

NCUAQMD has been designated “nonattainment” for particulate matter less than ten microns in size (PM10).

The City Engineer estimates that the removal of the statue, including staging and transportation to the storage facility, will take less than two business days (approximately 16 hours). Necessary equipment will include one crane and a truck to transport the statue. These two heavy vehicles will likely be diesel-fueled. Due to the limited amount of construction activity and the absence of operational emissions, the project will produce minimal quantities of criteria air pollutants, toxic air contaminants, and odors. The operation of the heavy equipment on the Plaza for a short period of time will create some exhaust fumes that could be objectionable to sensitive receptors (e.g., children, senior citizens, and acutely or chronically ill people). There are no schools, hospitals, or care centers within close proximity to the Plaza, but there is a senior-restricted housing facility one block to the southwest. Given the short timeframe and minor nature of the construction activity, removal of the statue is not expected to expose sensitive receptors to substantial pollutant concentrations or generally cause significant air quality impacts.

3.2.2 Findings

The City Council finds that, based upon substantial evidence in the record, the Air Quality impacts of the project are less than significant and no mitigation measures are required.

3.3 Cultural Resources

3.3.1 Less Than Significant Impacts

Cultural Resources Findings V(b) through V(d) An evaluation of the project’s impacts to Cultural Resources is found in Chapter 2.V (Cultural Resources) of the Draft EIR.

As part of the discretionary review for the required project approvals, the three area Wiyot Tribal Historic Preservation Officers (“THPOs”) were formally consulted pursuant to SB 18 relating to the General Plan Amendment and AB 52 in conjunction with the required CEQA review. An agency scoping meeting was held on May 18, 2018, at which the THPOs were either in attendance (Wiyot Tribe and Bear River Band of the Rohnerville Rancheria) or had declined consultation (Blue Lake Rancheria). The represented Tribes did not note the area to be a site where archeological resources would be expected to be impacted by the project.

Although there are no known archaeological resources at the center of the Plaza, the City of Arcata includes the following inadvertent discovery protocol in the conditions of approval for all projects that may include ground disturbance:

If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and with a 50-foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and

assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers (THPOs) for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are also to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, and City of Arcata, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal, or other materials found in buried pits, old wells, or privies.

With the proposed condition of approval, the project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

The project area has already been substantially disturbed by agricultural, recreational, and commercial activities in the past, and there are no known paleontological resources or geological features on or near the site. Arcata General Plan Policy H-7f (Discovery of Archaeological Resources) and the inadvertent discovery protocol above address the inadvertent discovery of paleontological resources and will be required as a condition of approval by the City of Arcata for the proposed project. With the proposed conditions of approval, the project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The project site does not contain a cemetery and no known formal cemeteries are located within the immediate vicinity of the site. Due to the potential of discovering unknown human remains during the proposed construction activities, the inadvertent discovery protocol recommended above, and the Arcata General Plan Policy H-7f (*Discovery of Archaeological Resources*) have been included as conditions of approval for the project. With the proposed conditions of approval, the project will not disturb any human remains, including those interred outside of formal cemeteries.

3.3.2 Findings

The City Council finds that, based upon substantial evidence in the record, the impacts to Cultural Resources from the project are less than significant and no mitigation measures are required.

3.4 Land Use and Planning

3.4.1 Less Than Significant Impacts

Land Use and Planning Finding X(b) An evaluation of the project’s impacts to Land Use and Planning is found in Chapter 2.X (Land Use and Planning) of the Draft EIR.

As indicated in the Arcata General Plan, the McKinley Statue is included as one of several “principal features of the Plaza, which define its historical character” and “shall be preserved” (Policy H-3g). Therefore, its removal is in direct conflict with Policy H-3g of the General Plan’s Historic Preservation Element. The project includes a General Plan Amendment, pursuant to Section 9.92 of the City’s Land Use Code, to remove the language referencing the statue in conjunction with the statue’s physical removal. Section 9.92.050 – *Findings*, requires that the activity: be in compliance with all other provisions of the Code; that it not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and that the affected site(s) is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses and/or development. The removal of the statue will have no effect on any other provisions of the General Plan, will not be detrimental to public health, safety, and welfare, nor will its removal from the center of the Plaza result in a site that becomes unsuitable for other uses. In addition, the project would not otherwise conflict with any applicable goals, objectives, and policies of the Arcata General Plan and Land Use Code, other than those relating specifically to the historic integrity of the Plaza (also see discussion under Section 2.1 [Cultural Resources]).

Therefore, based on the analysis conducted in the EIR, it was determined that the project was not in conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

3.4.2 Findings

The City Council finds that, based upon substantial evidence in the record, the Land Use and Planning impacts of the project are less than significant and no mitigation measures are required.

