



THE MCKINLEY STATUE REMOVAL PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

Lead Agency:

City of Arcata

State Clearinghouse # 2018052032

February 8, 2019



Table of Contents

	Page
Chapter 1	
Introduction	1
The Environmental Review Process	1
Purpose of the Final EIR	1
Notification and Hearings to Date	1
EIR Certification	2
Findings of Fact	3
Statement of Overriding Considerations	3
Chapter 2	
Revision to the Draft EIR.....	4
Chapter 3.	
Response to Comments Received on the Draft EIR.....	7
Comment Letters Received During Circulation.....	7
Responses to Written and Oral Comments	11
Chapter 4	
Mitigation, Monitoring, and Reporting Program.....	16
Appendices	17
Appendix 1. Written Comments on the Draft EIR Received During the Circulation Period	18
Appendix 2. Staff Reports and Minutes from PUblic Hearings.....	19

Tables	Page
Table 1. McKinley Statue Removal Project Draft EIR Comment Summary	8
Table 2. McKinley Statue Removal Mitigation, Monitoring, and Reporting Program	16

Chapter 1 Introduction

The purpose of the EIR is to provide disclosure of the environmental impacts of the proposed project to the public and the Lead Agency, the City of Arcata, prior to making a decision on the project. In addition, the EIR provides measures to avoid, minimize, or mitigate impacts identified and analyzes a range of alternatives to the project. This Final Environmental Impact Report (Final EIR) includes all comments received on the Draft EIR from the public and from referral agencies (Appendix 1). The Final EIR provides responses to the substantive comments to the environmental impact of the project raised by the comments (Chapter 3). In addition, the Final EIR addresses minor amendments to the Draft EIR identified during the public review period (Chapter 2). Lastly, the Final EIR provides the Mitigation, Monitoring, and Reporting Program for the significant impacts identified in the Draft EIR.

THE ENVIRONMENTAL REVIEW PROCESS

Purpose of the Final EIR

The California Environmental Quality Act (CEQA) requires that the Lead Agency prepare and certify a FEIR prior to approval of the proposed Project. CEQA Guidelines Section 15132 requires that the FEIR shall consist of:

- a) The Draft EIR or a revision of the draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process;
- e) Any other information added by the Lead Agency.

This Final EIR document incorporates the Draft EIR by reference. Provided in this Final EIR are revisions to the Draft EIR intended to clarify the information contained in the Draft EIR and/or to provide minor corrections or edits to the text (Chapter 2); comments received on the Draft EIR along with the names of the persons, organizations and agencies commenting, and the responses to the substantive comments by the Lead Agency (Chapter 3); and the Mitigation, Monitoring and Reporting Program that provides the required mitigation measures, and required monitoring and reporting for the implementation of the proposed Project (Chapter 4).

Notification and Hearings to Date

On May 9, 2018, a Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse (SCH #2018052032) in accordance to §15082 of the CEQA Guidelines. The NOP determined that an EIR would be prepared for the Removal of the McKinley Statue from the Arcata Plaza. The NOP and responses to the NOP are contained in the appendices to the Draft EIR (Appendix C).

On May 17, 2018, a public Scoping Meeting was held at the D Street Neighborhood Center for citizens to provide comment on the project and EIR alternatives. On May 18th, an agency scoping meeting was held at Arcata City Hall with City staff. The three Wiyot area Tribal Historic Preservation Officers (THPOs), the State Historic Preservation Officer (SHPO) via phone, and a representative from the Historical Sites Society of Arcata (HSSA), which has been recognized as a non-profit membership organization interested

in historic preservation and local history per § 9.53.030.B of the Land Use Code, were invited. Those present provided comments concerning issues that should be addressed within the EIR being prepared for the project. Following the meeting, City of Arcata Community Development Staff provided a memorandum containing a list of the meeting participants and the comments received from the various agency staff. The Scoping Meeting memorandum is contained in the appendices of the Draft EIR (Appendix C).

The Draft EIR was circulated for 45 days to allow public agencies and interested individuals to review and comment on the document. Circulation was initiated with the State Clearinghouse on October 5, 2018, and the Draft EIR was available on October 4, 2018, on the City's website. The Draft EIR was available for review during this period at the following locations:

- 1) Arcata City Hall, 736 F Street, Arcata, California;
- 2) Arcata Public Library, 500 7th Street, Arcata, California;
- 3) Humboldt State University Library – Humboldt Room, Arcata, California; and
- 4) City of Arcata website (www.cityofarcata.org)

The circulation period ended on November 19, 2018. During this period, the public and agencies were directed to submit comments either electronically via email to the City or in writing or at the public hearing held on the Draft EIR.

