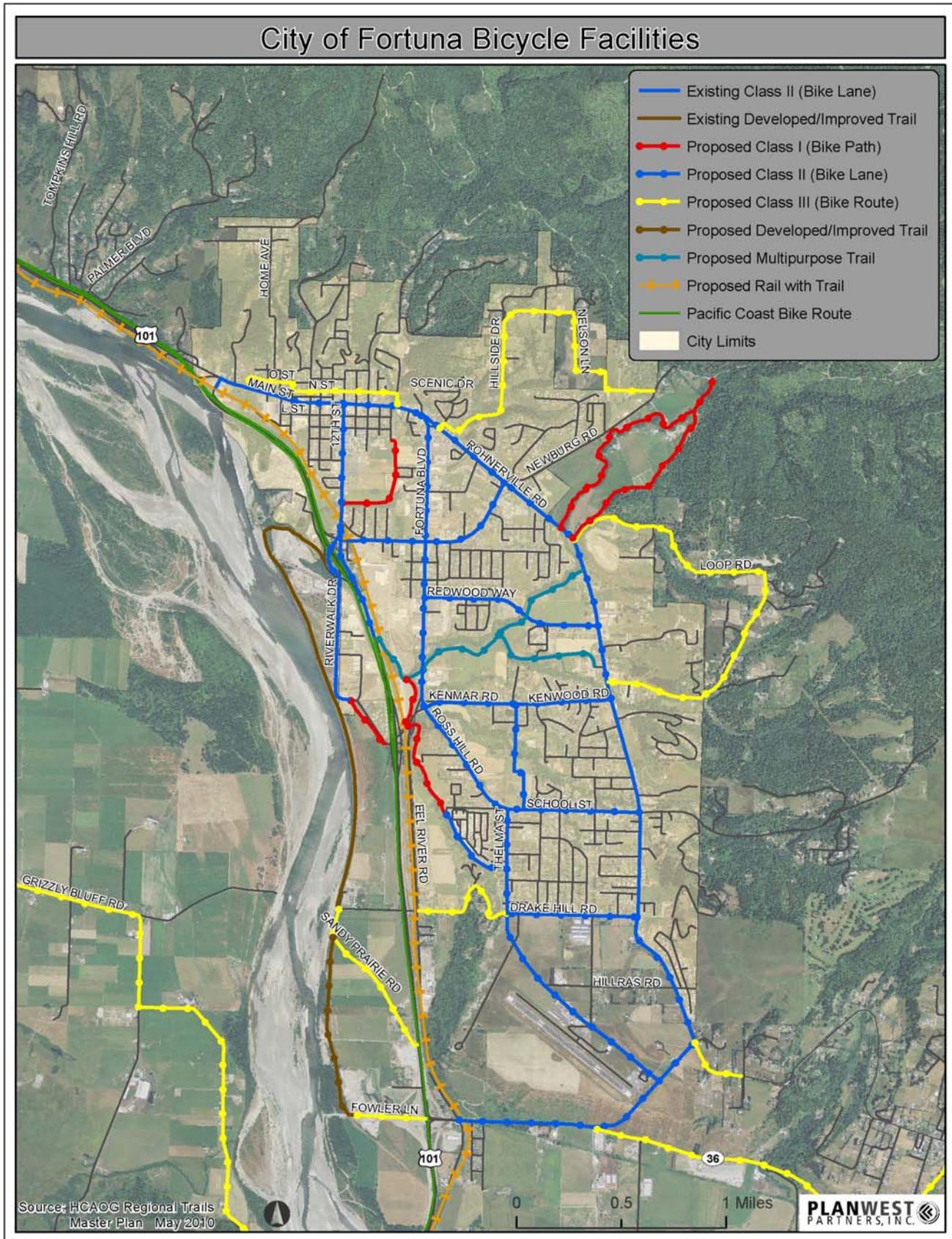
The *Manual on Uniform Traffic Control Devices* (MUTCD), Federal Highway Administration, ~~2003~~ 2007, has been adopted by the State of California as a replacement for the Caltrans Traffic Manual.

2. In response to Letter #4, Comment #11 from Caltrans, DPEIR page 4.2-1, Paragraph 3, Sentence 1 is revised to read as follows:

“Fortuna’s existing bicycle transportation system consists of bike lanes on Main Street, 12th Street, Redwood Road, Kenmar Road and Rohnerville Road, along with a limited number of bicycle racks for short term parking at area of elementary schools and a handful of other locations.”

