

Mission statement of McKinleyville Community Services District:
“Provide McKinleyville with safe and reliable water, wastewater, lighting, open space, parks and recreation, and library services in an environmentally and fiscally responsible manner.”

September 2, 2020 Supplemental Packet Information

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Posted 9:00 am on September 2, 2020

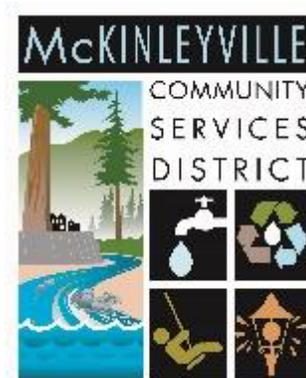
Pursuant to California Government Code Section 54957.5, this supplemental Board packet are available for public inspection on the web at McKinleyvillecsd.com/meetings or upon request at the MCSD office, 1656 Sutter Road, McKinleyville.. If you would like to receive the supplemental packet via email, free of charge, contact the Board Secretary at (707)839-3251 to be added to the mailing list.

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Mad River Floodplain and Public Access Enhancement Project

Mitigation, Monitoring, and Reporting Plan

Prepared for:



McKinleyville Community Services District
1656 Sutter Road
McKinleyville, CA 95519

August 10, 2020



Funding for this project has been provided in full or in part through an agreement with the California State Coastal Conservancy and the California Department of Fish and Wildlife.

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The purpose of this mitigation and monitoring plan is to identify all the IS MND mitigation measures for implementation and compliance. The plan identifies the person or agency responsible for monitoring; the frequency and evidence of compliance. A full description of the Mitigation Measures is located in the IS MND under the relevant checklist heading.

Mitigation Measures:

AIR-1 Dust Control

MCSD, at all times during construction, shall comply with Air Quality Regulation 1, Rule 104 (D) to the satisfaction of the NCUAQMD. This would require, but may not be limited to:

- Water all active construction areas regularly to limit dust; control erosion and prevent water runoff containing silt and debris from entering the storm drain system.
- Cover trucks hauling soil, sand, and other loose material.
- Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas.
- Sweep paved streets, access roads and parking areas daily if visible material is carried onto adjacent public streets.

Timing for Implementation/Compliance: During Construction

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during course of construction

BIO-1 Isolation of Work Area and Seasonal Window for In-Water Work

MCSD, at all times during construction, shall isolate the instream work area and construction related to the backwater off-channel habitat complex shall only occur between July 1st and October 31st when freshwater inflow and groundwater elevations are lowest and when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.

Timing for Implementation/Compliance: During Construction

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during course of construction

BIO-2 Preconstruction Surveys for Aquatic Species

MCSD, two weeks prior to construction and in areas to be de-watered, shall survey freshwater habitat for fish, amphibian, and reptile species of concern.

MCSD, immediately prior (1-3 days) to initiation of construction activities, shall survey all dewatered channels and adjacent habitat that will have vegetation removed or impacted by project activities. A qualified biologist will detect and re-locate any amphibians that have entered (dewatered ponds, channels) or reside (riparian vegetation) in these areas in the proposed construction boundary. All species observed should be moved to an appropriate, pre-determined relocation site, upstream from the footprint of the proposed construction area.

Should construction activities cease for a period greater than two (2) days during damp periods, when amphibians may be moving greater distances, the construction site should be surveyed by a qualified biologist to detect and move amphibians to an appropriate, pre-determined relocation site, either upstream or downstream from the footprint of the proposed construction area.

Timing for Implementation/Compliance: During Construction, two weeks prior to disturbance activities in the areas to be de-watered, and immediately prior (1-3 days) to initiation of construction activities and upon resuming construction that has ceased for greater than 2 days.

Person/Agency Responsible for Monitoring: MCSD General Manager with services of a Qualified Biologist

Monitoring Frequency: During project construction

Evidence of Compliance: Visual inspection prior to construction after more than 2 days of non-construction

BIO-3 Removal of Aquatic Species Prior to Dewatering

MCSD, prior to dewatering, shall install a fish barrier at the entrance to the existing ditch to exclude fish from a small wetted area within the zone of construction, near the entrance of the constructed off-channel habitat complex. The fish barrier will be fully compliant with all CDFW and NMFS requirements and installed under the supervision of a qualified fisheries biologist. Fish capture and relocation of fish and herpetofauna will occur in accordance with CDFW and NMFS protocols and guidelines to avoid impacts to sensitive species. Reintroduction of stream flow will occur by removing the fish barrier and the final earth plug into the constructed off-channel habitat complex.