A duly noticed public hearing was held by the Planning Commission during the public review and comment period for the Draft EIR. This meeting occurred during regularly scheduled meetings of the City of Arcata Planning Commission on October 23, 2018.

The Planning Commission will hold a duly noticed public hearing on the Final EIR in early 2019, at which time the Planning Commission will make a recommendation to the City Council whether to certify the EIR, adopt the Findings of Fact, and a Statement of Overriding Considerations to approve the project. The Council will consider this recommendation, the EIR, and the action at a subsequently duly noticed hearing in early 2019. These meetings will provide opportunity for the public to comment on the project and the EIR. The City Council will be the review authority for all permits needed for the project and the EIR.

If the City (the lead agency) approves the proposed project, within five days it will file a Notice of Determination (NOD) with the Humboldt County Clerk who must then post it within 24 hours of receipt. The NOD will also be sent to the State Clearinghouse, and to anyone previously requesting notice. Posting the NOD begins a 30-day statute of limitations period for challenges to the City's decision under CEQA.

EIR Certification

Prior to approval of the project, the City of Arcata must certify that the EIR has been completed in compliance with CEQA and must make one or more of the following findings for each potentially significant impact identified:

- a) That changes or alterations that avoid or substantially lessen the significant effects have been required or incorporated into the project; or
- b) That specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- c) That specific economic, social, or other benefits outweigh the unavoidable adverse environmental effects.

These findings must be supported by substantial evidence in the administrative record, which includes the NOP, comments on the NOP, Draft EIR, comments on the Draft EIR, Final EIR, comments received during public testimony, as well as all documents enumerated in Public Resources Code § 21167.6.

Each public agency is required to avoid or minimize the significant environmental effects of projects it approves or carries out whenever it is feasible to do so. If the significant effects cannot be avoided or mitigated, the public agency must make findings of overriding considerations prior to approving the project.

Findings of Fact

As required by CEQA (CEQA Guidelines 15091), no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each findings. The findings must be supported by substantial evidence in the record. The CEQA Guidelines provide for the following possible findings:

- a) Changes or alternations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Findings of Fact will be considered by the Planning Commission, which will provide a recommendation to the City Council on its adoption.

Statement of Overriding Considerations

Should the Lead Agency approve a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, that are not avoided or substantially lessened, the CEQA requires the Lead Agency to state in writing the specific reasons and support for its action based on the Final EIR or other information in the record. The "Statement of Overriding Considerations" must be supported by substantial evidence in the record (CEQA Guidelines Section 15093(b)).

The McKinley Statue removal project will result in unavoidable significant impacts to historic resources as identified in the JRP Historical Resources Report (Appendix A to the Draft EIR). The Draft EIR Analysis of Impacts and Mitigation Measures, Chapter 2 of the Draft EIR, identified in detail the impacts and proposed mitigation. The alternatives and their impacts were identified in the Draft EIR, Chapter 3. Since the impacts cannot be mitigated to less than significant with mitigation incorporated, the City Council would have to adopt a Statement of Overriding Considerations to approve the project. The Statement of Overriding Considerations will be considered by the Planning Commission, which will provide a recommendation to the City Council on its adoption.

Chapter 2 Revision to the Draft EIR

This chapter is a summary of the edits/corrections, or revisions made to the EIR to clarify the information contained in the Draft EIR and/or to provide minor corrections or edits to the text. The revisions identified in this chapter do not identify new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Where revisions consist of added or modified text, that text is double-underlined and bolded (**example text**), while deleted text is struck out (example ~~text~~).

The changes listed below are noted by the original chapter or section heading and page numbers of the Draft EIR with the changes noted below those headings.

Chapter 1. Introduction

Purpose and Intended Use of this Environmental Impact Report – Page 2

The McKinley Statue is identified in Policy H-3g of the Historic Preservation Element of the General Plan as one of several principal features of the Plaza which defines its historical character and which shall be preserved. In order to remove the statue, a focal point of the Arcata Plaza Historic District (District) and one of the principal features of the Plaza's historic character, the Council has found that a General Plan amendment will be required. While, a Design Review permit for alterations to a structure within the District is required pursuant to §§ 9.72.040.B.2 and B.3 of the City's Land Use Code (Code) for private projects, the City is not subject to Design Review **permit for this project. However, the City must still evaluate the applicable standards for alteration of the Arcata Plaza Historic District and the Plaza Historic Landmark under Code Section 9.53.050 ("Alteration of Historic Structures, Districts and Neighborhoods") and Section 9.53.060 ("Demolition or Removal"). Evaluation under these Code sections includes applicable Design Review standards (Code Section 9.72.040.F). These are the implementing code sections for the City's historic preservation program outlined in the Historical Preservation Element of the General Plan.**

