

WATERFRONT DRIVE EXTENSION PROJECT

Draft Scoping Report

November 2004

Prepared for:
City of Eureka
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WATERFRONT DRIVE EXTENSION PROJECT

Scoping Report

1.0 INTRODUCTION

This document describes the scoping process that will assist the Federal Highway Administration (FHWA) and the City of Eureka (City) in their role as Lead Agencies under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), respectively. The primary purpose of this document is to determine the proper scope of the joint environmental document, which is currently an Environmental Assessment (EA)/Environmental Impact Report (EIR), to be prepared for the proposed Waterfront Drive Extension Project. There is a possibility, based on the significance of findings made during preparation of the various technical studies, that the NEPA document may be elevated to an Environmental Impact Statement (EIS).

In order to effectively frame the depth and breadth of the analyses in the environmental document, the scope of the document must be determined, including the topics and level of detail. This is an essential component of both the NEPA and CEQA processes. The scoping process is open to federal, state, and local governments and regulatory agencies (including tribal governments), public and private organizations, special interest groups, and interested individuals. The objectives of scoping are to:

- identify the affected public and agency concerns;
- facilitate an efficient NEPA/CEQA document preparation process;
- define the issues and alternatives that will be examined in detail in the document while simultaneously devoting less attention and time to issues that cause no concern;
- save time in the overall process by helping to ensure that the draft document adequately addresses relevant issues; and
- produce a comprehensive document that thoroughly analyzes all pertinent issue areas.

The public participation process, which is a key part of scoping, offers a forum to bring together and identify the concerns of affected federal, state and local agencies, the project proponents and interested stakeholders in an open and objective environment.

2.0 INITIAL SCOPE OF THE ANALYSIS

In its Notice of Preparation (NOP) published September 10, 2004, the City identified the study area as generally occurring between Humboldt Bay to the west, State Route 101 (Broadway) to the east, Wabash at Railroad Avenue to the north, and Hilfiker Lane to the south, within the city limits of Eureka. The NOP stated that the EIR would consider the construction of a two-lane extension of Waterfront Drive (approximately 9,000 lineal feet) southerly from Del Norte Street to Hilfiker Lane, with potential connections to State Route 101 at Truesdale Avenue, McCullens Avenue, and

Bayshore Way, as well as Class II bike lanes in both directions, a sidewalk along the eastern side, and a Class I multiuse recreational trail. Attached to the NOP was an Initial Study Checklist that provided a preliminary discussion of potential key issue areas and accompanying strategies for addressing these key issues in the EIR. Effects that the City found to be absent or insignificant were identified in the Initial Study along with a statement that the issue will not be addressed in further detail in the EIR.

3.0 SUMMARY OF MEETINGS AND OPPORTUNITIES FOR PUBLIC INVOLVEMENT

The following is a summary of the public involvement and scoping process that has been completed to date:

February 2, 2001 The City conducted a preliminary project workshop at City Hall, with representatives from Caltrans, Coastal Commission, Fish and Game, Regional Water Quality Control Board, Humboldt County Health Department, and the U.S. Fish and Wildlife Service present.

June 18, 2003 The City conducted a Project Field Review with Caltrans and FHWA. The purpose of the meeting was to review the Preliminary Environmental Studies (PES) and Field Review Forms that the City completed for the project. A site visit was conducted to identify potential project issues that will need to be addressed during the environmental review process.

October 17, 2003 Initial meeting with key participating agencies to discuss potential wetland issues associated with the proposed Waterfront Drive Extension Project. Representatives from the City, California Coastal Commission, California Department of Fish and Game, Caltrans, and the U.S. Army Corps of Engineers were in attendance.

September 10, 2004 The City, as the Lead Agency under CEQA, circulated a Notice of Preparation with the State of California, Governor's Office of Planning and Research, State Clearinghouse for the proposed Waterfront Drive Extension Project (SCH# 2004092041). In conjunction with the issuance of the NOP, a Public Notice was posted on September 15, 2004 at the City Clerk's Office. NOP's were sent by the City using certified with return receipt mail directly to all state, federal and local agencies having a potential interest in the project. The City also provided notice of the release of the NOP to members of the public known to have an interest in the project. All federal, state, local agencies, and other persons or organizations were urged to participate in the scoping process. Lisa D. Shikany, Environmental Planner for the City of Eureka Community Development Department, 531 K Street, Eureka, CA 95501-1146, (707) 268-5265 was listed as the point of contact for further information. The NOP distribution list is presented in **Appendix A**. Comments received from the various agencies are included in **Appendix B**.

September 22, 2004 An agency scoping meeting was held at the City Hall in Eureka, CA. The purpose of the meeting was to discuss the following elements: project history; need for and purpose of the project; review of project description/site plan; identification of project issues; scope and breadth of proposed technical studies; and an overview of the environmental review process. The primary

objective of the meeting was to answer any questions regarding the project and to solicit comments on the NOP. Representatives from NOAA-Fisheries, Caltrans, and Humboldt County were present at the meeting.

4.0 SCOPING COMMENTS

The scoping process resulted in the presentation and/or submission of comments from 15 organizations. The comments were submitted to the City Community Development Department via written correspondence and oral comments presented at the agency scoping meeting. The following section discussed the process of reviewing, organizing, and incorporating the comments into the NEPA/CEQA review process.

Review and Organization of Scoping Comments

Scoping comments were reviewed and organized according to agencies and stakeholders. Copies of the comment letters are included in **Appendix B**. Each comment was carefully reviewed, and the issues, questions and concerns were highlighted. These comments addressed a variety of topics that pertain to the proposed project outlined in the NOP. **Table 1** provides a summary of comments provided by the responsible agencies. These comments are organized by subject area, using the outline of major environmental elements to be addressed in the joint NEPA/CEQA document that will be prepared by the City and FHWA. A NOP comment may be addressed in more than one section of the draft environmental document, if such consideration is required to appropriately consider the nature of the comment. Comments that did not clearly fall within one of these areas were grouped together under General Comments. Comments that were determined to be substantive in nature are summarized in the following section.

5.0 COMMENT SUMMARY

The following section provides a summary of substantive comments received on the NOP that may assist the Lead Agencies in identifying a range of alternatives, potential project impacts, and associated mitigation measures that will be analyzed in depth in the joint NEPA/CEQA document.

National Oceanic and Atmospheric Administration (NOAA-Fisheries)

- The following listed species and critical habitat occur in the Humboldt Bay watershed and may be affected by the proposed Project: (1) Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit (ESU); (2) California Coastal (CC) Chinook salmon (*O. tshawytscha*) ESU; (3) Northern California (NC) steelhead (*O. mykiss*) ESU; and (4) critical habitat for SONCC coho salmon.
- Consult with NOAA Fisheries regarding potential adverse affects to Essential Fish Habitat (EFH).
- NOAA Fisheries anticipates future EFH and ESA section 7 consultations to determine the effects of the proposed project on listed salmonids and their critical habitat.

TABLE 1 - SUMMARY OF NOP COMMENTS

Comments Submitted	Resource Areas																						
	General Comment	Land Use	Growth	Community Impacts	Environmental Justice	Recreation	Utilities/Emergency Services	Traffic/Transportation & Pedestrian/Bicycle Facilities	Visual/Aesthetics	Cultural Resources	Hydrology & Floodplains	Water Quality & Stormwater Runoff	Geology/Soils/Seismic/Paleontology/Topography	Hazardous Waste/Materials	Air Quality	Noise	Energy	Natural Communities	Wetlands & Other Waters of the U.S.	Plant Species	Animal Species	Threatened & Endangered Species	Invasive Species
FEDERAL GOVERNMENT AGENCIES																							
U.S. National Oceanic & Atmospheric Administration (NOAA Fisheries)																						X	
STATE GOVERNMENT AGENCIES																							
Coastal Conservancy	X	X			X		X	X		X			X	X	X			X	X	X			
California Coastal Commission	X	X									X							X	X	X	X	X	
Department of Toxic Substances Control													X	X	X								
California Regional Water Quality Control Board - North Coast Region											X		X										
California Department of Transportation (Caltrans)								X															
Native American Heritage Commission										X													
LOCAL AGENCIES																							
North Coast Railroad Authority							X	X		X	X		X										
Pacific Gas & Electric (PG&E)							X																
Table Bluff Reservation Wiyot Tribe										X													
PUBLIC																							
North Western Pacific Support Coalition								X											X				
Redwood Region Audubon Society, Environmental Protection Information Center, North Group, Redwood Chapter, Sierra Club, Northcoast Environmental Center	X	X		X		X		X	X	X	X							X	X	X	X	X	X

- Anticipate there may be direct and indirect effects to listed salmonids, their critical habitat, and EFH from proposed project construction activities and indirect effects following project implementation.
- Conduct pre-project surveys to determine salmonid presence throughout the project area.
- Best Management Practices (BMPs) should be employed during all phases of project implementation.