3.5 Noise

3.5.1 Less Than Significant Impacts

Noise Finding XII(b) and XII(d) An evaluation of the project’s Noise impacts is found in Chapter 2.XII (Noise) of the Draft EIR.

As described in the Draft EIR, during the proposed removal of the McKinley Statue, the operation of heavy construction equipment (e.g., power tools, crane, and large truck) will cause a temporary, short-term increase in noise levels on the Plaza. These construction activities are estimated to take less than two business days (approximately 16 hours). Decibel levels are estimated to be approximately 85-90 dBA at 50 feet. With the closure of the Plaza during

construction activities, noise levels would be reduced to 79-84 dBA at the closest public access, which is at a similar level as traffic noise on the Plaza. As such, there will not be a substantial temporary or periodic increase in ambient noise levels above levels existing prior to the removal of the statue. Due to the limited duration of construction activities, the removal of the statue will not result in the long-term exposure of persons to the generation of noise levels in excess of standards established in the City's General Plan or Land Use Code.

3.5.2 Findings

The City Council finds that, based upon substantial evidence in the record, the Noise impacts of the project are less than significant and no mitigation measures are required.

3.6 Tribal Cultural Resources

3.6.1 Less Than Significant Impacts

Tribal Cultural Resources Findings XVII(a.i) and XVII(a.ii) An evaluation of the project's impacts to Tribal Cultural Resources is found in Chapter 2.XVII (Tribal Cultural Resources) of the Draft EIR.

As part of the discretionary review for the required project approvals, the three area Wiyot Tribal Historic Preservation Officers (THPOs) were formally consulted pursuant to SB 18 relating to the General Plan Amendment and AB 52 in conjunction with the required environmental review. The intent of formal consultation is to ascertain whether or not the project would result in a significant adverse impact to a tribal cultural resource or a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. An agency scoping meeting was held on May 18, 2018, at which the THPOs were either in attendance (Wiyot Tribe and Bear River Band of the Rohnerville Rancheria) or had declined consultation (Blue Lake Rancheria). The represented Tribes did not note the area to be a site where tribal cultural resources would be expected to be impacted by the project. Given the criteria in Public Resources Code Section 5024.1(c) and the City's AB 52 and SB 18 consultation with the local area Tribes, the McKinley Statue is found to have no cultural value to a California Native American tribe and therefore, the proposal to remove the statue did not result in a finding of significance to a tribal cultural resource.

3.6.2 Findings

The City Council finds that, based upon substantial evidence in the record, the impacts of the project to Tribal Cultural Resources are less than significant and no mitigation measures are required.

3.7 Energy Conservation

3.7.1 Less Than Significant Impacts

Energy Conservation Findings An evaluation of the project's impacts related to Energy Conservation is found in Chapter 4 (Other CEQA Considerations) of the Draft EIR.

The proposed project proposes construction activity related to the removal of the McKinley Statue and, therefore, will not result in operational energy use. As discussed in the Draft EIR, the physical removal of the statue and pedestal will likely require the use of minimal amounts of nonrenewable petroleum products in the form of diesel and gasoline fuel associated with the truck(s) and/or crane and associated hand tools that may either be gas or electric powered. The quantity of diesel and gasoline fuels to be used during removal activities are considered minimal due to the limited duration of construction activity, which is estimated to be less than two business days (approximately 16 hours). The City's facilities, including the Plaza power sources, are 100% renewable through the regional Community Choice Energy (CCE) program implemented through the Redwood Coast Energy Authority (RCEA), a joint powers agency, developed in 2003 to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient, and renewable resources available in the region. Due to the limited amount of construction activity related to the removal of the McKinley Statue, the proposed project would not result in the wasteful and inefficient use of nonrenewable resources.

3.7.2 Findings

The City Council finds that, based upon substantial evidence in the record, the Energy Conservation impacts from the project are less than significant and no mitigation measures are required.

3.8 Significant Irreversible Environmental Changes

3.8.1 Less Than Significant Impacts

Significant Irreversible Environmental Changes An evaluation of the project's significant and irreversible impacts is found in Chapter 4 (Other CEQA Considerations) of the Draft EIR.

Implementation of the project will commit non-renewable resources during removal activities. Removal activities will require personnel, equipment, and procedures typical of a construction project. During removal, the use of energy resources (e.g., gasoline, diesel fuel, electricity) largely would be irreversible and irretrievable. Energy will be consumed for transporting materials, equipment, and construction workers to the project site. Once the statue and pedestal are removed, the landscape circle could be restored and replanted, or if the steps are removed, a hardscape feature such as pavers or concrete could replace the disturbed area. It is currently unknown what improvements may be installed after removal of the statue and which building materials (e.g., lumber and forest products, sand and gravel, asphalt, cement, steel, glass, etc.) may be utilized.