Notice of Preparation – Page 3

On May 9, 2018, a Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse (SCH #2018052032) in accordance to §15082 of the CEQA Guidelines. The NOP determined that an EIR would be prepared for the Removal of the McKinley Statue from the Arcata Plaza. The NOP and responses to the NOP are contained in the appendices to the EIR (Appendix **BC**).

Proposed Project Description - Pages 9-10

The City proposes to remove the McKinley Statue and the concrete pedestal and any underlying steps or structural elements on which the statue is mounted from Arcata Plaza. The JRP Report noted that *the “concrete (sic) pedestal is surrounded by a circular concrete planter box filled with soil and landscaping. This planter box and any potential concrete elements of the statue’s base currently buried and obscured from view by the planter box and its contents would remain...”* **(The statue base is solid granite purportedly mined from the Isaac Minor Quarry in Warren Creek.)** The project reviewed under this EIR was expanded to include, as part of this project, removal of the stairs that are currently covered up with a 20-foot diameter wall and landscape area, and any structural elements that may lie under it. Based on the JRP report these elements would also be considered historic and have similar impacts as discussed in the JRP Report. While the entire associated structure is included for removal under this EIR, portions of the project, such as the landscape area, the steps, and/or the pedestal, could remain, depending on how this area may be used in the future. It is conceivable that only the statue may be removed at this time and new plans developed years later that require the pedestal and steps to be removed. However it is just as likely that all elements associated with the statue may be removed at one time. Once removed, the statue and concrete pedestal would be placed in storage at a City facility until a final determination is made as to what to do with it. The City could also implement a new project for the center of the plaza without further affecting the historic significance of the center of the plaza, once the statue and associated elements are removed. The City Council directed the initiation of the project at its February 21, 2018, special meeting on the topic. This special meeting was scheduled after several impromptu and scheduled hearings on the topic of the statue’s removal. The public testimony spanned a broad range of reasons for the project, including notably, McKinley’s involvement in the United States of America’s expansionist policies during his presidency, which resulted in wars that subjugated, killed, displaced, and interned people of color, especially Indians (Native Americans). The statue is viewed as honoring the historical mistreatment of indigenous people resulting from the policies of manifest destiny.

Chapter 2. Analysis of Impacts and Mitigation Measures

I. Aesthetics – Page 16

I. Aesthetics. Would the project:

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
Less Than Significant Impact

[paragraph 4]

A Design Review **permit** is not required for this project. While, the **figurestatue** meets the definition of a “structure” in Article 10 (Glossary) of the Code, and its removal or relocation would be considered “demolition”, which generally triggers the Design Review requirements under § 9.72.040.B.2 and B.3, the City is not subject **a** to Design Review **permit for this project**. All demolition and exterior modifications to privately held historic structures and private structures within historic districts require a Design Review permit pursuant to these Code sections. The Code requires Design Review and a 180 waiting period prior to demolition. The waiting period is required to ensure all attempts at preservation have been made (Code Section 9.53.060.B). The project is designed to preserve the statue in storage

until a suitable relocation can be arranged. The Plaza Historic District, and its remaining historical features, will be retained. Despite the inapplicability of a Design Review permit for the project, the City must still evaluate the applicable standards for alteration of the Arcata Plaza Historic District and the Plaza Historic Landmark under Code Section 9.53.050 (“Alteration of Historic Structures, Districts and Neighborhoods”) and Section 9.53.060 (“Demolition or Removal”). Evaluation under these sections includes applicable Design Review standards (Code Section 9.72.040.F). These are the implementing code sections for the City’s historic preservation program outlined in the Historical Preservation Element of the General Plan.

V. Cultural Resources – Page 22

V. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? Potentially Significant Impact.

The Arcata Plaza is the central core of the District which was designated by Policy H-3b of the General Plan and implemented through the adoption of the Land Use Code by Ordinance 1377 in September, 2008. Ordinance 1377 also established the Plaza as a Landmark. The General Plan policy further established the standard that all structures within the District shall receive the same protections as are provided to individually-designated Historic Landmarks.