California Coastal Commission

- Coastal development permits would need to be obtained from both the California Coastal Commission (Commission) and the City of Eureka for portions of the project.
- Include information regarding potential wetland fill, project impacts to adjacent environmentally sensitive habitat areas and water quality.
- Conduct a wetland delineation based on the Commission and City of Eureka wetland definitions. The wetland definition utilized by the Commission is significantly different from that of the U.S. Army Corps of Engineers.
- Quantify the amount and kind of wetland fill proposed in the different wetland areas.
- Coastal Act Section 30233 allows filling and dredging in wetlands only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses.
- The Commission does not consider new roads or roadway extensions to be an allowable use for fill under any category of Section 30233(a).
- Include a thorough analysis of project alternatives.
- Compare alternatives with regard to their effects on the wetland environment.
- Alternatives analysis should include: rerouting traffic away from wetlands, the no project alternative, and project design configurations that would reduce or eliminate impacts on the wetland environment.
- Conduct a complete review of the specific impacts on the wetland environment.
- Address potential impacts, such as loss of wetland, loss of wetland habitat types, impacts on wetland species, and water quality.
- Include mitigation measures to avoid impacts.

- Section 30240 of the Coastal Act states that Environmentally sensitive habitat areas (ESHAs) shall be protected against disruption of habitat values and development near ESHAs shall be designed to prevent adverse impacts to these areas.
- Coastal development projects are usually required to maintain certain buffers; minimum width is usually 100 feet between the proposed development and the ESHA, but the ultimate width is project-specific.
- The EIR should assess the appropriate buffer width.
- Section 30230 and 30231 of the Coastal Act require the protection of the biological productivity and quality of coastal waters.
- Evaluate potential water quality impacts to coastal waters, such as increased turbidity, accidental spills or release of contaminants, and discharge of runoff from vehicle hydrocarbons.

California State Coastal Conservancy

- The proposed project should be consistent with the purposes of the marsh acquisition, marsh enhancement activities, intent of marsh easement, and protection and enhancement of the marsh's biological productivity and wildlife habitat.
- Significance thresholds should be protective of and enhance Palco Marsh's biological productivity and wildlife habitat
- Address potential impacts to Humboldt Bay, Elk River Wildlife Area and Palco Marsh scenic resources.
- Evaluate potential odors from project activities with respect to the Marsh and Elk River Wildlife Area viewers.
- "Significant Thresholds" should include all listed species, not just "rare, threatened or endangered" ones.
- Address potential biological resource impacts to the Elk River Wildlife Area.
- Consider effects to future wetland and City habitat restoration and enhancement activities.
- The EIR should evaluate all potential impacts that could result from hazardous materials spillage from the new road section.
- Impacts to hydrology and water quality should include all potential substances, not just sediment and petroleum products.

- Analyze the potential of petroleum products entering wetlands and surface water via spills.
- Discuss all potential impacts to marsh hydrology, including effects on areas that the City has planned future wetland and habitat restoration and enhancement activities.
- Discuss how the project may affect, and how it will coordinate with, the City's proposed Elk River trail.
- Consider potential wildlife impacts due to noise.
- Discuss potential impacts on recreation.
- Consider limiting the project scope to a multi-use trail.
- "Significance Thresholds" should include potential degradation to the quality of the environment, and a decrease in habitat quality (not just quantity).
- Include present species habitat, as well as present species.
- Conservancy-City grant agreements specify that the City shall refrain from developing or otherwise using any property it owns or controls in the vicinity of the Palco Marsh in such a way as to interfere with or inconvenience the use, management, operation or maintenance of the Marsh, or to detract from the Marsh purposes (habitat restoration and non-motorized public access).

Department of Toxic Substances Control (DTSC)

- Environmental documentation should adequately address any remediation of hazardous substance releases.
- Discuss past uses of any properties identified as hazardous substance release sites and the results of the Phase 1 Environmental Site Assessment and Phase 2 Site Investigation.
- If sampling indicates remediation is required for releases of hazardous substances, the EIR should discuss the various aspects of the remedial activities.
- If there is need for soil excavation, assess the following potential impacts: air and health impacts associated with the excavation activities; identify applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; transportation impacts from project activities; and risk of upset should there be an accident at the site during implementation of cleanup activities.

California Department of Transportation (Caltrans)

- New signals or signal modifications should not result in added delay on Broadway.

- Traffic impact study must identify all locations where new signals will be proposed, and must contain a progression analysis for all proposed signals and signal modifications on traffic progression on Broadway.
- Evaluate connections between Waterfront Drive and Broadway that utilize existing traffic signals and that improve cross-traffic circulation, rather than installing new signals at “T” intersections.
- Caltrans encourages the City to consult Caltrans personnel early and often for regionally significant projects with the potential to impact state routes.
- Any work within the Caltrans right of way, including the conduction of traffic counts and surveying, will require an Encroachment Permit.

California Regional Water Quality Control Board – North Coast Region

- Potential for contaminated soils and/or groundwater to be encountered during construction, which must be disposed of at properly permitted sites.
- Provided a list of identified contaminated sites within Eureka

Native American Heritage Commission

- A Sacred Lands File search of the proposed project area identified no recorded Native American sites within the project area.
- Lack of recorded sites does not preclude the possibility that cultural resources may be present.
- Recommends the following actions: contact the appropriate California Historic Resources Information Center for a record search; if an archaeological inventory survey is required prepare a professional report detailing the findings and recommendations of the records search and field survey.
- The lack of surface evidence of archeological resources does not preclude their subsurface existence. Mitigation should include provisions for the identification and evaluation of accidentally discovered archeological resources, provisions for disposition of recovered artifacts, and provisions for discovery of Native American remains.
- Early consultation with local tribes is encouraged.

Pacific Gas and Electric Company (PG&E)

- Relocation of any electric/gas utilities outside of existing City Streets to accommodate the project shall be at the Requestors Expense.

- Relocation of any Electric/Gas Utilities within the existing City Streets to accommodate the project shall be at PG&E's Expense.
- PG&E requests a minimum lead-time of six months to relocate the electric/gas facilities to accommodate the project.

Table Bluff Reservation Wiyot Tribe

- The City, the Federal Highway Administration, and all applicable consultants involved with the project are encouraged to work directly with the Wiyot Tribe in order to protect as many cultural resources as possible and to minimize impacts to these sites.
- Believe item d on page 11, Section V of the Notice of Preparation for the project may need to be changed from "Less Than Significant Impact" to "Potentially Significant Impact" due to confidential information regarding cultural resources in the area.

North Coast Railroad Authority

- The California Public Utilities Commission has specific regulations regarding the placement of any objects which may obstruct the passage of trains or interfere with railroad employees walking along the railroad right of way.
- Carrier employees need to have continual access to the track with railroad vehicles to conduct maintenance of the track and right of way.
- Address environmental and hydrological issues of placing the project in close proximity to the existing railroad right of way.
- Address liability for maintenance and for the potential for accidents involving trespassers on the railroad right of way.
- Carrier personnel and first responders must continue to have the ability to control any possible discharge of hazardous materials that may result from potential accidents.
- Address coordinating future reconstruction of the railroad.

Redwood Region Audubon Society, Environmental Protection Information Center, North Group, Redwood Chapter, Sierra Club and Northcoast Environmental Center

- Provided maps were not large enough in scale to determine important details.
- Produce legible maps and restart the 30-day NOP comment process.
- The following features were not included on two of the Figures: on Figure 5, a 24-inch culvert crossing Parcel A to Humboldt Bay, on Figure 6, a stormwater drainage ditch east of the railroad tracks from Parcel A to Truesdale Avenue.

- Through traffic diverted from Highway 101/Broadway will need to return to 101 between McCullens Avenue and V Street. To what extent will this negate congestion relief benefits?
- Assess impacts to traffic congestion and diverted traffic.
- Provide detailed information on traffic light signals, speed limits, stops signs, and designated vehicle use of the proposed project and the potential impacts of the above items on traffic.
- Discuss potential impacts related to redirecting traffic toward downtown and Old Town.
- Discuss on-street parking within the project area.
- Assess the impacts that may occur due to multi-use of the sidewalk.
- Describe why and how the designated bikeways are deemed multi-modal and how they will accommodate truck parking.
- Does the City have the right to relocate tracks and encroach on railroad right of way without North Coast Railroad Authority acquiescence?
- The proposed fence between the railroad track and the road would restrict public access to Humboldt Bay, which is contrary to Local Coastal Plan Policy 4.2.
- Discuss impacts to the environment and species habitat within the Coastal Zone and the potential to spread invasive species.
- Discuss potential impacts to cultural resources.
- Discuss all potential impacts to the Bay ecosystem.
- Discuss appropriate buffer width between the project and Palco Marsh.
- The proposed project would hydrologically and ecologically isolate Parcel A from the rest of Palco Marsh.
- Discuss impacts to scenic resources, terrestrial wildlife and users of the Palco Marsh.
- Discuss impacts from increased vehicle use of the proposed project to plant, aquatic and terrestrial wildlife.
- Discuss how the proposed project will impact the economic value of the Palco Marsh, specifically local ecotourism.
- Potential impacts to the Public Park, wildlife habitat and cultural resources should be addressed.

- Assess the proposed project's consistency with the City's General Plan and Local Coastal Program.
- Assess the proposed project's consistency with open space easements and contracts with the Conservancy.
- Discuss the expected cost of the proposed project and where the money will come from.
- Evaluate alternatives to the proposed project that offer other traffic congestion relief opportunities.

North Western Pacific Support Coalition

- Evaluate the impacts of the proposed project on the existing railroad right-of-way, as well as the wetlands and marsh area it would pass through.
- The railroad route must be maintained and ready when the railroad returns to this area.