3.8.2 Findings

The City Council finds that, based upon substantial evidence in the record, the significant and irreversible impacts from the project are less than significant and no mitigation measures are required.

4.0 FEASIBILITY OF PROJECT ALTERNATIVES

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. (Pub. Resources Code, § 21002.) With the exception of the “no project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” (*Citizens of Goleta Valley v. County Council* (1990) 52 Cal.3d. 553, 556.) The legislative purpose of CEQA is to protect public health, welfare, and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. (Pub. Resources Code, § 21000.) In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the project through the inclusion of mitigation measures that reduce potentially significant impacts of the project to a less than significant level.

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project. (CEQA Guidelines, § 15126(d)(2).) Thus, an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR. CEQA Guidelines Section 15126.6, subdivision (c), provides that the factors that may be used to eliminate an alternative include: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects of the project. Whether an alternative is “feasible” requires an evaluation of the economic, environmental, social, and technological factors involved. (CEQA Guidelines, § 15364; see *California Native Plant Society v. County of Santa Cruz* (2009) 1177 Cal.App.4th 957, 1001, quoting *County of Del Mar v. County of San Diego* (1992) 133 Cal.App.3d 401, 417.)

4.1 Alternatives Considered But Rejected From Further Consideration in the Draft EIR

4.1.1 Melting of the McKinley Statue

As described in Chapter 3 (Alternatives Analysis) of the Draft EIR, melting the bronze of the McKinley Statue into a commodity for sale with proceeds going to the Wiyot Tribe was reviewed and “vetted” as a project alternative at the public scoping meeting held by the City at the D Street Neighborhood Center on May 17, 2018. Melting the bronze of the McKinley Statue would not meet one of the fundamental project objectives since it would not preserve the McKinley Statue. Based on this evaluation, the Melting of the McKinley Statue Alternative was eliminated from further review.

4.2 Project Alternatives

The alternatives section of the Draft EIR contains an analysis of alternatives to the project, including the “No Project” alternative. For a detailed discussion of these alternatives, please see Chapter 3 (Alternatives Analysis) of the Draft EIR.

CEQA Guidelines Section 15126.6, subdivision (c), provides that the factors that may be used to eliminate an alternative include: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects of the project. As described in the Draft EIR, the project is being pursued with the following objectives:

- (1) Provide a design for the Plaza that is inclusive and welcoming to people of all race, ethnicity, national heritage, backgrounds, and orientation;
- (2) Preserve Arcata’s history while recognizing the changing values of its citizens;
- (3) Minimize impacts to the Arcata District, while recontextualizing the important features on the Plaza;
- (4) Preserve the McKinley Statue.

As indicated in Table 1, project alternatives vary in their ability to meet the project objectives, feasibility, and ability to avoid significant environmental effects.

Table 1. Summary of Project Alternative Feasibility

	Alt. 1	Alt. 2	Alt. 3	Alt. 4	Proposed Project
Objective 1	N	N	Y	Y	Y
Objective 2	P	P	Y	Y	Y
Objective 3	N	P	Y	Y	Y
Objective 4	Y	Y	Y	Y	Y
Reduce Sig. Impacts	Y	Y	N	N	N
Env. Superior Alt.	N	Y	N	N	N
N: No Y: Yes P: Partially					

4.2.1 Alternative 1 - No Project

Description: Alternative 1 would include none of the components of the project. As such, no changes would occur and the statue would remain in its current state and location.

Finding: The City Council rejects Alternative 1 in favor of the proposed project because the Alternative would fail to meet several of the project's objectives. Furthermore, specific economic, legal, social, technological, or other considerations, as described in **Section 5.0 (Statement of Overriding Considerations)**, make Alternative 1 infeasible. (Pub. Resources Code § 21081(a)(3); Guidelines § 15091(a)(3).)

Explanation: The McKinley Statue has been the focus of concern by citizens who question the appropriateness of having a commemorative work of a former President in the center of the town Plaza who is associated with a controversial period in America's history, namely the western expansionist period of the late 19th Century. Leaving the McKinley Statue at its existing location would not provide a design for the Plaza that is inclusive and welcoming to people of all race, ethnicity, national heritage, background, and orientation. Therefore, by leaving the McKinley Statue on the Plaza, Alternative 1 would fail to meet Objective 1.