The Plaza is further identified in General Plan Policy H-3g as a “historic site” with the following principal features contributing to its historic significance:

1. The McKinley Statue at the center of the Plaza.
2. The generally symmetrical pattern of walkways.
3. The open nature of the Plaza and the absence of buildings within it.
4. The Women's Christian Temperance Union drinking fountain on "H" Street.
5. The existing Plaza palm trees.

As described on Pg. 8 of the Historic Resources Report (JRP, Inc., 2018), Appendix A, “the project to remove the McKinley Statue has the potential to cause a substantial adverse change to two historical resources under CEQA: Arcata **Plaza Historic District** and Arcata Plaza Historic Landmark”. In addition to local historic significance, the District also qualifies as a historic resource as defined in § 15064.5 of the CEQA Guidelines. ~~Although the Report identifies significant impacts to the two separate resources, even with mitigation incorporated (Appendix A, pp. 20-23) the potential impact to the District would itself be less than significant with mitigation measures incorporated, but the impact of the removal of the statue itself would be significant.~~ The statue itself will not be damaged in the process of its removal and storage. It is the context in which it has been located over the past 112 years that will be adversely affected.

The mitigation measure listed below would not be adequate to reduce the impact to a level of less than significant. The following mitigation measure requires documentation about the statue itself and will

assist in mitigating the environmental impact from the removal of the McKinley Statue, ~~as an~~ on the identified historical resources. Content of the report will be prepared by the City of Arcata in a manner that its contents could be used in the future in a pamphlet, interpretive panels, a documentary video, all of which could be also be made available on the City's (or other's) website. The JRP Report provided further details how this report could be utilized as follows.

Chapter 3. Response to Comments Received on the Draft EIR

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the City of Arcata Community is serving as "Lead Agency," for preparation of the Environmental Impact Report (EIR) for the McKinley Statue Removal Project (project). The Final EIR presents the environmental information and analyses that have been prepared for the project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR and are set forth in Chapter 2, Revisions to Draft EIR. The FEIR, which includes the responses to comments, the revisions to the Draft EIR, and the Mitigation Monitoring Program, will be used by the Planning Commission and City Council in the decision-making process for the project.

Comment Letters Received During Circulation

This Chapter catalogs and responds to comments to the environmental impacts of the proposed project received during the public comment period. The 45-day circulation period (public comment period) began October 5 and ended November 19, 2018. During this time, the City of Arcata received a total of 41 comment letters/emails (Appendix 1). No resource agencies commented on the Draft EIR. The Tribal Historic Preservation Officers from the Table Bluff Rancheria and the Wiyot provided comment. In addition, public comment was received at the October 23, 2018, Draft EIR Public Hearing (Appendix 2). This Chapter responds to those comments received both written and orally at the Planning Commission meeting.

This Final EIR groups similar comments under a single response where applicable for convenience to the reader. Responses reference the correspondence by the numeral identifier shown in Table 1 below. The original full text of the comments are included in Appendix 1.

Where comments warrant a response that results in text changes to the Draft EIR (for clarifications, correction, amplification of issues, etc.), those response are shown in Chapter 2 (Revisions to Draft EIR) of this Final EIR. The changes to the Draft EIR are clarifications, corrections, or amplification of information to provide better understanding of the environmental impacts of the Proposed Project, or are modifications to mitigation measures that provide a clearer understanding of the measures that will result in a reduction in impacts. These changes do not constitute significant new information, and do not require recirculation of the Draft EIR in accordance with CEQA Guidelines Section 15088.5. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

TABLE 1. MCKINLEY STATUE REMOVAL PROJECT DRAFT EIR COMMENT SUMMARY

No.	Commenter	Date	Topic	Brief Response
1	Dan Hauser	10/16/18	Error in JRP Report - Composition of Statue Base	Revised in FEIR
1	Dan Hauser	10/16/18	Cost of Removal	Not an Environmental Impact
1	Dan Hauser	10/16/18	Historic Preservation Policies	Revised in FEIR
1	Dan Hauser	10/16/18	City Logo May Need to be Replaced	Not an Environmental Impact
2	Tim McKelvey	10/06/18	Recommendation for Alternative Sites	Not an Environmental Impact
3	Walt Paniak	10/17/18	Support for Removal	Not an Environmental Impact
4	Kathleen Lowder	10/23/18	Documentation of Opposition to the Statue	Supports SOC, Not an Environmental Impact
5	Pamela Brown	11/06/18	Support for Removal	Supports SOC, Not an Environmental Impact
6	John Reiss	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
7	Charles Minton	11/13/18	Recommendation for Alternative Sites	Not an Environmental Impact
8	Lisa Morehouse	11/12/18	Recommendation for Alternative Sites	Not an Environmental Impact
9	Walt Paniak	10/31/18	Transgenerational Trauma Effects	Supports SOC, Not an Environmental Impact