6.0 CONCLUSIONS

The comments and concerns described herein identify the project issues, potential alternatives, and public concerns that were identified through the scoping process. Substantive issues identified through the NOP review and scoping process will be adequately addressed in the draft environmental document. A completion date for the draft environmental document has not yet been determined; however, when completed, the document will be distributed for public comments and agency review during a 45-day review period. The responses to comments on the draft environmental document will be included in the final environmental document.

Structure of the Environmental Analysis

Substantive comments received will be considered in the draft environmental document and addressed in the analysis provided for the appropriate resource area(s). Resource areas to be evaluated in the environmental document are described below. Some comments, such as those that discuss compliance and enforcement, easements, regulations, and protection of resources, will be addressed under multiple resource areas.

Land Use

The land use section will include a review of relevant planning policies pertaining to the project area, including the City of Eureka General Plan and Local Coastal Program, as well as the City's existing easement from the California Coastal Conservancy for a portion of the project corridor. This section will provide a summary of the project's consistency with these various local plans and policies.

Growth Inducement

Improved or increased access or availability of public services are representative of actions that could result in growth-inducing impacts. This potential growth-inducement effect of the proposed Waterfront Drive Extension project will be discussed in the environmental document.

Community Impacts/Environmental Justice

The City will be conducting a socioeconomic study, focusing on residents and businesses/commercial institutions, that complies with the Uniform Relocation Act of 1970 and Federal Executive Order 12898 (Environmental Justice). This study will include an examination of the characteristics of households that could be displaced and an analysis of opportunities for these households to relocate. The results of this study will be summarized in the Community Impacts/Environmental Justice section of the environmental document.

Public Services and Utilities

The analysis of public services and utilities will focus on the potential for erosion and sedimentation, resulting from construction of storm water conveyance facilities, to affect the water quality of adjacent waters and recommend appropriate mitigation measures (i.e., erosion/sedimentation control). The environmental document will also provide an overview of other utilities and public services associated with the project area, including a discussion of potential relocation of utilities lines as a result of the proposed project.

Traffic/Pedestrian/Bicycle Facilities

The City is conducting a comprehensive traffic study to determine how the proposed project would affect various roadways and intersections within the project study area. Critical traffic issues being evaluated include: intersection Level of Service (LOS), roadway capacity, turn lane and traffic signal warrants, adequacy of sight distance, potential vehicle or pedestrian conflicts, and ancillary traffic issues such as pedestrian safety and effects on bicycle traffic and local transit services. As part of the environmental review process, the project will be evaluated to determine if construction activities along Bayshore Way, McCullens Avenue, Truesdale Avenue and Hilfiker Lane would warrant the preparation of a Traffic Control Plan. In addition, the project study area will be evaluated to determine if existing public parking would be affected and prescribe mitigation to address the potential effects. The results of the traffic study will be summarized in the Traffic and Circulation section of the environmental document.

Cultural Resources

To address potential cultural resources concerns, including archaeology and historic resources, the City will be conducting a focused historical architectural inventory for all structures located within the historic architecture area of potential effects (APE) and a comprehensive archaeological survey within the archeological APE. The results of the historic resources survey will be compiled in a Historic Resources Evaluation Report (HRER) and the results of the archaeology investigation will be presented in an archaeological survey report (ASR), both for submittal to Caltrans, FHWA, and

SHPO for their review and approval. The findings of both reports will be summarized in the Cultural Resources section of the environmental document.

Visual Resources/Aesthetics

The City will conduct a qualitative visual impacts assessment that includes a site reconnaissance, photo-documentation of key public viewing areas (including photos of key views from the proposed road, key views from the bluff overlooking Humboldt Bay, and key views from the bay to the proposed road), and a consistency review of local planning and coastal zone management regulations for aesthetics. Concerns raised by local public stakeholders may also be considered in the analysis. The results of this study will be provided in the Visual Resources/Aesthetics section of the environmental document.

Recreation

The City will conduct a qualitative recreation study that evaluates current recreational usage of Palco Marsh and adjacent marshes, assesses whether the proposed project could result in increased pedestrian traffic within sensitive habitats, and proposes mitigation that will avoid and/or minimize this potential effect if warranted. This study will also analyze the potential effects of the proposed Waterfront Drive Extension Project, such as increased traffic noise, on identified recreational uses, and identify mitigation measures to compensate for any significant impacts. The findings of this study will be integrated with the Section 4(f) evaluation, as appropriate. The results of the study and Section 4(f) evaluation will be included in the Recreation section of the environmental document.

Hydrology and Floodplains

The Hydrology and Floodplains section of the environmental document will examine how the increase in impervious surface areas in the study area could affect the hydrology of adjacent natural water bodies due to increased stormwater runoff. This section will also examine the project location in proximity to known tsunami run-up zones within the City and discuss potential design recommendations to address any hazard concerns that are identified.

Water Quality and Stormwater Runoff

Due to the proposed project's proximity to several sensitive wetland areas, water quality will be an important issue to be evaluated in the environmental document. As part of the water quality analysis, a review of the existing North Coast RWQCB water quality standards will be conducted in order to assess the project's potential to violate these standards and to prescribe appropriate mitigation. The water quality analysis will also assess the potential for erosion in areas of projected increased runoff and the potential for increase in the amount of polluted runoff into adjacent water features and recommend appropriate mitigation measures.

Geology/Soils/Seismicity/Paleontology

This section of the environmental document will consider the aspects of topography, soils and sediments, engineering properties of the materials, seismic hazards, and other geologic conditions associated with the project study area. Particular emphasis will include the quantification of the

amount of disturbed soils along the project corridor, an assessment for the potential for erosion, and recommendation of suitable mitigation (i.e., Best Management Practices).

Hazardous Waste/Materials

The City is conducting a Phase I Environmental Site Assessment (ESA), in accordance with *ASTM E1527, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, as the first step in investigating previous property ownership and uses under Federal hazardous waste regulations, as well as to detect unknown or undocumented environmental problems. The Phase I ESA also will address environmental-related activities documented at adjoining and other vicinity properties. The results of the Phase 1 study will be included in the Hazardous Waste/Materials section of the environmental document.

Air Quality

An air quality study will be conducted by the City which analyzes the long-term effects associated with motor vehicle traffic along a newly-constructed segment of Waterfront Drive by applying level one of the Caltrans CO emission protocol to existing conditions and project build alternatives using information collected as part of the traffic study. The Air Quality section will also include a qualitative analysis of potential project contribution of PM10 to the North Coast Air Basin.

Noise

The City will conduct a technical noise study that will include the following elements: review of local noise standards; conducting noise monitoring; model using traffic data; and a qualitative assessment of construction-related noise and analysis of vehicle-induced vibrations at sensitive structures. The results of this noise study will be presented in the Noise section of the environmental document, while potential noise effects to wildlife will be discussed in the Biological Resources section of the environmental document.

Energy

The environmental document will include a qualitative analysis of construction and operational energy requirements and conservation potential for the proposed project and alternatives.

Biological Resources (Natural Communities/Wetlands/Special-Status Plants and Wildlife/ Invasive Species)

Biological investigations consisting of: California Natural Diversity Database (CNDDDB) search; informally consulting the CDFG, USFWS, and NOAA-Fisheries; rare plant survey and plant community mapping; survey for noxious weeds; and reconnaissance-level survey for special-status fish and wildlife habitat. In addition, a qualitative assessment of potential project operational effects on wildlife (i.e., traffic noise, vehicle exhaust emissions, traffic/wildlife collisions) will be conducted by reviewing existing literature and scientific data. The results of these biological investigations will be presented in the form of a Natural Environment Study (NES) report that will be submitted to Caltrans, FHWA and other pertinent agencies for review and approval and incorporation into the EIR.

A delineation of jurisdictional “waters of the U.S.” within the project study area will also be conducted. Both one and two-parameter wetlands (Coastal Commission and CDFG jurisdiction) and three-parameter wetlands (ACOE jurisdiction) will be delineated and mapped.

The results of both the NES and the wetland delineation report will be summarized in the Biological Resources section of the environmental document. This section will also include a review of the General Plan LCP polices specific to biological resources, and Conservancy easement to determine project consistency with these policies and conditions.

Cumulative Effects

Cumulative effects on the environment result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future projects. These impacts can result from individually minor, but collectively significant actions being undertaken within the project region. Cumulative impacts will be discussed by issue area (i.e., Land Use, Noise, etc.) within each section of the environmental document devoted that particular issue area. Significant cumulative impacts will be further discussed in a separate section of the environmental document.

Alternatives

One objective of the NOP comment/scoping process is to identify potential alternatives to the proposed action, as well as describe criteria that may be used in a preliminary screening evaluation process. The potential alternatives and alternative components will be developed through the scoping process. The lead agency will carefully review this information and adopt a reasonable range of alternatives for inclusion in the environmental document. The range of alternatives will include the No-Action Alternative as required by CEQA and NEPA. This alternative will serve as the baseline for assessing other alternatives to the proposed action. Based on the information provided in the previous sections, the following criteria may be applicable in the preliminary screening of alternatives to the proposed action.