As it relates to the other project objectives, leaving the McKinley Statue at its existing location would:

- (a) Preserve Arcata's history, but would not recognize the changing values of its citizens. Therefore, Alternative 1 would partially meet Objective 2.
- (b) Minimize impacts to the District, but would not recontextualize the important features on the Plaza. Therefore, Alternative 1 would fail to meet Objective 3.
- (c) Allow the statue to remain preserved at its existing location. Therefore, Alternative 1 would meet Objective 4.

In summary, Alternative 1 meets Objective 4, but fails to meet Objectives 1, 2, and 3. Relative to the proposed project, Alternative 1 would not result in significant impacts to the District and Landmark. However, the specific social benefits described in **Section 5.0 (Statement of Overriding Considerations)**, would not result from Alternative 1.

4.2.2 Alternative 2 - Interpretive Signage

Description: Alternative 2 would allow the statue to remain at its current location. Alternative 2 would place interpretive signage at the Plaza describing the circumstances and reasoning behind the statue's stigma.

Finding: The City Council rejects Alternative 2 in favor of the proposed project because Alternative 2 would fail to meet several of the project objectives. Specific economic, legal, social, technological, or other considerations, as described in **Section 5.0 (Statement of Overriding Considerations)** make Alternative 2 infeasible. (Pub. Resources Code § 21081(a)(3); Guidelines § 15091(a)(3).)

Explanation: The McKinley Statue has been the focus of concern by citizens who question the appropriateness of having a commemorative work of a former President in the center of the town Plaza who is associated with a controversial period in America’s history, namely the western expansionist period of the late 19th Century. Leaving the McKinley Statue at its existing location would not provide a design for the Plaza that is inclusive and welcoming to people of all race, ethnicity, national heritage, background, and orientation. Therefore, by placing interpretive signage and leaving the McKinley Statue on the Plaza, Alternative 2 would fail to meet Objective 1.

As it relates to the other project objectives, placing interpretive signage at the Plaza would:

- (a) Preserve Arcata’s history and partially recognize the changing values of its citizens. Therefore, Alternative 2 would partially meet Objective 2.
- (b) Minimize impacts to the District and partially recontextualize the important features on the Plaza. Therefore, Alternative 2 would partially meet Objective 3.
- (c) Allow the statue to remain preserved at its existing location. Therefore, Alternative 2 would meet Objective 4.

In summary, Alternative 2 meets Objective 4, partially meets Objectives 2 and 3, and fails to meet Objective 1. Relative to the proposed project, Alternative 2 would not result in significant impacts to the District and Landmark. However, the specific social benefits described in **Section 5.0 (Statement of Overriding Considerations)** would not result from Alternative 2.

4.2.3 Alternative 3 - Relocation to Other City Facility

Description: Alternative 3 would remove the statue from the Plaza and reinstall it at Redwood Park (or similar facility), with interpretive signage at either or both the Plaza and the Park describing the circumstances and reasoning behind the statue’s relocation.

Finding: The City Council rejects Alternative 3 in favor of the proposed project because Alternative 3 would not reduce significant impacts to the District and the Landmark from the removal of the McKinley Statue. Furthermore, Alternative 3 may only partially achieve the specific economic, legal, social, technological, or other considerations, described in **Section 5.0 (Statement of Overriding Considerations)**. (Pub. Resources Code § 21081(a)(3); Guidelines § 15091(a)(3).)

Explanation: The McKinley Statue has been the focus of concern by citizens who question the appropriateness of having a commemorative work of a former President in the center of the town Plaza who is associated with a controversial period in America’s history, namely the western expansionist period of the late 19th Century. Removing and relocating the McKinley Statue to another City facility would provide a design for the Plaza that is inclusive and welcoming to people of all race, ethnicity, national heritage, background, and orientation. Therefore, by relocating the McKinley Statue to another City facility, Alternative 3 would meet Objective 1.

As it relates to the other project objectives, removing and relocating the McKinley Statue to another City facility would:

- (a) Preserve and document the history of the District, the Landmark, and the McKinley Statue through the implementation of Mitigation Measure CU-1. Alternative 3 will also achieve Objective 2 since it will remove the statue from the Plaza, which recognizes the changing values of Arcata’s citizens. Therefore, Alternative 3 would meet Objective 2.
- (b) Require a General Plan Amendment that would minimize impacts to the District. Alternative 3 would also require implementation of Mitigation Measure CU-1, which along with the General Plan Amendment, would recontextualize the important features on the Plaza. Therefore, Alternative 3 would meet Objective 3.
- (c) Allow the statue to be relocated and preserved at an alternative location. Therefore, Alternative 3 would meet Objective 4.