No.	Commenter	Date	Topic	Brief Response
10	Walt Paniak	10/31/18	History of California Indian Tribes	Not an Environmental Impact
11	Walt Paniak	10/31/18	Mitigation	Mitigation is Discussed in Detail in Draft EIR and Final EIR
12	Walt Paniak	10/31/18	Transgenerational Trauma Effects	Not an Environmental Impact
13	Walt Paniak	11/06/18	Transgenerational Trauma Effects	Not an Environmental Impact
14	Walt Paniak	11/06/18	Transgenerational Trauma Effects	Not an Environmental Impact
15	Lisa Pelletier	11/13/18	Support for Relocation	Not an Environmental Impact
16	Eric Roho, Col. U.S. Army	11/15/18	Support for No Project Alternative	Not an Environmental Impact
17	Diane Ryerson	11/06/18	Support for Removal	Not an Environmental Impact
18	Kathy Vitale	11/14/18	Support for No Project Alternative	Not an Environmental Impact
19	Toby Walker	11/13/18	Recommendation for Alternative Sites	Not an Environmental Impact
20	Patrick Wyatt	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
21	Terry Clark	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
22	Ole Vanderlinde	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
23	Milo Eadan	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
24	Join Luh	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
25	Justin Fuchs	11/11/18	Recommendation for Alternative Sites	Not an Environmental Impact

No.	Commenter	Date	Topic	Brief Response
26	Edward Macan	11/12/18	Recommendation for Alternative Sites	Not an Environmental Impact
27	Robert Van Orden	11/09/18	Recommendation for Alternative Sites	Not an Environmental Impact
28	Audi Thoele	11/10/18	Recommendation for Alternative Sites	Not an Environmental Impact
29	UNUSED			
30	Anonymous	11/14/18	Recommendation for Alternative Sites	Not an Environmental Impact
31	Jessica Beck	11/14/18	Scenic Vista Impact for Aesthetics	Evaluated in Draft EIR sufficiently
31	Jessica Beck	11/14/18	Historical Impacts	Evaluated in Draft EIR Sufficiently, Mitigation Proposed
32	Holy Holian	11/15/18	Support for No Project Alternative	Not an Environmental Impact
33	Lisa Pelletier	11/18/18	Support for Relocation	Not an Environmental Impact
34	Kimberly Starr	11/18/18	Support for Removal	Supports SOC, Not an Environmental Impact
35	George Inotowok	11/18/18	Support for Removal	Supports SOC, Not an Environmental Impact
36	Barbara Burns	11/18/18	Support for Removal	Supports SOC, Not an Environmental Impact
37	Rose Goodwin	11/18/18	Support for Removal	Supports SOC, Not an Environmental Impact
38	Mike Flynn	11/19/18	Support for Removal	Supports SOC, Not an Environmental Impact
39	Kelsey Reedy	11/19/18	Support for Removal	Supports SOC, Not an Environmental Impact
40	Chris Carlson	11/19/18	Support for Removal	Not an Environmental Impact
40	Chris Carlson	11/19/18	Statue will Leach Metals into the Environment	No Substantive Evidence that this will Result in an Environmental Impact

No.	Commenter	Date	Topic	Brief Response
41	Joan Dixon	11/19/18	Support for Removal	Supports SOC, Not an Environmental Impact

Responses to Written and Oral Comments

The following responses are grouped by response topic. The reference numbers identify the comment from Table 1 that the response is associated with. Comments that addressed multiple topics are listed under multiple headings.

Environmental Impacts and Project Description

Three of the 41 comments suggested environmental impacts were not disclosed the Draft EIR or that errors were made. These comments concern the adequacy of the environmental assessment and are addressed in detail below.

Draft EIR Errors and Clarifications

Comment #1

The commenter identified an error in the JRP report, which incorrectly identified the statue base as concrete. The commenter noted that the base is granite. He stated that it is a solid piece sourced from the Minor quarry. This error has been corrected in this Final EIR, Chapter 2. The clarification that the base was granite and not concrete did not change the level of environmental impact. No additional environmental impacts or necessary mitigations were identified or warranted resulting from this correction.