- Ability to meet the project purpose
- Construction Cost
- Ownership/Jurisdiction
- Location (public/private)
- Design Components
- Environmental Effects

APPENDIX A

NOTICE OF PREPARATION (NOP) DISTRIBUTION LIST

**Waterfront Drive Extension Project
NOP Distribution List**

Federal Agencies

U.S. Department of Transportation
Federal Highway Administration
California Division
Gary N. Hamby, Division Administrator
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

U. S. Army Corps of Engineers
Kelley Reid
Eureka Field Office
601 Startare Drive
Eureka, CA 95501

U. S. Fish & Wildlife Service
Mike Long, Field Supervisor
1655 Heindon Road
Arcata, CA 95521

National Marine Fisheries Service
Irma Lagomarsino
1655 Heindon Road
Arcata, CA 95521

Federal Emergency Management Agency
Alessandro Amaglio
Region IX Environmental Officer
1111 Broadway, Suite 1200
Oakland, CA 94607

US Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco. CA 94105

State Agencies

RWQCB, North Coast Region
Catherine E. Kuhlman Executive Officer
Attn: Roy O'Connor
5550 Skylane Blvd., Suite "A"
Santa Rosa, CA 95403

California Department of Fish & Game
Karen Kovacs
619 Second Street
Eureka, CA 95501

Department of Fish & Game
Attn: Bob Williams
Department of Fish and Game
601 Locust Street
Redding, CA 96001

California Coastal Commission
Bob Merrill, Regional Director
710 E Street, Suite 200
Eureka, CA 95501

Caltrans – District 1
Intergovernmental Review Branch
Rex Jackman
P.O. Box 3700
Eureka, CA 95502

Caltrans – District 1
Jan Bulinski
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California Coastal Conservancy
Maira McEnespy
1330 Broadway, Suite 1100
Oakland, CA 94612

State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814

Native American Heritage Commission
Attn: Debbie Pilas-Treadway
915 Capitol Mall, Room 364
Sacramento, CA 95814

Dept. of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2721

CA Dept. of Parks and Recreation
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

State Lands Commission
Paul D. Thayer, Executive Officer
Attn: Grace Kato
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Local Agencies

Humboldt County Planning Department
Kirk Girard, Director
Attn: Steve Werner
3015 H Street
Eureka, CA 95501

County of Humboldt
Public Works Department
Real Property Division
Robert Burnett
3033 H Street
Eureka, CA 95501

County of Humboldt
Environmental Health Department
Hazardous Materials Unit
James Clark
100 "H" Street, Suite 100
Eureka, CA 95501

NCUAQMD
Mr. Robert Torzynski, AICP
2300 Myrtle Avenue
Eureka, CA 95501

HCAOG
Spencer Clifton
235 4th Street, Suite F
Eureka, CA 95501

Humboldt Bay Harbor District
David Hull
P.O. Box 1030
Eureka, CA 95502

Pacific Bell
Marlene Allen
1818 "F" street, Room 202
Eureka, CA 95501

PG&E
Tom DeAge
2555 Myrtle Avenue
Eureka, CA 95501

Table Bluff Reservation
Wiyot Tribe
Marnie Atkins
1000 Wiyot Drive
Loleta, CA 95551

North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, CA 95482

State Clearinghouse
Office of Planning and Research
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Cox Cable
911 W. Wabash
Eureka, CA 9501

APPENDIX B

NOP COMMENT LETTERS



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region Arcata Office
1655 Heindon Rd.
Arcata, California 95521
Tel (707) 825-5160; FAX (707) 822-4840

OCT 04 2004

In response refer to:
151422SWR04AR9186:KM

Ms. Lisa D. Shikany
Environmental Planner
Community Development Department, City of Eureka
531 K Street
Eureka, California 95501-1165

RECEIVED

OCT 06 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Dear Ms. Shikany:

Thank you for the opportunity to provide comments on the Notice of Preparation of a Draft Environmental Impact Report and attached Initial Study for the proposed Waterfront Drive Extension Project (Project). The National Marine Fisheries Service (NOAA Fisheries) is responsible for administering the Endangered Species Act (ESA) of 1973, as amended, for Federally listed anadromous salmonids and their designated critical habitats. Two purposes of the ESA are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved, and to provide a program for the conservation of such endangered and threatened species. The following listed species and critical habitat occur in the Humboldt Bay watershed and may be affected by the proposed Project: (1) Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit (ESU), listed as threatened on May 6, 1997 (62 FR 24588); (2) California Coastal (CC) Chinook salmon (*O. tshawytscha*) ESU, listed as threatened on September 16, 1999 (64 FR 50394); (3) Northern California (NC) steelhead (*O. mykiss*) ESU, listed as threatened on June 7, 2000 (65 FR 36074); and (4) critical habitat for SONCC coho salmon, designated on May 5, 1999 (64 FR 24049); hereafter "listed salmonids and their critical habitat."

In addition, the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and its implementing regulations [50 CFR § 600.920(j)] require Federal agencies to consult with NOAA Fisheries regarding any action or proposed action that may adversely affect Essential Fish Habitat (EFH) for Federally managed fish species. The Project area may include areas identified as EFH for West Coast groundfish, Coastal Pelagic species, and various life stages of coho salmon and Chinook salmon, Federally managed under the Pacific Coast Salmon Fishery Management Plan.

NOAA Fisheries anticipates future EFH and ESA section 7 consultations with the U.S. Army



Corp of Engineers (Corps) and the Federal Highway Administration (FHWA) to determine the effects of the Project on listed salmonids and their critical habitat. This letter specifies components of the proposed Project that need to be considered and analyzed in order for NOAA Fisheries to complete section 7 consultation.

At this initial stage of Project planning, we anticipate that there may be direct and indirect effects to listed salmonids, their critical habitat, and EFH from implementation of Project construction activities, as well as indirect effects following Project implementation. Direct effects will depend upon presence of listed salmonids and implementation of any minimization measures during construction activities. Indirect effects to listed species, their critical habitat, and EFH could result from: (1) sediment input and mobilization, (2) loss of wetland/marsh habitat, (3) increase in impervious surfaces resulting in altered peak/base flows, (4) increase in toxins from stormwater input and airborne pollutants, (5) toxin accumulation in bioremediation swales, and (6) disturbance from an increase in traffic, people, and noise, during and following Project implementation. In addition, effects resulting from any interrelated and interdependent actions, (*e.g.*, development that is facilitated by the proposed Project) need to be considered.

In order for NOAA Fisheries to determine the likely extent of effects to listed salmonids, their critical habitat, and EFH, the analysis of effects for Project activities should contain information specifying: (1) known and anticipated presence of salmonids within the Project area; (2) methods that will be used during road/trail construction; (3) methods to be used during utility relocation and construction; (4) detailed descriptions of each culvert installation, such as specifics on fish exclusion, dewatering, and channel diversions; (5) specific information on the construction, process, role, and impacts of the bioremediation swales; (6) proximity of specific activities to Humboldt Bay, and areas with known salmonid presence; (7) scientific information on the expected addition of various pollutants as a result of the immediate proximity to Humboldt Bay; (8) anticipated loss of wetlands, and specifics on areas where additional fill will be required; (9) specific information on areas where heavy equipment will be working, and construction activities implemented, that are not on existing fill; (10) location of any temporary stabilization materials; (11) details on any foreseeable development that may be facilitated by the new road; (12) duration of project and anticipated start date; and (13) details of the measures that will be implemented to avoid or minimize effects to listed species and their critical habitat. If salmonid presence within the Project area is unknown, NOAA Fisheries recommends pre-Project surveys to determine presence throughout the Project area.

NOAA Fisheries recommends that best management practices be employed during all phases of Project implementation, and construction techniques that result in the least amount of disturbance to listed salmonids, their critical habitat, and EFH be adopted in order to minimize effects.

NOAA Fisheries looks forward to working with the City of Eureka, the Corps, and FHWA on the Waterfront Drive Extension Project. Please contact Ms. Keytra Meyer at (707) 825-5168 for further assistance on this Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Irma Lagomarsino', written in a cursive style.

Irma Lagomarsino
Supervisor, Arcata Area Office

cc: Kelley Reid- Corps
Gary Hamby- FHWA

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
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MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908

**RECEIVED**

OCT 21 2004

October 20, 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Lisa D. Shikany
City of Eureka
531 K Street
Eureka, CA 95501

SUBJECT: Waterfront Drive Extension Project, SCH# 2004092041

Dear Ms. Shikany:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Waterfront Drive Extension Project draft EIR. We also appreciate the extra time you granted us to submit our comments. The following are comments of the Coastal Commission staff. The Commission itself has not reviewed the document.

The proposed project is located within the coastal zone, and as noted in the NOP, coastal development permits would need to be obtained from both the Coastal Commission and the City of Eureka for portions of the project. Any coastal development permit granted by the City for the project would be appealable to the Coastal Commission. The standard of review for projects within the Commission's retained jurisdiction is the Chapter 3 policies of the Coastal Act. The standard of review for projects within the City's coastal permit jurisdiction is the policies of the certified City of Eureka Local Coastal Program (LCP) and the public access and recreation policies of the Coastal Act.

The EIR should include certain environmental information that will be important in the Commission's review of the project. Of particular importance is information regarding (1) any potential wetland fill, (2) impacts of development adjacent to environmentally sensitive habitat areas, and (3) impacts of the development on water quality.

Wetland Fill.

The proposed project will be constructed either within or in close proximity to wetland areas. Preparation of the EIR should include a wetland delineation that delineates wetlands based on the Coastal Commission and City of Eureka wetland definitions. The wetland definition utilized by the California Coastal Commission is significantly different from that of the Corps. The most specific definition is found in Section 13577 of the California Code of Regulations, which defines wetland¹ as "...land where the water table is at near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent...."