Timing for Implementation/Compliance: Prior to Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager with services of a Qualified Biologist

Monitoring Frequency: Prior to dewatering

Evidence of Compliance: Ongoing visual inspection during course of construction when dewatering is occurring

BIO-4 Protection of Botanical Resources

MCSD, prior to construction, shall conduct pre-construction botanical surveys to detect and avoid or minimize impacts by implementing suitable measures for impacting any special status plant species in the proposed project site. If avoidance or minimization is not possible, develop mitigation measures in cooperation with CDFW.

Timing for Implementation/Compliance: Prior to Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager with services of a Qualified Biologist

Monitoring Frequency: Prior to project construction

Evidence of Compliance: Visual inspection prior to construction; avoidance or mitigation measures

BIO-5 Seasonal Work Window to Protect Birds

MCSD, during the breeding period (February 1st through August 15th), shall avoid degradation or removal of riparian or scrub habitats for bird species likely to nest in the proposed project area.

MCSD, during the breeding period (February 1st through August 15th) shall not conduct project activities resulting in noise disturbance that may potentially occur in or adjacent to the proposed project site. Noise disturbing activities are defined as those resulting in volumes significantly greater than current ambient levels. Should these seasonal restrictions to construction activities be unfeasible to the project proponent, clearance surveys for potentially nesting birds should be conducted by a qualified biologist to survey habitat that will be directly impacted by construction activities and within a 1,000 foot radius of said activities.

It is also recommended that should riparian vegetation removal be proposed to occur between August 15th and August 31st, a minimum of one visit by a qualified biologist should occur to detect any late-season active nesting birds immediately prior to vegetation removal activities. This recommendation is based on recent evidence from elsewhere in the proposed project region that native nesting birds, primarily residents (e.g., song sparrow) often double brood near the coast and may have active nests beyond August 15th.

To the extent possible, minimize removal of large-diameter (≥ 12 inch DBH) riparian trees and any trees with visible cavities capable of supporting breeding birds and roosting bats.

Timing for Implementation/Compliance: Prior to Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: Prior to project construction

Evidence of Compliance: Visual inspection prior to construction; avoidance or mitigation measures

BIO-6 Protection of Willow Flycatcher

MCSD, during the breeding period (February 1st through August 15th), shall conduct Willow flycatcher surveys, using the recommended survey protocol by CDFW (Bombay et al. 2003 in Slauson) during the June and June-July survey periods. Survey should be conducted by a qualified biologist prior to the initiation of construction activities to identify occupied nesting habitat. Because Willow flycatchers are amongst the latest of the migratory species to arrive and initiate nesting activities in Humboldt County, there is the potential that nesting territories may remain active beyond August 15th. Should one or more occupied Willow flycatcher nesting territories be located during these surveys, consultation with CDFW will be necessary to evaluate appropriate mitigation measures to minimize degradation of each nesting territory from proposed project activities that may degrade or remove riparian habitat.

Timing for Implementation/Compliance: Prior to Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager with services of a Qualified Biologist

Monitoring Frequency: Prior to project construction

Evidence of Compliance: Visual inspection prior to construction; avoidance or mitigation measures

BIO-7 Protection of Northern Red-legged Frog

MCSD, shall not conduct construction activities in freshwater wetland habitat located in the

percolation ponds work during the breeding (January-May) and metamorphosis (June-August) periods for the Northern Red-legged Frog.

MCSO, in order to avoid seasonal restrictions, within 2 weeks prior to the start of in-stream activities, shall conduct clearance surveys within the proposed construction boundary for potentially breeding frogs in suitable habitat prior to the initiation of in-pond work (see below). If larvae or eggs are detected, the biologist will relocate them to a suitable location outside of the proposed construction boundary.

In the event that a Northern red-legged frog is observed within the construction boundary during construction activities, in-stream work should be temporarily halted until the frog has been moved to a safe location with suitable habitat outside of the construction area footprint.

Timing for Implementation/Compliance: Prior to Construction.