Comment #1

The commenter cited that the project, “fails to state that the City of Arcata’s entire Historic Preservation effort would have to be amended or deleted as well [as amending the General Plan]”. This comment speaks to the fact that the City has several policies and regulations regarding preservation of historic resources and that not all of the processes associated with historic preservation are identified in the project description. No additional facts or evidence to support the claim that the City’s historic preservation regulatory program would have to be amended or deleted.

Background

The comment identifies that the aforementioned policies and regulations provide strong protections of historic resources. The comment has correctly stated that the General Plan identifies the McKinley statue as a principal feature of the Plaza Historic District and the Arcata Plaza Historic Landmark. As the JRP report describes in the Draft EIR (Appendix A), both are locally designated historic resources. Policies H-1b and H-1c note that the landmark designation process is intended in part to protect historic resources from demolition. Policies in H-3 identify the Plaza as an historic district. The designation and protections described in the General Plan are implemented by the Code Sections 9.53.020.A.4 and

9.53.050.A. Demolition and alteration of historic resource requirements are identified in Policies H-1e, H-1f, H-3d, H-4c, H-5a, and H-5b. These policies are implemented in the Code Sections 9.53.050 (Alteration) and 9.53.060 (Demolition).

Discussion

The General Plan sets out the policy and goals envisioned by the community at the time it is written. Those policies are not intended to be immutable and the General Plan is updated from time to time. The updates are intended to ensure that the policy guidance continues to reflect the community's values over time. The amendment to the General Plan, specifically to Policy H-3c, which identifies the McKinley statue as a principle feature of the Arcata Plaza that in part defines the Plaza's historical character and "shall be preserved", does not materially impact the preservation goals of the City writ large. While this EIR does identify significant impacts to the District and the Landmark, the project does not materially impair the City's regulatory authority to preserve historic resources. The amendment, within the context of the project, ensures the General Plan reflects community values.

The project evaluation, including the environmental analysis in this EIR, comport with the process and policies outlined in the General Plan. Policy H-1f requires a project evaluate the impact of the project on the historical resource. The California Environmental Quality Act (CEQA) also requires this analysis. The Analysis was provided in the JRP report (Draft EIR, Appendix A). Several policies require discretionary review prior to demolition. While those policies cite the Historic and Design Review Commission, which is the Planning Commission, as the review authority, the Council must take action on the project since it requires a General Plan amendment.

The discretionary review associated with the environmental evaluation and the General Plan amendment evaluates both the body of policy and the code for historic resource preservation. This review evaluates the alteration (Code Section 9.53.050) and demolition/removal (Code Section 9.53.060) regulations. Notably, the Policies under H-5 for removal require notification and preservation measures. These are implemented in the by the project. At a policy level, the level of the General Plan, the proposed project evaluation comports with the adopted policy direction.

The Draft EIR did not explicitly indicate the procedural review as outlined in the General Plan and Code since these procedural issues are not environmental impacts, nor do they create an environmental impact through their application. Rather, the historic report and the EIR provided the basis for the discretionary decision that would ultimately evaluate the project against the City's historic preservation program. The project review does consider the full body of policy and regulatory oversight required in the General Plan and the Historical Resource Preservation section of the Land Use Code.

To implement the project, the City will be required to adopt a statement of overriding considerations for the environmental impact associated of a significant change to an historic resource. The resolution would amend the list of important features to be preserved removing the statue as a principal feature. The statement of overriding considerations outlines the balance between the social considerations on which the decision is being made, despite the impact to a historic resource. The Council will base its decision with full disclosure of all the facts related to impacts to the historic resources identified in the historic report, as well as how the project comports with policy and regulation.

Conclusion

The Draft EIR adequately addressed the background analysis to make decisions based on the relevant General Plan policies. However, the Draft EIR did not convey clearly that the discretionary decision would evaluate the body of policy and code relevant to the City's historic preservation program. The body of historic preservation policy and regulation applies and is evaluated in this EIR and the project review. The Draft EIR is amended to clarify that the body of policy and regulations applicable to historic resources are being evaluated in the project review.

There is no evidence to suggest that the project will materially impact the City's historic preservation regulatory program. There are no direct or cumulative impacts associated with the project that were not evaluated in the Draft EIR. The comment does not identify new information that was not analyzed in the Draft EIR or environmental impacts that were addressed. No substantive changes to the Draft EIR or new mitigation measures are required; however, the Draft EIR has been amended for clarification.

Comment #31

The commenter raises the concern that the project will have an impact on the scenic vista. Citing that persons who knew what the view of the Arcata Plaza looked like before the statues removal would be impacted. No evidence or facts are provided to substantiate that a scenic vista would be impacted by the project.