Therefore, in order to qualify as a wetland in the Coastal Zone, land must be at least periodically inundated or saturated for sufficient duration to result in a predominance of hydrophytes or a predominance of hydric soils. There is no specific periodicity or duration of inundation or saturation required. The primacy of hydrology is implicit in the definition, but is presumed adequate if either hydrophytic cover or hydrophytic soils are predominant. However, neither the definitions of hydrophytes or hydric soils nor field methods for their identification are provided in California law. In practice, delineators primarily rely on the definitions and technical guidelines developed by the Army Corps of Engineers.² Several other technical publications also provide useful guidance.³

Once the wetlands are delineated, the EIR should quantify the amount and kind of wetland fill proposed in the different wetland areas.

Coastal Act Section 30233 allows filling and dredging in wetlands only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses. This Coastal Act policy is incorporated into the certified Eureka Local Coastal Program (LCP). With regard to

¹ The definition in the Regulations was adapted from: Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRue. 1979. Classification of wetlands and deepwater habitats of the United States. Office of Biological Services, U.S. Fish and Wildlife Service, Washington, D.C.. The definitions of upland limits are identical to those of the Service.

² Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Stations, Vicksburg, Mississippi.

³ Federal Interagency Committee for Wetland Delineation. 1989. Federal manual for identifying and delineating jurisdictional wetlands. Cooperative technical publication. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and USDA Soil Conservation Service, Washington, D.C.; National Research Council. 1995. Wetlands: Characteristics and boundaries. National Academy Press, Washington, D.C.; Tiner, R.W. 1999. Wetland indicators. A guide to wetland identification, delineation, classification, and mapping. Lewis Publishers, N.Y.

the limitations of the policy on allowable uses for fill, although the Commission has approved certain safety upgrades to existing roads as constituting an allowable purpose for fill under Section 30233(a)(5), the Commission does not consider new roads or roadway extensions to be an allowable use for fill under any category of Section 30233(a).

The requirement of Section 30233 that fill can only be allowed where there is no feasible less environmentally damaging alternative engenders the need for a thorough alternatives analysis of project alternatives. The EIR should include such an analysis. The analysis should compare alternatives with regard to their relative effects on the wetland environment and the feasibility of the alternatives. Alternatives that should be examined include, but are not limited to, rerouting traffic to other locations away from wetlands, the no project alternative, and design modifications that would involve changing the project configuration and design in ways that would reduce or eliminate impacts on the wetland environment.

The requirement of Section 30233 that feasible mitigation be provided engenders the need for a complete review of the specific impacts on the wetland environment. The various potential impacts to address include, but are not limited to (a) the loss of wetland area, (b) the loss of specific wetland habitat types, (c) impacts on species that utilize the affected wetlands, and (d) water quality impacts to adjoining wetlands from both construction impacts and the use of the constructed roadway. The EIR should also include feasible mitigation measures that would thoroughly mitigate or avoid these impacts.

Impacts to Adjoining Environmentally Sensitive Habitat Areas (ESHAs).

Whether or not the project includes the placement of fill in wetlands, construction of the road extension would at the very least involve developing a roadway adjacent to environmentally sensitive habitat areas (ESHAs) such as the PALCO Marsh. Section 30240 of the Coastal Act states that ESHAs shall be protected against any significant disruption of habitat values and that development in areas near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas. To avoid impacts to adjacent ESHA, coastal development projects are usually required to maintain certain buffers of undeveloped open space between the proposed development and the ESHA. Such buffers are usually a minimum of 100 feet in width, but the particular buffer width needed for any given project needs to be based on a specific analysis of the proposed project and its setting. The EIR should include an assessment of the appropriate buffer width in this case. Factors that should be evaluated in determining the appropriate buffer width include: (a) the biological significance of lands adjacent to the ESHA and the degree to which they are functionally related to wetland resources; (b) the sensitivity of species to disturbance such that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development; (c) the

Lisa D. Shikany
City of Eureka
NOP For Waterfront Drive Extension Project
Page 4

susceptibility of the parcel to erosion determined from an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel; (d) the use of natural topographic features to locate development so that hills and bluffs adjacent to ESHA's can be used to buffer habitat areas; (e) use of existing cultural features such as roads and dikes to buffer habitat areas; (f) lot configuration and location of existing development such that development is a uniform distance from the habitat area, and provision for additional mitigation if the distance is less than 100 feet; and (g) the type and scale of development proposed.

Water Quality

Section 30230 and 30231 of the Coastal Act require the protection of the biological productivity and quality of coastal waters. The potential water quality impacts from the proposed project include at least three general categories: (1) increased turbidity in coastal waters caused from grading operations associated with road construction, (2) accidental spills or release of contaminants, such as concrete and equipment fluids, contaminated stormwater runoff from access road construction, mobilization of contaminated sediments, and release of construction debris into river waters, and (3) the discharge in runoff from the completed roadway of hydrocarbons from oil and grease drippings from vehicles and other contaminants. The EIR should thoroughly evaluate the potential water quality impacts and develop feasible mitigation measures that address these concerns.

Thank you again for the opportunity to comment on the NOP. If you have any questions regarding these comments, please contact me at our North Coast District Office in Eureka at 707/445-7833.

Sincerely,



ROBERT S. MERRILL
North Coast District Manager
California Coastal Commission



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OCT 04 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

September 29, 2004

Lisa D. Shikany
City of Eureka
Community Development Department
531 K Street
Eureka, CA 95501

**Subject: Waterfront Drive Extension Project
Comments on Notice of Preparation of a Draft Environmental Impact Report**

Dear Ms. Shikany:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Waterfront Drive Extension Project.

The Conservancy has a long-standing interest in protecting and enhancing Palco (Eureka) Marsh. As you know, the Conservancy has provided funds to the City to purchase the marsh and conduct marsh enhancement activities, and holds an easement for resource-enhancement and open space preservation over the portion of the marsh that lies east of the railroad right-of-way (*"Irrevocable Offer to Dedicate Easement for Resource Enhancement and Open Space Conservation and Declaration of Restrictions," made by the City of Eureka 12/20/85, and acceptance by the Coastal Conservancy recorded 06/30/86*). The easement states that the City and the Conservancy desire to enhance, preserve and protect the property because of, among other things, the property's biological productivity and its value as wildlife habitat. The Conservancy looks forward to the City's completion of the first phase of marsh-enhancement activities.

Per the NOP, Conservancy staff understands that the City is proposing to construct a two-lane extension of Waterfront Drive, approximately 9,000 lineal feet, from Del Norte Street to Hilfiker Lane primarily along and within existing North Coast Railroad Authority (NCRA) and City rights-of-way. The northern section of this route, from Del Norte Street to the Bayshore Mall, will be located directly adjacent to Palco marsh and Humboldt Bay. The new route will be between 32 and 40 feet wide, with Class II bike lanes in both directions and a sidewalk along the eastern side. Also proposed is a Class I multiuse trail on an existing utility easement adjacent to the roadway.

1330 Broadway, 11th Floor

Oakland, California 94612-2530

510•286•1015 Fax: 510•286•0470



General

1. As Conservancy staff has discussed with City staff at various times, given the close proximity of the proposed route to the marsh, and given the Conservancy's interest in preservation and enhancement of the marsh resources, Conservancy staff is concerned that the road extension project be consistent with the purposes of the marsh acquisition, with the marsh enhancement activities, and with the intent of the easement, namely protection and enhancement of the marsh's biological productivity and wildlife habitat. Conservancy staff would not like to see any adverse effects on these values from the proposed project.

We note with some alarm the statements in the NOP (p. 11 regarding "biological resources" and p. 20 regarding "land use planning") that the proposed road project may conflict with the easement. We would like the DEIR to analyze and address these issues thoroughly.

2. Throughout, the DEIR should incorporate significance thresholds that will be protective of and enhance Palco Marsh's biological productivity and wildlife habitat.

Aesthetics

3. "Discussion," paragraph (b): The NOP states that the proposed project "is not expected to substantially damage existing scenic resources such as Humboldt Bay and Palco Marsh." Given the proposed road's proximity to Palco Marsh and Humboldt Bay, Conservancy staff does not share this expectation, and requests that the DEIR address the project's potential to damage existing scenic resources, particularly Humboldt Bay and Palco Marsh. The DEIR should recognize that the intent of marsh restoration is to enhance wetlands and wildlife habitat and their corresponding aesthetics and uses (e.g., a serene natural place to view birds, etc.), and thus evaluate potential decreases to these existing high aesthetic values.
4. The DEIR should also address potential aesthetic impacts to the Elk River Wildlife Area.

Air Quality

5. "Discussion," paragraph (e): The NOP only considers temporary odors associated with paving, states that the proposed project will not generate odors that could reasonably be considered objectionable by the general public, and concludes that potential odors will be below the level of significance and thus not evaluated in the DEIR. Conservancy staff disagrees, and would like the DEIR to evaluate all odors that will be generated by the project with respect to their proximity to marsh and Elk River Wildlife Area viewers (e.g., odors from automobiles, exhaust, etc.).