3. In response to Letter #4, Comment #12 from Caltrans, proposed Policy TC-5.1 on DPEIR page 4.2-6 is revised as follows:

“TC-5.1 Fortuna ~~Bike~~ Bicycle Transportation Plan. The City shall prepare a Bicycle Transportation Plan that incorporates the bicycle facilities plan for the City included in HCAOG’s 2009 Humboldt County Regional Trails Master Plan. A copy of the route plan is attached for reference. The City shall strive to fully implement ~~Fortuna’s Bike Plan on public streets, both major and minor,~~ the proposed facilities to fill in gaps in the existing bicycle network, improve existing bicycle facilities, improve motor vehicle and bicycle interactions, and increase bicyclist safety. The City shall also identify the locations of planned bicycle parking facilities in the plan linked to schools, government buildings, shopping centers and transit stops, establish bicycle parking standards, and ~~shall strive to develop the Ultimate Bikeway System identified in the Circulation Diagram, particularly making sure Class II facilities require striping will be coordinated~~ coordinate Class II bikeway striping with resurfacing of city streets.”



4. In response to Letter #4, Comment #13 from Caltrans, DPEIR page 4.2-2, Paragraph 5, plan title, replace “(2003)” with “(June 2008”).
5. In response to Letter #5, Comment #2 from Caltrans, DPEIR Mitigation Measure 4.1-1a, Bullet #6 is revised to read as follows:
 - 12th Street-Riverwalk Drive/US 101 South Ramps – Signalize and provide dual left turn lanes on the eastbound approach. If this improvement is found by both the City and Caltrans to be infeasible, implement an alternative feasible intersection improvement acceptable to both the City of Fortuna and Caltrans that would reduce the impact to less than significant levels.
6. In response to Letter #5, Comment #5 from Caltrans, DPEIR Mitigation Measure 4.1-1a, Bullet #18 is revised to read as follows:
 - Newburg Road and 12th Street Realignment to include the northbound U.S. 101 on-ramp and extend the northbound off-ramp from U.S. 101 onto 12th Street. If this improvement is found by both the City and Caltrans to be infeasible, implement an equivalent alternative feasible improvement acceptable to both the City of Fortuna and Caltrans.
7. In response to Letter #6, Comment #1 from County DPW, Policy TC-6.1 on DPEIR page 8.4-19 is revised to read as follows:

“TC-6.1 Airport Capacity and Services. Since Rohnerville Airport is one of the most significant economic development opportunities and transportation resources for the region, the City shall work with ~~Humboldt County Public Works Airports and Aviation Department~~ the Aviation Division of the County of Humboldt Department of Public Works to improve and expand the capacity of the airport and services in the region.”
8. In response to Letter #6, Comment #2 from Humboldt County DPW, Policy TC-6.2 on DPEIR page 3.1-20 is revised to read as follows:

“TC-6.2 Land Use Consistency. The City shall continue to regulate land use around the Rohnerville Airport consistent with the Humboldt County Airport Land Use Compatibility Plan. New development shall be required to grant Avigation Easements, Overflight Easements, or Deed Notices to the County of Humboldt based upon the airport land use compatibility zone in which the development is located.”
9. In response to Letter #6, Comment #3 from Humboldt County DPW, Policy HS-9 is revised to read as follows:

“Goal HS-9 Aircraft Hazards. To minimize the risk of loss of life or injury, damage to property, and/or the relocation of commercial or residential land uses resulting from aircraft hazard ~~constructing hazards to aircraft.~~”

10. In response to Letter #7, Comment #1 from Craig Berry, DPEIR Item #4 on page 8.5-2 and DPEIR Item #4 on page 8.5-12 are revised to read as follows:

“~~The~~ Portions of the Fortuna Boulevard area generally north of Smith Lane ~~area~~, including the northern portion of the Fortuna Boulevard Focus Area, is-are located within the Rohner Creek 100-year floodplain...”

11. In response to Letter #7, Comment #1 from Craig Berry, DPEIR page 8.5-5, Paragraph 2, second to last sentence is revised to read as follows:

“Minor flooding was reported on Jameson Creek, upstream from the confluence with Strongs Creek; and an undersized culvert on Hillside Creek at Fortuna Boulevard was noted to cause flooding in the ~~Smith Lane and~~ Fortuna Boulevard area generally north of Smith Lane.”