Person/Agency Responsible for Monitoring: MCSO General Manager with services of a Qualified Biologist

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

BIO-8 Fish Protection

MCSO, shall avoid impacting all fish species present in the main Mad River channel by conducting all construction activities prior to connecting the northern channel of the project to the main river channel. If avoidance of aquatic connectivity of the main river channel until the completion of the construction of all features is not possible, utilize a fish screen approved by CDFW to block fish from entering the backwater channel during construction.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSO General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

BIO-9 Protection of Lyngby's Sedge

If temporary and/or permanent impacts to Lyngby's sedge cannot be avoided, it is recommended that a mitigation and monitoring plan be developed with input from permitting and resource agencies.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSO General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

CR-1 Inadvertent Discovery of Archaeological Material

If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCS D General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

CR-2 Inadvertent Discovery of Human Remains

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCS D General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

GEO-1 Inadvertent Discovery of Paleontological Resources

If potential paleontological resources are encountered during project subsurface construction activities or geotechnical testing, all work within 50 feet of the find shall be stopped, and a qualified archaeologist shall be contacted to evaluate the find, determine its significance, and identify any required mitigation. The applicant shall be responsible for implementing the mitigation prior to construction activities being re-started at the discovery site.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCS D General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HAZ-1 Management of Hazardous Materials On-Site

During construction, the following BMPs will be implemented;

- Heavy equipment used in the project shall be in good condition and shall be inspected for leakage of coolant and petroleum products and repaired, if necessary, before work is started.
- Equipment operators shall be trained in the procedures to be taken should an accidental spill occur.

- Prior to the onset of work, the contractor shall prepare a plan for the prompt and effective response to any accidental spills.
- Absorbent materials designed for spill containment and cleanup shall be kept at the project site for use in case of an accidental spill.
- Refueling of equipment shall occur within the staging area or a minimum of 150 feet away from stream channels or perennial wetlands. All refueling will occur on a pad to capture any drips or spills.
- If equipment must be washed, washing shall occur off-site.
- Stationary equipment shall be positioned over drip pans.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HAZ-2 Spill Prevention

Equipment on site during construction shall be required to have emergency spill cleanup kits immediately accessible in the case of any fuel or oil spills. Staging, fueling and maintenance of equipment shall be conducted only in staging areas or no closer than 150 ft from open water or in any location where hazardous material spills could become entrained in flowing water.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HWQ-1 Limit Construction Window

Construction related to the backwatered off-channel habitat complex shall only occur between July 1 and October 30 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction and when background freshwater inputs are at summer baseflow thresholds. Excavated materials shall not be stockpiled overwinter. Sediment control measures shall be in place while materials are being stockpiled to minimize sediment and pollutant transport from the project site.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HWQ-2 Placement of Fill to Protect Water Quality

Placement of fill in the project area shall occur when the area is not inundated by water.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HWQ-3 Excavation of Saturated Soils and Erosion Control

Excavation shall include handling of saturated soils. Saturated soils shall be dewatered and/or transported saturated in a manner that prevents excess discharge or spillage of soils or water within the construction access areas. A silt fence shall be installed around the perimeter of temporary stockpiles of saturated soils to prevent runoff from leaving the site. During construction, a silt fence shall be deployed to isolate work areas from existing channels, and to trap suspended sediment that might leave the construction site if stormwater runoff were to occur. If the silt fence is not adequately containing sediment, the construction activity shall cease until remedial measures are implemented that prevent sediment from entering the waters below.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HWQ-4 Limits to Materials Storage and Placement to Protect Waters

No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter or be washed by rainfall into waters of the U.S./State. Soil and material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HWQ-5 Post-Construction Erosion Control

Following completion of excavation, placement of fill, and grading, all ground to the limits of disturbance above the wetted water surface elevation shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Treated areas that are not exposed to tidal influence shall be mulched with at least 2 to 4 inches of certified weed-free straw mulch with wheat or other straw for riparian and wetland areas and rice straw for uplands and use of a seed mix with coverage equivalent to 100 lbs/acre of native grass seed and appropriate riparian vegetation for immediate erosion control. No annual (Italian) ryegrass (*Lolium multiflorum*) shall be used. All temporary fill, synthetic mats and silt fences shall be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics shall be used, where possible.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