Discussion

The Aesthetics section of the Draft EIR begins on page 15. The analysis cites the City's General Plan designated scenic resources, which do not include the Arcata Plaza or the statue. Furthermore, the analysis concludes that none of the identified local scenic resources would be affected by the project. The Draft EIR concludes that there is no impact on scenic vistas.

In addition to the locally adopted scenic resources, this CEQA analysis considers scenic vistas as highly valued landscapes that are viewable by the public. The removal of the statue could not have the effect of reducing public access to any landscape views, regardless of their value.

Conclusion

The comment implies that viewers who had viewed the statue before would miss it. This may be a psychological impact, but is not an environmental impact. The comment does not identify new information that was not analyzed in the Draft EIR or environmental impacts that were addressed. No changes to the Draft EIR or new mitigation measures are required.

Comment #31

The commenter raises the concern that the project and proposed mitigation are inconsistent with the objectives of the project. The commenter points out that removing the statue is incongruent with preservation. And the mitigation, which she interprets as preservation effort, is therefore, incongruent with the removal. The commenter advocates for either leaving the statue in place and providing the mitigation to recontextualize the statue, or removing the statue and do not memorialize the history in any way. The commenter also provides the recommendation to add statues of Wiyot cultural symbols.

Discussion

The proposed project is the removal of a feature of the Arcata Historic Landmark and the Arcata Plaza Historic District. The historic resources are the district and the landmark. The impacts to the resources are mitigated by the interpretive signage. The project is consistent with the guidance provided by the Advisory Council on Historic Preservation (Advisory Council) for controversial commemorative works (Draft EIR, Appendix B). The Draft EIR was informed by the guiding principles in the Advisory Council's policy statement. To this end, the Draft EIR and the proposed project evaluated the balance between the City's stewardship role against the sensibilities, cultural responses and emotions over the memorial; it recognized the changing values; and it identified and addressed the historical context and the historic significance of the statue in the center of the Arcata Plaza. In broad, inclusive outreach, the project alternatives were developed to address the range of final outcomes to the statue while ensuring the history was not erased from memory or public view. The intent of the mitigation is to include a robust public education component that provides the context for the reasons why the statue was erected and why it was removed.

The statue itself will be preserved. The proposed project would house the statue indefinitely at a safe location. The alternatives would also preserve the statue either on site or at another location.

The project objectives identified by the City Council and the City's ability to meet these objectives is analyzed in the EIR. The objectives identified in the Draft EIR are:

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

The removal achieves the first objective. The mitigation achieves the second objective. The third objective will result from the General Plan amendment and the mitigation. And each alternative, including the no project alternative, would achieve the fourth objective.

Conclusion

The comment challenges whether the project and mitigation are consistent with the project objectives. The discussion above reiterates the Draft EIR and summarizes how the project objectives, the project, and the mitigation are consistent. The comment does not identify new information that was not analyzed in the Draft EIR or environmental impacts that were addressed. No changes to the Draft EIR or new mitigation measures are required.

Comment #40

The commenter suggests that the bronze, which is a combination of copper and tin, is toxic and will off-gas during heat periods and leach into stormwater.

Discussion

The commenter does not provide any evidence that the off-gassing or leaching will result in an environmental impact. Nor does the comment address what the environmental impact would be. While it is well-documented that copper leaches into water, there is no evidence in the record that the leachate would cross a significance threshold so as to cause and environmental impact. The Draft EIR addressed hazards and hazardous materials in section VIII of Chapter 2 (p. 28).

Conclusion

There is no evidence that significant leachate is coming off the statue. And there are other substantive reasons in the record supporting the removal of the statue. The comment does not identify new information that was not analyzed in the Draft EIR or environmental impacts that were addressed. No changes to the Draft EIR or new mitigation measures are required.

Support for the Proposed Project

Twelve of the 41 comments supported removal of the McKinley Statue without providing a recommendation for relocation. Many of these comments provided reference to community values for their support of the removal. For example, several comments related the statue to systemic racism and its presence as perpetuating the atrocities of the Spanish-American war and policies of manifest destiny. Other identified that the statue is out of sync with community values.

These comments supported the proposed project, which was were adequately evaluated in the Draft EIR. No additional environmental impacts or necessary mitigations were identified in these comments. And the comments did not question the adequacy of the analysis. The City Council should consider these comments in their decisions on the project. In particular, these comments may provide support for a Statement of Overriding Considerations on the basis of the social impact of the statue, despite the fact the comments did not identify an environmental impact. No changes to the EIR were identified by the commenters.