12. In response to Letter #8, Comment #13 from DFG, the first part of Program NCR-14 on DPEIR page 5.2-25 is revised as follows:

“Program NCR-14. The City shall prepare a streamside management/wetland protection ordinance, following collaboration with resource agencies including but not limited to DFG, establishing setback recommendations for perennial and intermittent streams, wetlands, and riparian corridors. At a minimum, the City shall implement the following watercourse, wetland and riparian area protection measures:

Watercourses and Riparian Areas

- (a) The City shall maintain Streamside Management Areas (SMAs) of at least 50 feet around perennial streams and 25 feet around ephemeral streams, unless a biological report indicates that such SMA setbacks are not required. The buffers shall be measured from the top of the stream bank (for example, the 50 foot setback would be 50 feet from each stream bank, for a total of a 100 foot wide buffer). New development/activities within SMAs shall be limited to: (1) activities for wildlife enhancement/restoration, flood control or drainage, new fencing so long as it would not impede natural drainage or wildlife, and bank protection; (2) commercial timber management and harvest activities regulated by the Forest Practices Act; (3) road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality; (4) removal of vegetation for disease; (5) control or public safety; and (6) management and maintenance of trees, shrubs and other plant life; and”

13. In response to Letter #8, Comment #14 from DFG, the referenced provision (e.g., #6, “management and maintenance of trees, shrubs and other plant life”) is deleted from the “Wetlands and Riparian Areas” portion of Program NCR-14, DPEIR page 5.2-25.

14. In response to Letter #10, Comment #5 from Dean Glaser, “*Spermophilus beecheyi*” is changed to “*Otospermophilus beecheyi*” on DPEIR page 5.2-3, paragraph four, sentence 2.
15. In response to Letter #10, Comment #6 from Dean Glaser, “Pryor Court Industrial Park” is added to the examples listed on DPEIR page 6.2-20, second to last paragraph, sentence 2.
16. In response to Letter #10, Comment #7 from Dean Glaser, “AB 393” is changed to “AB 939” on DPEIR page 7.4-6, last paragraph, Sentence 2.
17. In response to Letter #10, Comment #9 from Dean Glaser, DPEIR page 8.1-13, Program HS-5, item “d” includes the following addition at the end of the sentence: “(e.g., areas where development or landscaping will not occur within 3 days of grading).”
18. In response to Letter #10, Comment #10 from Dean Glaser, the light blue highlighted background is removed from DPEIR pages 8.4-5 and -6.
19. In response to Letter #12, Comment #4 from RWQCB, the following is added to DPEIR page 5.1-16 under the “Mitigation Measure” heading:

“While the plan would result in a less-than-significant runoff-related water quality impact with implementation of the proposed policies and programs, and thus not require mitigation, RWQCB requested in its September 13, 2010 comments on the DPEIR that the following mitigation be added to both make LID strategies a requirement and better address which projects would need to include post-construction storm water treatment BMPs and LID:

Mitigation Measure 5.1.2a: New development and redevelopment projects that create or replace 10,000 building square feet or more shall be required to implement post-construction storm water treatment best management practices (BMPs) and Low Impact Development (LID) strategies to reduce pollutants in storm water runoff from the project site during project operation.”

CHAPTER 4

Mitigation Monitoring Program

4.1 Introduction

Public Resources Code § 21081.6 requires a Lead Agency that approves or carries out a project, where an EIR has identified significant environmental effects, to adopt a mitigation monitoring program (MMP) for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment. The City of Fortuna is the Lead Agency that must adopt the following MMP for the City of Fortuna General Plan 2030 if the proposed plan is approved.

The MMP lists all the required mitigation measures that were identified in the DPEIR. In addition, the MMP (1) designates the entity (or entities) responsible for implementing each mitigation measure; (2) identifies the timing of implementation of each mitigation measure; and (3) designates the entity (or entities) responsible for confirming that each mitigation measure has been implemented.

The section and mitigation measure numbers in the MMP correspond to the section and mitigation measure numbers in the DPEIR.

4.2 Incorporation of the MMP by Reference

The MMP, which is included in the PEIR certification staff report and is on file for review by the public at the Fortuna Community Development Department, is incorporated into this FPEIR by reference.