HWQ-6 Implementation of Stormwater Best Management Practices

The following BMPs (California Storm Water Quality Association Storm Water Best Management Practice (BMP) Handbook for Construction 2003) shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into the Mad River during the transportation and storage of excavated contaminated materials:

- **EC-2 Preservation of Existing Vegetation.** The best way to prevent erosion is to not disturb the land. To reduce the impacts of new development and redevelopment, projects may be designed to avoid disturbing land in sensitive areas of the site. To the extent feasible, and consistent with the project's design, goals, and objectives, some existing vegetation will be preserved on the site must be protected from mechanical and other injury while the land is being developed. The purpose of protecting existing vegetation is to ensure the survival of desirable vegetation for shade and erosion control.
- **EC-6 Straw Mulch.** Straw mulch is suitable for soil disturbed areas requiring temporary protection until permanent stabilization is established. Where appropriate, weed-free straw mulch will be used for erosion control on disturbed areas until soils can be prepared for permanent vegetation. Straw mulch is also used in combination with temporary and/or permanent seeding strategies to enhance plant establishment.
- **EC-7 Geotextile and Mats.** Mattings are commonly applied on short, steep slopes where erosion hazard is high and vegetation will be slow to establish. Mattings are also used on stream banks where moving water at velocities between 3 ft/s and 6 ft/s are likely to wash out new vegetation, and in areas where the soil surface is disturbed and where existing vegetation has been removed. Where appropriate, matting may also be used when seeding cannot occur (e.g., late season construction and/or the arrival of an early rain season). Erosion control matting will be considered in portions of the project area where soils are fine grained and potentially erosive.
- **EC-8 Wood Mulching.** Wood mulching is suitable for disturbed soil areas requiring temporary protection until permanent stabilization is established. The primary function of wood mulching is to reduce erosion by protecting bare soil from rainfall impact, increasing infiltration, and reducing runoff. Vegetation removed during construction will be chipped on-site and reused as erosion control mulch where feasible and appropriate.
- **EC-9 Earth Dikes and Drainage Swales.** The temporary earth dike is a berm or ridge of compacted soil, located in such a manner as to divert stormwater to a sediment trapping device or a stabilized outlet, thereby reducing the potential for erosion and offsite sedimentation. Where appropriate, earth dikes will also be used to divert runoff from off site and from undisturbed areas away from disturbed areas and to divert sheet flows away from unprotected slopes.
- **SE-1 Silt Fences.** Silt fences are suitable for perimeter control, placed below areas where sheet flows discharge from the site. Where appropriate, they will be used as interior controls below disturbed areas where runoff may occur in the form of sheet and rill erosion. Silt fences are generally ineffective in locations where the flow is concentrated and are only

applicable for sheet or overland flows. Silt fences are most effective when used in combination with erosion controls.

- NS-5 Clear Water Diversion. Clear water diversion consists of a system of structures and measures that intercept clear surface water runoff upstream of a project, transport it around the work area, and discharge it downstream with minimal water quality degradation from either the project construction operations or the construction of the diversion. Dewatering the in-channel work areas and establishing a flow bypass will serve as the clear water diversion for the project.
- WM-3 Stockpile Management. Stockpile Management procedures and practices will be designed to reduce or eliminate air and stormwater pollution from stockpiles of soil excavated from in-channel and floodplain areas.
- WM-9 Sanitary/Septic Waste Management. Proper sanitary and septic waste management prevent the discharge of pollutants to stormwater from sanitary and septic waste will be provided via convenient, well-maintained facilities, and arranging for regular service and disposal.

Timing for Implementation/Compliance: During Construction.

Person/Agency Responsible for Monitoring: MCSD General Manager

Monitoring Frequency: During project construction

Evidence of Compliance: Ongoing visual inspection during construction

August 29, 2020

To the MCSD Board. Please read this during the September 2 open meeting.

Re: School Road Trail, Humboldt County Planning Application No. 15879

The creation of wheelchair accessible trails is certainly a good thing. That is why there are such trails and river overlooks at Hiller Park close by. Is it really necessary to create another one at the west end of School Road? School Road and Ocean Avenue already are plagued with too much traffic and cars that speed. Enhancing the dirt trail that is already in existence will bring more traffic, more noise, more strewn garbage, and more annoyed people who live nearby.