Biological Resources

6. "Significance Thresholds:" The identified thresholds should be expanded to include all listed species (e.g., species of special concern), not just "rare, threatened or endangered" ones. The wetland and sensitive habitat definitions should be expanded to meet State criteria (e.g., the State's wetlands definition is much broader than the federal definition).
7. The DEIR should address potential biological resource impacts to the Elk River Wildlife Area.

8. The DEIR should take into account effects on areas that the City has planned future wetland and habitat restoration and enhancement activities, such as portions of the pole-shed property, "Restoration Areas A and B," etc.

Hazards and Hazardous Materials

9. "Discussion," paragraph (a): The NOP states that the proposed project would provide a new segment of roadway that existing truck traffic carrying potential hazardous materials may use, yet concludes that the proposed project is not expected to result in an increase in the level of hazardous materials transport into the project area, and thus that the potential impact of release into the environment will not be addressed in the DEIR. Conservancy staff disagrees, and would like the DEIR to evaluate all potential impacts that could result from spillage from the new road, particularly given the road's proximity to Palco Marsh, the Elk River Wildlife Area, and Humboldt Bay. Although transport of hazardous materials along the new road may not result in an increase in the levels of materials transported into the overall project area, spillage from or along the new road will take an entirely new and different transmission path into the environment, and will have a greatly increased potential to adversely affect sensitive resources such as Palco Marsh and Humboldt Bay.

Hydrology and Water Quality

10. "Discussion," paragraph (a): The only non-construction impact stated is the potential for sediment or petroleum products to enter adjacent wetlands from stormwater runoff. This impact should be expanded to include all potential substances, not just sediment and petroleum products.
11. Related to comment #9, the DEIR should analyze the potential that petroleum products may enter wetlands and surface water via spills, thus affecting water quality.
12. The DEIR should discuss all potential impacts to marsh hydrology, including effects on areas that the City has planned future wetland and habitat restoration and enhancement activities, such as portions of the pole-shed property, "Restoration Areas A and B," etc.

Land Use and Planning

13. The DEIR should discuss all potential impacts to areas that the City has planned future wetland and habitat restoration and enhancement activities, such as portions of the pole-shed property, "Restoration Areas A and B," etc.
14. The DEIR should discuss how the potential project may affect, and how it will coordinate with, the City's proposed Elk River trail.

Noise

15. "Discussion:" Per paragraph (a), the DEIR should consider potential impacts of noise to wildlife in its discussion of existing land uses (i.e., add wildlife habitat); per paragraph (b), the DEIR should discuss the potential effects of construction and vehicle-induced vibrations and noise on wildlife (in addition to structures, etc.).

Recreation

16. The DEIR should discuss the adverse effects on recreation (wildlife viewing, etc.) that the proposed road will bring (traffic, noise, pollution, loss of scenery). The DEIR should also consider the alternative of limiting the project scope to a multi-use trail.

Transportation/Traffic

17. The DEIR should discuss the alternative of limiting the project scope to a multi-use trail, and that alternative's potential to alleviate traffic congestion.

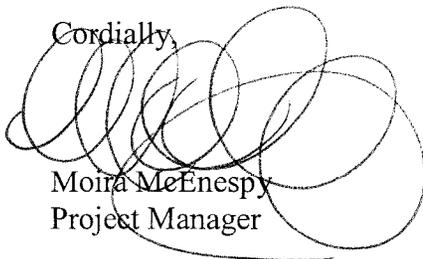
Mandatory Findings of Significance

18. "Significance Thresholds:" Threshold (a) should be expanded to include degradation to the quality of the environment, and a decrease in habitat quality (not just quantity).

19. "Discussion," paragraph (a): The DEIR discussions should be expanded to include habitat, as well as species present.

Again, thank you for the opportunity to comment on this NOP.

Cordially,



Moira McEnespy
Project Manager

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OCT 08 2004
DEPARTMENT OF
COMMUNITY DEVELOPMENT



October 6, 2004

Lisa D. Shikany
City of Eureka
Community Development Department
531 K Street
Eureka, CA 95501

**Subject: Waterfront Drive Extension Project
Comments on Notice of Preparation of a Draft Environmental Impact Report**

Dear Ms. Shikany:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Waterfront Drive Extension Project. Conservancy staff submitted comments on 09/29/04, but would like to add the following additional comment.

As you know, the Conservancy has a long-standing interest in protecting and enhancing Palco (Eureka) Marsh, and has provided funds to the City via several grant agreements to purchase the marsh and conduct marsh enhancement activities.

Conservancy staff would like to remind the City that the Conservancy-City grant agreements themselves specify that the City shall refrain from developing or otherwise using any property it owns or controls in the vicinity of the Palco Marsh in such a way as to interfere with or inconvenience the use, management, operation or maintenance of the marsh project, or to detract from the project purposes (habitat restoration and non-motorized public access).¹

¹ Grant Agreement No. 85-019-85-63-A, which granted the City funds to purchase the marsh property states in the "Management, Operation and Maintenance" section, p. 5: "The Grantee shall refrain from developing or otherwise using the Grantee's property in the vicinity of the Property in such a way as to interfere with or inconvenience the operation of the Property or the public's use of the Property for access."

Grant Agreement No. 88-076, which grants the City funds to implement the marsh enhancement activities states in the "Use, Management, Operation and Maintenance" section, p. 7: "The Grantee shall refrain from developing or otherwise using any other property it owns or controls in the vicinity of the project in such a way as to interfere with or inconvenience the use, management, operation or maintenance of the project or to detract from the project purposes."

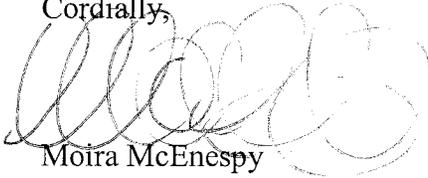
1330 Broadway, 11th Floor
Oakland, California 94612-2530
510•286•1015 Fax: 510•286•0470



Hence, if extension of Waterfront Drive as proposed by the City were to interfere with or inconvenience the Palco Marsh habitat or enhancement activities, or detract from the project purposes, that could constitute a breach of one or more of the agreements, and the Conservancy could then be put in the position of having to evaluate its contractual, legal, and equitable remedies.

Thank you for the opportunity to comment on this NOP.

Cordially,

A handwritten signature in black ink, appearing to read 'Moira McEnespy', written over a light blue circular stamp.

Moira McEnespy
Project Manager

Agreement No. 92-007 regarding the pole shed property states in the “Use, Management, Operation and Maintenance” section, p. 11: “The City shall refrain from developing or otherwise using any other property it owns or controls in the vicinity of the project in such a way as to interfere with or inconvenience the use, management, operation or maintenance of the project or to detract from the project purposes.”



Department of Toxic Substances Control



Terry Tamminen
Agency Secretary
Cal/EPA

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

September 30, 2004

Ms. Lisa D. Shikany
City of Eureka
Community Development Department
531 K Street
Eureka, California 95501

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OCT 01 2004
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Dear Ms. Shikany:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Waterfront Drive Extension Project. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substance releases that may be necessary.

In Section VII. of the Initial Study, Hazards and Hazardous Materials (page 16, item b), potential hazardous sites which have been identified within the project study area are discussed. The City of Eureka will be conducting a Phase 1 Environmental Site Assessment to determine if the project study area contains potential listed or unlisted hazardous substance release sites. A Phase 2 Site Investigation will be conducted at identified sites to determine the extent of contamination and to identify appropriate remediation measures.

DTSC recommends that the past uses of any properties identified as hazardous substance release sites and the results of the Phase 1 Environmental Site Assessment and Phase 2 Site Investigation be discussed in the EIR. If sampling performed as part of the Phase 2 Site Investigation indicates that there are releases of hazardous substances and remediation is required, the EIR should discuss the remedial activities that would be implemented, the cleanup criteria and levels that would be applied, the anticipated regulatory oversight, and the impacts associated with remediation.

Ms. Lisa D. Shikany
September 30, 2004
Page 2

If the remedial activities include the need for soil excavation, the EIR should include the following: (1) an assessment of potential air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site during implementation of cleanup activities.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Claude Jemison of my staff at (510) 540-3803 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Mark E. Piros, P.E.
Unit Chief
Northern California Coastal
Cleanup Operations Branch

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 445-6412
FAX (707) 441-5869
TTY (Teletypewriter #707-445-6463)

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OCT 15 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT*Flex your power!
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October 8, 2004

1-HUM-101-75.74
Waterfront Drive Ext.
Notice of Preparation

Lisa Shikany
Community Development Department
City of Eureka
511 K Street
Eureka, CA 95501

Dear Ms. Shikany,

Thank you for giving us the opportunity to comment on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the proposed Waterfront Drive Extension Project, located west of Route 101, between Del Norte Street and Hilfiker Street, in Eureka. The City of Eureka and the Federal Highway Administration are the lead agencies for the project, with support provided from the Caltrans District 1 Office of Local Assistance. We have the following comments:

- As stated on page 7 of the NOP, the principal need and purpose for the project is to reduce congestion and delay, and to enhance safety on Broadway (Route 101) between Truesdale and 5th Street. On page 10, the project description proposes to add a traffic signal at the intersection of Broadway and Hilfiker Street, and either new signals or signal modifications at other possible intersections connecting Waterfront Drive with Broadway. While we anticipate some congestion relief with the completion of the Waterfront Drive extension, it is imperative that new signals or signal modifications do not result in added delay on Broadway. The traffic impact study for the Draft EIR must identify all locations where new traffic signals will be proposed. It also must contain a progression analysis for all proposed signals and signal modifications on traffic progression on Broadway. The analysis must include all signals, both proposed and existing, from Kmart to 6th Street.
- We recommend making connections between Waterfront Drive and Broadway that utilize existing traffic signals and that improve cross-traffic circulation, rather than installing new signals at "T" intersections.
- We strongly encourage the City to consult with Caltrans early and often for regionally significant projects with the potential to impact State routes. Resolving complex matters, such as signal coordination and long-range traffic handling, prior to initiating the CEQA/NEPA process(es) will streamline the public review time, and may ultimately benefit the project proponent.
- This project will most likely be done under cooperative agreement/Encroachment Permit. Any work within the Caltrans right of way, including the conducting of traffic counts and

Ms. Lisa Shikany

10/08/04

Page 2

surveying, will require an Encroachment Permit. Requests for Encroachment Permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka CA 95502-3700, or requested by phone at (707) 445-6390. Encroachment Permit application forms, the Permit Manual and application instructions can now be found on-line at: <<http://www.dot.ca.gov/hq/traffops/developserv/permits/>>.