In summary, Alternative 3 meets Objectives 1, 2, 3, and 4. However, Alternative 3 would result in the removal of the McKinley Statue from the District and the Landmark, therefore causing a substantial adverse change in the significance of a historical resource as defined in §15064.5. As such, Alternative 3 would not reduce any of the significant impacts that would result from the proposed project. Furthermore, the specific social benefits described in **Section 5.0 (Statement of Overriding Considerations)** would only partially result from Alternative 3. Locating the McKinley Statue at another prominent location in the City may raise similar social concerns as the location of the statue on the Plaza.

4.2.4 Alternative 4 - Relocation to Another Qualified Entity

Description: Alternative 4 would remove the statue from the Plaza and convey it to another qualified entity.

Finding: The City Council rejects Alternative 4 in favor of the project because Alternative 4 would not reduce significant impacts to the District and the Landmark from the removal of the McKinley Statue. Furthermore, Alternative 4 may only partially achieve the specific economic, legal, social, technological, or other considerations, described in **Section 5.0 (Statement of Overriding Considerations)**. (Pub. Resources Code § 21081(a)(3); Guidelines § 15091(a)(3).)

Explanation: The McKinley Statue has been the focus of concern by citizens who question the appropriateness of having a commemorative work of a former President in the center of the town Plaza who is associated with a controversial period in America’s history, namely the western expansionist period of the late 19th Century. Removing and relocating the McKinley Statue to another qualified entity would provide a design for the Plaza that is inclusive and welcoming to people of all race, ethnicity, national heritage, background, and orientation. Therefore, by relocating the McKinley Statue to another qualified entity, Alternative 4 would meet Objective 1.

As it relates to the other project objectives, removing and relocating the McKinley Statue to another qualified entity would:

- (a) Preserve and document the history of the District, the Landmark, and the McKinley Statue through the implementation of Mitigation Measure CU-1. Alternative 4 will also achieve Objective 2 since it will remove the statue from the Plaza, which recognizes the changing values of Arcata’s citizens. Therefore, Alternative 4 would meet Objective 2.
- (b) Require a General Plan Amendment to minimize impacts to the District. Alternative 4 would also require implementation of Mitigation Measure CU-1, which, along with the General Plan Amendment, would recontextualize the important features on the Plaza. Therefore, Alternative 4 would meet Objective 3.
- (c) Allow the statue to be relocated and preserved at an alternative location. Therefore, Alternative 4 would meet Objective 4.

In summary, Alternative 4 meets Objectives 1, 2, 3, and 4. However, Alternative 4 would result in the removal of the McKinley Statue from the District and the Landmark, therefore causing a substantial adverse change in the significance of a historical resource as defined in §15064.5. As such, Alternative 4 would not reduce any of the significant impacts that would result from the proposed project. Furthermore, the specific social benefits described in **Section 5.0 (Statement of Overriding Considerations)** may only partially result from Alternative 4. Although speculative, Alternative 4 could result in the location of the statue at another prominent location in the community that may raise similar social concerns as the location of the statue on the Plaza.

4.3 Environmentally Superior Alternative

CEQA requires the selection of an environmentally superior alternative; however, if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. (CEQA Guidelines § 15126.6(e)(2).) Therefore, based on the comparative evaluation contained in Chapter 3 (Alternatives Analysis) of the Draft EIR, Alternative 2 (Interpretive Signage) would not cause the significant impacts to historic resources that would result from the proposed project. As such,

Alternative 2 would be the environmentally superior alternative. However, for the reasons set forth above, Alternative 2 is rejected.

5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines 15093(a)). CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines 15093(b)).

In accordance with the requirements of CEQA and the CEQA Guidelines, the City Council finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid or substantially lessen the significant effects identified in the Final EIR for the Project. However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. Significant unavoidable impacts to historic resources that would result from the proposed project are associated with removal of the McKinley Statue from the Landmark, as identified in Chapter 2 (Analysis of Impacts and Mitigation Measures) of the Draft EIR (**Section 2.0, Findings on Significant Unavoidable Adverse Impacts**).

The City Council finds that all feasible mitigation measures identified in the Final EIR within the purview of the City will be implemented with the project, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

- (1) The project would provide a design for the Plaza that is inclusive and welcoming to people of all race, ethnicity, national heritage, background, and orientation.
- (2) The project would acknowledge the changing and contemporary values of Arcata's citizens by removing a symbol of a controversial period in America's history, namely the western expansionist period of the late 19th Century. This period is further associated with the poor treatment of the indigenous peoples whose lands were the focus of the expansionist policies of the US government at the time.
- (3) The project would honor the Wiyot Tribe and all indigenous people.