My immediate neighbors and I live on Verwer Avenue situated one block west of the proposed disabled (and other?) parking area at School and Ocean. Verwer is a privately owned and maintained dirt road that is a cul-de-sac. There are four or five residences on the street. It is also home to children who now enjoy the safety and quiet of our road. We treasure our wild visitors: quail and foxes. A family of fox kits plays in front of my neighbor's house. The proposed trail enhancement and parking area will add to the traffic and destruction of our dirt road and our safe, quiet enjoyment of living here.

Currently, there are signs on School Road advising folks that there is **no turn-around**, that it is a **dead end** (at the barrier) and that the **county does not accept any liability for anything occurring on Verwer**. Those signs are largely ignored. Up to twenty cars daily already use Verwer to turn around or whose drivers want to get a better view of the river. These cars speed up our road, make noise, beat up our road, and cause billows of dust in the dry season or deep ruts in the wet season. With the addition of a paved trail and parking area, we will be inundated with more cars using our road. It is expensive and hard physical work for us home owners—especially us old folks--to maintain our street.

There needs to be mitigation or the situation on our little road will become untenable once the proposed trail enhancement and parking are completed. Some suggestions have been:

- More and better signage including "NO PARKING" on either side of School Road west of Ocean Avenue;
- Bumping out into the field adjacent to create a turn-around narrow enough to turn around but not wide enough to park a vehicle;
- County providing and maintaining a security gate at the entrance to Verwer;
- County accepting liability for incidences arising from *outsider* traffic on Verwer;
- County maintaining Verwer Avenue.

Thank you for your attention and creative solution to what is sure to become an ongoing problem without mitigation.

Very truly yours,

Beryl Feldman
1597 Verwer Avenue
McKinleyville

CC: Tom Mattson, Humboldt County Public Works, tmattson@co.humboldt.ca.us
Hank Seeman, Humboldt County Public Works, hseemann@co.humboldt.ca.us
Zsofia Odry, Humboldt County Planning, zodry1@co.humboldt.ca.us
Steve Warner, Humboldt County Planning, swarner@co.humboldt.ca.us
Steve Madrone, Humboldt County Supervisor, smadron@co.humboldt.ca.us
Catherine Holloway, California Coastal Commission, Catherine.holloway@coastal.ca.gov

September 1, 2020

School Road Trail, Humboldt County Planning Application #15879

To MCSD Board (for Wednesday, September 2 meeting),

Initially, I thought the objectives of wild life support, expanding trail access, including to wheelchairs, were laudable. More recently, I'm increasingly concerned with the completion of a project, which can change the future of our neighborhood for the worse, irrevocably into the future; irrevocably, because once the public has access and expanded parking, the increased traffic will be difficult to change, or to stop. To bring these risks to our neighborhood when Hiller Park is close by, and quite lovely, seems unnecessary.

While I don't know exactly what consequences the project might have, in terms of increased traffic and related noise, increased road maintenance on Verwer Avenue, where I live (a private road), and for which home owners must pay all costs of maintenance, and increased side of road parking, including Verwer Avenue itself, I believe that it is reasonable to assume that over time usage of the expanded facility will increase, and all these factors will be increased, to the detriment of our quiet neighborhood. With these increases, risk to children, pets, and wildlife also increase.

There are signs on School Road advising folks that there is no turn-around; that it is a dead end (at the barrier) and that the county does not accept any liability for anything occurring on Verwer. Currently, (and commonly) there are numerous drivers who ignore all signage and end up using Verwer as a turnaround. They are often moving too fast and contribute to the need for road maintenance. There may be as many as 10 to 20 cars a day that use Verwer this way. It also needs to be noted that Ocean Avenue, which intersects with School road, near its extreme west end, is in bad need of maintenance, and the project will only increase traffic on it as it is already a significant thoroughfare between Hiller Avenue and School Road.