We support, in general, the extension of Waterfront Drive and are in favor of a future connection to Pound Road, near the interchange at Herrick Ave. If you have questions or need further assistance, please contact me at the number above or call Jesse Robertson of Community Planning at (707) 441-2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Rax A. Jackman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rax A. Jackman, Acting Chief
Office of System & Community Planning
And Local Assistance



California Regional Water Quality Control Board
North Coast Region

William R. Massey, Chairman



Arnold
Schwarzenegger
Governor

Terry Tamminen
Secretary for
Environmental
Protection

<http://www.swrcb.ca.gov/rwqcb1/>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 Office (707) 576-2220 FAX (707) 523-0135

October 21, 2004

RECEIVED

OCT 25 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Lisa D. Shikany
City of Eureka
531 K Street
Eureka, CA 95521

Dear Ms. Shikany:

Subject: Comments on Waterfront Drive Extension Project SCH# @004092041

File: Humboldt County Miscellaneous

I reviewed the Notice of Preparation for the Waterfront Drive Extension in Eureka. The project is likely to pass through or adjacent to sites that have contaminated soils and/or groundwater. Any contaminated soils and/or groundwater encountered during construction need to be disposed at a properly permitted facility. Identification of contaminated sites may be difficult at this time. However, I have enclosed a list of all identified contaminated sites within Eureka. The list is sorted by Street name for your use.

Please contact me at (707) 576-2673 if you have any questions.

Sincerely,

Kasey Ashley, R.G.
Engineering Geologist

102104_KSA_kawaterfrnt

Enclosure: Release Sites Located in Eureka, Humboldt County

Release Sites Located in Eureka, Humboldt County

10/7/2004

OLD COAL GAS PLANT RR-HM-EKA-4

CRWQCB STAFF: KSA

HTA - EUREKA TERMINAL

CRWQCB STAFF: ZZZ

JAMES-CARL & COMPANY

307

14TH STREET, WEST

CRWQCB STAFF: ZZZ

PG&E COAL GAS PLANT 119-1

14TH STREET/RAILROAD/WHI

CRWQCB STAFF: KSA

SOUTHERN PACIFIC TRANSPORTATION CO - 4th

736

4TH / BROADWAY

CRWQCB STAFF: KSA

AVIS RENT-A-CAR 4TH & B EUREKA

108

4th Street

CRWQCB STAFF: HUM

BIG OIL & TIRE - MALL 101 BP

2480

6th STREET

CRWQCB STAFF: HUM

EUREKA, CITY OF

7TH & MYRTLE

CRWQCB STAFF: ZZZ

NORTHWOOD AUTO PLAZA

302

7TH STREET

CRWQCB STAFF: HUM

COCA COLA BOTTLING COMPANY

1335

ALBEE STREET

CRWQCB STAFF: ZZZ

CDOT EUREKA EQUIPMENT SHOP

1650

ALBEE STREET

CRWQCB STAFF: ZZZ

MCMURRAY & SONS

1818

ALLARD AVENUE, WEST

CRWQCB STAFF: HUM

HUMBOLDT PETROLEUM

1007

BROADWAY

CRWQCB STAFF: ZZZ

CANTON CAFE

1010

BROADWAY

CRWQCB STAFF: HUM

Relase Sites Located in Eureka, Humboldt County

10/7/2004

UNOCAL #2201 CRWQCB STAFF: ZZZ	1109	BROADWAY
BROADWAY MAXI MART CRWQCB STAFF: ZZZ	1209	BROADWAY
NORTH COAST MOTORS CRWQCB STAFF: ZZZ	1210	BROADWAY
ULTRAMAR BEACON #531 CRWQCB STAFF: HUM	1240	BROADWAY
BIG OIL & TIRE - BROADWAY BP CRWQCB STAFF: HUM	1330	BROADWAY
OLD WOOLEN MILL CRWQCB STAFF: CSW	1400	BROADWAY
BIG OIL & TIRE EUREKA GAS CARDLOCK CRWQCB STAFF: HUM	1411	BROADWAY
EUREKA CAR STEREO CRWQCB STAFF: ZZZ	1459	BROADWAY
EUREKA MOTORSPORTS CRWQCB STAFF: HUM	1601	BROADWAY
WONDERLAND SUPPLY CRWQCB STAFF: HUM	1621	BROADWAY
MCBETH, JOHN CRWQCB STAFF: ZZZ	1714	BROADWAY
CHEVRON #9-1087 CRWQCB STAFF: HUM	1723	BROADWAY
DEO, FRED C. CRWQCB STAFF: HUM	2000-2018	BROADWAY
AL'S EUREKA TRUCK TERMINAL CRWQCB STAFF: HUM	2616	BROADWAY

Release Sites Located in Eureka, Humboldt County

10/7/2004

CHRIS CRINGLE SAW SHOP CRWQCB STAFF: ZZZ	3080	BROADWAY
VICTORIA PLACE SHOPPING MALL CRWQCB STAFF: ZZZ	3150	BROADWAY
FLYING J SERVICE STATION CRWQCB STAFF: HUM	3505	BROADWAY
OCEAN VIEW CEMETERY, CREMATORIUM CRWQCB STAFF: HUM	3975	BROADWAY
OCEAN VIEW CEMETERY, CORPORATION YARD CRWQCB STAFF: ZZZ	3975	BROADWAY
BROADWAY GAS & DELI CRWQCB STAFF: HUM	4050	BROADWAY
BISHOP'S TRUCK STOP CRWQCB STAFF: HUM	4050	BROADWAY
PIERSON BUILDING CENTER CRWQCB STAFF: HUM	4100	BROADWAY
HENSELL MATERIALS, INC. CRWQCB STAFF: ZZZ	4475	BROADWAY
EUREKA TALLOW COMPANY CRWQCB STAFF: ZZZ	4900	BROADWAY
ARCO BULK PLANT (FORMER) CRWQCB STAFF: KSA	626	BROADWAY
SOUTHERN PACIFIC TRANS CO. CRWQCB STAFF: KSA	736	BROADWAY
HANSEN MACHINE WORKS CRWQCB STAFF: HUM	804	BROADWAY
DONS RENT-ALL CRWQCB STAFF: HUM	916	BROADWAY

Relase Sites Located in Eureka, Humboldt County

10/7/2004

PIERCE, E. W. COMPANY CRWQCB STAFF: ZZZ	940	BROADWAY
LEVY, A. & ZENTNER, J. COMPANY CRWQCB STAFF: ZZZ	410	BROADWAY, SOUTH
TETRAULT - SO. BROADWAY ROCKET CRWQCB STAFF: HUM	4175	BROADWAY, SOUTH
NILSEN FEED COMPANY CRWQCB STAFF: ZZZ	502	BROADWAY, SOUTH
KIEM-TV EUREKA CRWQCB STAFF: ZZZ	5650	BROADWAY, SOUTH
HUMBOLDT HILL SHELL CRWQCB STAFF: HUM	5785	BROADWAY, SOUTH
EXXON, SOUTH BAY CRWQCB STAFF: ZZZ	5785	BROADWAY, SOUTH
HUMBOLDT CSD (BROADWAY) CRWQCB STAFF: ZZZ	6000	BROADWAY, SOUTH
JOHNNY'S MARINA CRWQCB STAFF: ZZZ	1821	BUHNE DRIVE
MENDENHALL PROPERTY CRWQCB STAFF: HUM	215	C STREET
EUREKA, CITY OF, FIRE STA #1 CRWQCB STAFF: ZZZ	533	C STREET
SEPIC, ANTHONY PROPERTY CRWQCB STAFF: ZZZ	419	CEDAR STREET, WEST
O & M INDUSTRIES CRWQCB STAFF: ZZZ	716	CEDAR STREET, WEST
UNOCAL #5680 / MALL UNION CRWQCB STAFF: ZZZ	2916	CENTRAL AVENUE