Comments: 4, 9, 12, 13, 14, 17, 3, 5, 34, 35, 36, 37, 38, 39*, 40

*Comment 39 referenced attachments that were not included in the materials submitted by the commenter; however, the materials were included in comment 4 and are attached in Appendix 1.

No Project Alternative Support – Alternative #1

Four of the 41 comments supported the no project alternative. These commenters identified reasons why President McKinley should be honored, pointing out that history is complex and checkered but that McKinley's civil service should be recognized. Other comments focused on the cost of the project, either identifying immediate community needs, such as helping those displaced by the Paradise fire, for which the project funds could better be used, or other expenses associated with the project the City will bear.

These comments identified community values or positive qualities of President McKinley to support the No Project Alternative (Alternative #1), which was adequately evaluated in the Draft EIR. No additional environmental impacts or necessary mitigations were identified in these comments. And the comments did not question the adequacy of the analysis. The City Council should consider these comments in their decisions on the project, but no changes to the EIR were identified by the commenters.

Comments: 1, 16, 18, and 32

Recommendations for Alternative Sites – Alternatives #3 and #4

Sixteen of the 41 comments involved recommendations of sites to which the statue could be relocated. Two additional comments supported relocation outside of the City without specifying a location. Alternative sites included locations both within and outside of the City of Arcata. The locations included various sites in McKinleyville; the Phillips House; City Hall; Bloomfield Park; Canton, Ohio; New York; and Oakland, among others. These comments provided support for Alternatives 3 and 4, relocation to a new site within the City and relocation to an entity other than the City, respectively.

These comments support the Alternatives 3 and 4, respectively, which were adequately evaluated in the Draft EIR. No additional environmental impacts or necessary mitigations were identified in these comments. And the comments did not question the adequacy of the analysis. The City Council should consider these comments in their decisions on the project, but no changes to the EIR were identified by the commenters.

Comments: 2, 6, 7, 8, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33

Informational

Two of the 41 comments involved information or suggestions on the mitigation. One comment provided information on California Indian History and the other provided a recommendation to work with various groups, including the Wiyot, to develop the mitigation report.

These did not identify additional environmental impacts or necessary mitigations. The comments did not question the adequacy of the analysis. The City Council should consider these comments in their decisions on the project, but no changes to the EIR were identified by the commenters.

Comments: 10, 11

Chapter 4 Mitigation, Monitoring, and Reporting Program

This Chapter identifies the feasible measures the City shall take mitigate the impact of the project on the environment. Despite the fact that these measures will not reduce the impact to historic resources to less than significant, the project must incorporate feasible measures. This Chapter identifies the impact, the mitigation measure, the responsible party, the timing for implementing the mitigation, and the measure of success for the mitigations (Table 2).

TABLE 2. MCKINLEY STATUE REMOVAL MITIGATION, MONITORING, AND REPORTING PROGRAM

Impact
The project will cause a substantial adverse change in the significance of a historical resource as defined in §15064.5
Mitigation Measure
CU-1: A comprehensive interpretive report will be developed by the City of Arcata, in collaboration with the area Tribes, the Historic Sites Society of Arcata, and the Humboldt County Historical Society. The report shall include text and photographs with information about the statue

itself, the artist, the patron, its relationship to the San Francisco earthquake of 1906, why it was erected, its lifetime on the Plaza, and why it was removed. The interpretation will include the pre-history of the site as Wiyot land before Anglo discovery, as well as the rationale for its removal.
Responsible Party
City of Arcata, Community Development Department in collaboration with Wiyot Area Tribes.
Implementation Schedule
The report identified in Measure CU-1 shall be drafted by August 1, 2019. Subsequent final report shall depend on the timing of Wiyot, City, and public review. Any pamphlets, interpretive panels, videos, exhibits, or web-based media conveying the report may be produced at any time after the content of the report is developed.
Measure of Success
The final report adopted by the City Council with approval from the Wiyot Area Tribes.

Appendices

1. Written Comments on the Draft EIR Received During the Circulation Period
2. Planning Commission Staff Report of October 23, 2018

Document Preparers

City of Arcata Community Development Department
SHN

APPENDIX 1. WRITTEN COMMENTS ON THE DRAFT EIR RECEIVED DURING THE CIRCULATION PERIOD

APPENDIX 2. STAFF REPORTS AND MINUTES FROM PUBLIC HEARINGS