I write to suggest that the basic premises about this project, and its attendant risks be re-considered; and only moved forward if the mitigations suggested below (or comparable ones) are also approved and accomplished. They will be important in maintaining and sustaining the quality of life for residents on Verwer Avenue, where currently, five residential dwellings exist, four single family homes and one multiple family apartment building. With that caveat, here are mitigations, which should help to minimize long-term detrimental consequences of the project's completion:

- The county provides and maintains a security gate on School Road, or at the entrance to Verwer, which can be opened electronically by remote control, and closing automatically;
- The project needs to create a small, but obvious turn-around, by using a small 'turn-out' that uses space in the field near the trails head east of the security gate to allow vehicles to easily change their direction on School Road;

- More and better signage including “NO PARKING” on either side of School Road west of Ocean Avenue;
- If mitigations don't limit traffic on Verwer then the County needs to accept liability for incidents arising from *outsider* traffic on Verwer;

Thank you for your attention and the opportunity to explain our concerns.

Bruce MacLaren
1597 Verwer Avenue
McKinleyville, CA 95519

CC: Tom Mattson, Humboldt County Public Works
Hank Seeman, Humboldt County Public Works
Zsofia Odry, Humboldt County Planning
Steve Warner, Humboldt County Planning
Melissa Kramer, California Coastal Commission
Steve Madrone, Humboldt County Supervisor

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September 3, 2020

Evelyn E. Maginnity, Grants Administrator
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: **MCSD Commitment to Accept Community Forest Land and Commitment to Operation and Maintenance Costs**

Dear Ms. Maginnity;

This letter confirms McKinleyville Community Services District's (MCSD or District) acceptance of the proposed Community Forest land from Green Diamond/Trust for Public Lands if this grant is funded. A Community Forest is something that the District and surrounding Community have been actively working on for over 20 years, and we are very excited to see the project move forward with your assistance. The District is fully committed to making this a viable Community Forest that is an asset to McKinleyville and surrounding regions, not only for our lifetimes, but into perpetuity. Towards that end, the District agrees to:

- Accept title to the property (portions of APN#s 509-061-001, 509-062-004, 509-063-003, 510-011-014, 510-011-016, and all of 511-111-057)
- Accept property with deed restrictions (In general conformance with the attached template provided by the State)
- Provide for the long-term operations and maintenance of the property in perpetuity, including using timber harvest revenue to fund long-term operations and maintenance of the forest.

The District currently operates and maintains over 150 acres of parks and open spaces. We have the necessary resources and experience to plan and successfully operate these types of assets. A Community Forest is a long-desired community amenity and the District is committed to do what is needed to develop a forest that will serve our entire community including ADA users, local Tribes and disadvantaged community members. Thank you for helping our Community realize this goal.

Sincerely,

Mary Burke, President
McKinleyville Community Services District Board

Sample deed restriction language –

The property described in this deed was purchased in part or in whole with grant funds provided by the State of California by and through the Natural Resources Agency (“the State”) under the [Insert Fund Source e.g., *Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2001 (Proposition 50)*] and is referred to herein as the “Burdened Property”. The Burdened Property currently consists of [take from appraisal/DGS letter]. Landowner desires and intends that in order to provide public benefit and meet the terms of the funding, the Burdened Property shall be used only for purposes consistent with the funding.

Use of the burdened property shall exclusively be for [Insert description of property use based on purpose of the program/project proposal e.g., *habitat preservation and public access which includes managing and maintaining the existing public access features consisting of an existing trail head and two miles of trail until at least (insert required term)*], so long as such management and maintenance complies with federal and state laws and regulations. If access for the public ever needs to change location, scope, or scale, landowner will seek consent from the State.

Unless otherwise expressly identified in this deed, all development rights are extinguished.

The Burdened Property (including any portion of it or any interest in it) may not be sold or transferred without the written approval of the State. Such approval shall not be unreasonably withheld, provided the purposes for which the funding was awarded are expressly assumed by the purchaser as part of the purchase agreement and prior to the close of escrow.

Responsibilities to maintain and operate the Burdened Property in accordance with this deed runs with the land.

Obligations for operation and maintenance of the Burdened Property may be abandoned only upon the written approval of the State and only for good cause. Good cause includes, but is not limited to, natural disasters that destroy the property. Good cause shall not include more expedient or economically beneficial development.

The Burdened Property, or any portion thereof, may not be used mitigation without the written permission of the State.

The Burdened Property, or any portion thereof, may not be used as security for any debt.

These restrictions imposed on the Burdened Property shall run with the land and pass with each and every portion of the Burdened Property and shall apply to and bind the respective successors in interest to the Burdened Property.