

# 1.0 INTRODUCTION TO THE FINAL ENVIRONMENTAL IMPACT REPORT

## 1.1 CEQA REQUIREMENTS FOR FINAL ENVIRONMENTAL IMPACT REPORTS

Under the requirements of the California Environmental Quality Act (CEQA), a Final Environmental Impact Report (Final EIR or FEIR) is required to contain: (i) the Draft EIR; (ii) copies of all comments or recommendations received by the lead agency during the public comment period concerning the Draft EIR; (iii) a list of persons, organizations, or individuals commenting on the Draft EIR (this requirement is met by the FEIR table of contents); (iv) the responses of the lead agency to “all significant environmental points” identified during the review process; and (v) anything else the lead agency determines should be added (see CEQA Guidelines § 15132). With respect to the first point, the Draft EIR (DEIR) for the Humboldt Bay Management Plan is incorporated by reference into this Final EIR. With respect to the second point, copies of all comment letters received by the District are included in this Final EIR. The purpose of this introductory section is to clarify the distinction between comments raising “significant environmental points” about the EIR (the third point above) and comments and concerns of other types. The former are required to be addressed in the Final EIR. The latter are not CEQA issues, and will be addressed by the District in other contexts, as appropriate.

Only the requirements of CEQA are required to be addressed in EIR documents. A variety of implementation projects will affect Humboldt Bay’s management; these undefined plans, programs, and projects will still have to be developed and considered, but not as part of this EIR. The format within which the other requirements will be addressed is the discretionary review process conducted by the decision-makers in local, state, and federal approval agencies. The known agencies and approval processes affecting Humboldt Bay are identified in the Management Plan and in Chapter 1 of the Draft EIR.

As described in Chapter 1 of the Draft EIR, the Plan’s EIR is required to address the Plan’s potential effects on the physical environment, as well as to meet a number of procedural requirements. That is, the EIR is required to identify reasonably likely consequences on the physical and biological world that would be likely to result from implementing the Management Plan.<sup>1</sup> This EIR has followed these requirements. The Final EIR is required to address “significant environmental points,” or what are generally called “substantive” questions. These are comments or questions about the Draft EIR’s descriptions and conclusions relating to the project’s impacts on the physical world. Examples of substantive comments could include: (i) comments about the *analytical framework* used in considering fisheries habitat; (ii) comments about the *evidentiary basis*

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<sup>1</sup> The Management Plan’s potential environmental consequences are inherently less clearly defined than would be the potential effects of a “project.” As was described in the Draft EIR and as is noted in a number of the responses to comments in this Final EIR, CEQA admonishes lead agencies and other parties in EIR processes to avoid speculating about environmental consequences that cannot be reasonably associated with the content of the draft planning document that is the subject of the EIR.

for determining the significance of geological questions; or (iii) comments about the EIR's *conclusions* regarding the project's consequences for wetlands.

The comment letters received by the District included substantive comments regarding the Draft EIR.<sup>2</sup> The comment letters also included statements that are not comments about the Management Plan's potential effects on the physical environment. Comments or questions about the information requirements for various agency permits or approvals, or statements that reflect the commenters' perspectives about regulatory process in which the District plays no role, are not CEQA comments for the Plan's programmatic environmental review, and are not addressed in this Final EIR. Such comments or questions about the Plan's implementation cannot, for the most part, be evaluated at the present time, because the specific plans, programs, and projects that will implement the Management Plan do not yet exist. Such questions will still be addressed, when the District's decision-makers consider those future plans, programs, and projects. At those times the District will also consider CEQA review documents that are tiered to this programmatic EIR. In addition, the substance of some of the comments does not lie within the District's jurisdiction, and can only be addressed by agencies that possess legal authority to address the issues raised.

This Final EIR contains copies of the letters submitted to the District addressing the Draft EIR. Each comment letter is treated as a chapter of the FEIR. Within each comment letter, substantive comments about the content of the Draft EIR are identified with marginal lines on the left side of each page. Each comment is given a number. These comment numbers are keyed to the responses to comments, generally as a section in the chapter (or as subsections when several related comments occur close together).

## **1.2 STATE CLEARINGHOUSE NOTICE**

Following this brief introduction is a copy of the notice to the District from the State Clearinghouse (SCH) that the District complied with CEQA's notification requirements. In addition, the SCH notice indicates that no state agencies sent comments to the Clearinghouse (although several state agencies did send comments directly to the District).

The SCH notice was sent at the close of the originally established 45-day comment period, which ended 30 May, 2006. Four comments were received during the original comment period. The District extended the comment period through the end of the District's next Commission meeting, on the evening of 08 June, 2006. Six additional comments were received during the extension period, and a seventh comment was hand-delivered to the District following the expiration of the extension.

The comment letters are addressed in this Final EIR in the order received.

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<sup>2</sup> Several comment letters included extensive written supplements that amplified opinions held by the commenters. The substantial environmental points raised by the commenters were clear without recourse to the supplements, and the supplements are not included in this Final EIR; all supplementary materials will be provided for consideration by District decision-makers. The supplementary materials are available for review at the District office, or upon request to District staff.



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Sean Walsh  
Director

May 31, 2006

Jeff Robinson  
Humboldt Bay Harbor  
601 Startare Drive  
Eureka, CA 95501

Subject: Humboldt Bay Management Plan  
SCH#: 2005082040

Dear Jeff Robinson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 30, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

RECEIVED

JUN 05 2006

H.B.H.R. & C.D.

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2005082040  
**Project Title** Humboldt Bay Management Plan  
**Lead Agency** Humboldt Bay Harbor

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**Type** EIR Draft EIR  
**Description** The proposed Humboldt Bay Management Plan reflects a policy balance that recognizes the District's legislatively directed obligations to manage harbor-related, recreation-related, and conservation-related management goals for Humboldt Bay. The specificity of the policies in the Draft Plan allows this EIR to consider potential "trade-offs" among policy goals and potential implementation constraints, and that is the primary focus of the EIR: to identify conceptually both the environmental effects that would result from implementing the Plan and the potential trade-offs that could be associated with balancing the policies identified in the Plan.

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**Lead Agency Contact**

**Name** Jeff Robinson  
**Agency** Humboldt Bay Harbor  
**Phone** (707) 443-0801 **Fax**  
**email**  
**Address** 601 Startare Drive  
**City** Eureka **State** CA **Zip** 95501

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**Project Location**

**County** Humboldt  
**City**  
**Region**  
**Cross Streets**  
**Parcel No.**  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways** 101, 255  
**Airports** Murray Field  
**Railways** NCRA  
**Waterways** Humboldt Bay  
**Schools**  
**Land Use**

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Regional Water Quality Control Board, Region 1; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 1; Caltrans, Division of Aeronautics; Department of Fish and Game, Marine Region; Department of Fish and Game, Region 1; State Lands Commission; Department of Boating and Waterways; California Coastal Commission

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**Date Received** 04/14/2006 **Start of Review** 04/14/2006 **End of Review** 05/30/2006

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