Relase Sites Located in Eureka, Humboldt County

10/7/2004

CHEVRON USA-MARINE TERMINAL CRWQCB STAFF: KSA	3400	CHRISTIE STREET
USFS CLARK STREET LIFT CRWQCB STAFF: ZZZ	600	CLARK STREET
MACKEY'S GYMNASTICS CRWQCB STAFF: ZZZ	449	CLARK STREET, WEST
UNITED PARCEL SERVICE CRWQCB STAFF: ZZZ	712	CLARK, WEST
ENGLUND MARINE, AKA CITY OF EUREKA/DAVENPO 2 CRWQCB STAFF: HUM		COMMERCIAL
DAVENPORT MARINE CRWQCB STAFF: HUM	2	COMMERCIAL
TWIDDY, RICHARD (RESIDENCE) CRWQCB STAFF: ZZZ	2006	D STREET
NIELSEN FREIGHT YARD (Former) CRWQCB STAFF: HUM	1110	DEL NORTE STREET, WEST
NORTH COAST MERCANTILE COMPANY CRWQCB STAFF: ZZZ	1115	DEL NORTE STREET, WEST
SIMPSON PLYWOOD MILL (OLD) CRWQCB STAFF: KSA	1200	DEL NORTE STREET, WEST
ST. JOSEPH HOSPITAL CRWQCB STAFF: ZZZ	2700	DOLBEER STREET
ST. BERNARD'S HIGH SCHOOL CRWQCB STAFF: ZZZ	222	DOLLISON STREET
JACOBSEN, MICKEY CRWQCB STAFF: ZZZ	1806	E STREET
NORMAN'S DRY CLEANERS CRWQCB STAFF: KSA	2907	E STREET

Relase Sites Located in Eureka, Humboldt County

10/7/2004

NORMAN'S DRY CLEANERS CRWQCB STAFF: KSA	2907	E STREET
CONNORS, WILLIAM R. CRWQCB STAFF: ZZZ	6442	ELK RIVER ROAD
SICARD, RITA CRWQCB STAFF: CTV	1	F STREET
EUREKA MUNICIPAL GOLF COURSE CRWQCB STAFF: ZZZ	4750	FAIRWAY DRIVE
EXXON, 5TH & B (FORMER) CRWQCB STAFF: HUM	110	FIFTH STREET
TETRAULT - CITY CENTER ROCKET CRWQCB STAFF: HUM	1208	FIFTH STREET
BIG OIL & TIRE - BIGFOOT GAS TOO CRWQCB STAFF: HUM	1232	FIFTH STREET
HUMBOLDT PETROLEUM CRWQCB STAFF: HUM	1310	FIFTH STREET
CARRINGTON COMPANY CRWQCB STAFF: HUM	1448	FIFTH STREET
GOODYEAR TIRE COMPANY CRWQCB STAFF: ZZZ	210	FIFTH STREET
HCDBM COURTHOUSE CRWQCB STAFF: RRA	825	FIFTH STREET
HUMBOLDT COUNTY CIVIC CENTER CRWQCB STAFF: CSW		FIFTH STREET & J STREET
EUREKA TOYOTA CRWQCB STAFF: HUM	10	FIFTH STREET, WEST
OLD COAL GAS PLANT 119-1B CRWQCB STAFF: KSA		FIRST AND C STREETS

Release Sites Located in Eureka, Humboldt County

10/7/2004

OLD COAL GAS PLANT RR-HM-EKA-2 CRWQCB STAFF: KSA		FIRST AND H STREETS
SOUTHERN PACIFIC - WATERFRONT CRWQCB STAFF: CTV	701	FIRST STREET
G & R METALS CRWQCB STAFF: KSA	701	FIRST STREET
BURDEN, ROBERT CRWQCB STAFF: ZZZ	80	FOREST LANE, OLD
EUREKA FOREST PRODUCTS CRWQCB STAFF: ZZZ		FOURTEENTH STREET
EUREKA, CITY OF, CORP YARD CRWQCB STAFF: ZZZ	945	FOURTEENTH STREET
EUREKA CITY SCHOOL BUS GARAGE CRWQCB STAFF: HUM	624	FOURTEENTH STREET, WEST
HUMBOLDT PETROLEUM CRWQCB STAFF: HUM	1125	FOURTH STREET
QUALITY INN CRWQCB STAFF: HUM	1209	FOURTH STREET
4th STREET BP DISCOUNT TIRE CRWQCB STAFF: HUM	1315	FOURTH STREET
TRADER DICK'S USED CARS CRWQCB STAFF: ZZZ	1329	FOURTH STREET
DONUT MILL CRWQCB STAFF: HUM	1401 / 1411	FOURTH STREET
GAS-N-GO CRWQCB STAFF: HUM	1711	FOURTH STREET
HUMBOLDT PETROLEUM CRWQCB STAFF: HUM	2111	FOURTH STREET

Relase Sites Located in Eureka, Humboldt County

10/7/2004

CARTER PROPERTIES TOO CRWQCB STAFF: HUM	215	FOURTH STREET
TETRAULT 4TH STREET ROCKET CRWQCB STAFF: HUM	2209	FOURTH STREET
JIM DAVIS CAR WASH CRWQCB STAFF: ZZZ	230	FOURTH STREET
EUREKA CITY ALLEY CRWQCB STAFF: HUM	233	FOURTH STREET
FLUHRER BAKERIES MAINTENANCE SHOP CRWQCB STAFF: HUM	25	FOURTH STREET
MONTGOMERY WARDS CRWQCB STAFF: CSW	2525	FOURTH STREET
CARTER PROPERTIES CRWQCB STAFF: HUM	415	FOURTH STREET
EXXON, RON'S CRWQCB STAFF: ZZZ	631	FOURTH STREET
UNOCAL #0796 CRWQCB STAFF: HUM	803	FOURTH STREET
HUMBOLDT COUNTY CIVIC CENTER CRWQCB STAFF: CSW		FOURTH STREET AT J STREET
JOHN EHRET DODGE CRWQCB STAFF: HUM	21	FOURTH STREET, WEST
ZENKERFELT MOTORS CRWQCB STAFF: HUM	22	FOURTH STREET, WEST
A. T. DISTRIBUTING CRWQCB STAFF: ZZZ	4	FOURTH STREET, WEST
CRUZ PLUMBING CRWQCB STAFF: ZZZ	89	FOURTH STREET, WEST

Relase Sites Located in Eureka, Humboldt County

10/7/2004

HCDPW FRESHWATER MAINTENANCE STATION CRWQCB STAFF: RRA		FRESHWATER ROAD
FRESHWATER STORE CRWQCB STAFF: ZZZ	2400	FRESHWATER ROAD
RENDEZVOUS MUSIC CRWQCB STAFF: ZZZ	106	G STREET
EUREKA, CITY OF, PIONEER ALLEY CRWQCB STAFF: ZZZ	300	G STREET (BTWN F-G & 3RD-4TH STREET)
FRESHWATER SCHOOL CRWQCB STAFF: ZZZ	75	GREENWOOD HEIGHTS DRIVE
CLINESMITH, EUGENE (DAILY INN B & B) CRWQCB STAFF: ZZZ	1125	H STREET
HUETTNER PROPERTY CRWQCB STAFF: ZZZ	2132	H STREET
HCDBM CLARK COMPLEX CRWQCB STAFF: RRA	3015	H STREET
HUMBOLDT BANK CRWQCB STAFF: HUM	409	H STREET
US FEDERAL BUILDING CRWQCB STAFF: ZZZ	514	H STREET
GENERAL PETROLEUM SERVICE STATION 99-EUK CRWQCB STAFF: HUM	635	H STREET
MCCREA NISSAN CAR LOT CRWQCB STAFF: HUM	710	H STREET
CHEVRON #9-1109 CRWQCB STAFF: HUM	2600	HARRIS STREET
VROMAN, TRUEMAN CRWQCB STAFF: HUM	335	HARRIS STREET

Release Sites Located in Eureka, Humboldt County

10/7/2004

HUMBOLDT FIRE DISTRICT HEADQUARTERS CRWQCB STAFF: HUM	3455	HARRIS STREET
REDWOOD ACRES FAIRGROUND CRWQCB STAFF: BAR	3750	HARRIS STREET
TETRAULT HENDERSON CENTER ROCKET CRWQCB STAFF: HUM	414	HARRIS STREET
HUMBOLDT PETROLEUM CRWQCB STAFF: HUM	111	HARRIS STREET, WEST
BURGER SITE CRWQCB STAFF: ZZZ	132	HARRIS STREET, WEST
SEARS RETAIL STORE CRWQCB STAFF: ZZZ	636	HARRIS STREET, WEST
GENERAL HOSP. EMERGENCY GENERATOR AREA CRWQCB STAFF: HUM	2200	HARRISON AVENUE
GENERAL HOSPITAL CRWQCB STAFF: ZZZ	2200	HARRISON AVENUE
KADLE, ESTHER CRWQCB STAFF: ZZZ	2321-2331	HARRISON AVENUE
CITY GARBAGE COMPANY CRWQCB STAFF: ZZZ	949	HAWTHORNE STREET, WEST
FAIRWAY MARKET CRWQCB STAFF: HUM	590	HERRICK AVENUE
HUMBOLDT FIRE DISTRICT BAYVIEW CRWQCB STAFF: ZZZ	755	HERRICK AVENUE
CDOT ELK RIVER INTERCHANGE CRWQCB STAFF: ZZZ		HIGHWAY 101
MID-CITY MOTOR WORLD CRWQCB STAFF: ZZZ	4800	HIGHWAY 101, NORTH

Release Sites Located in Eureka, Humboldt County

10/7/2004

CDOT BRACUT CRWQCB STAFF: ZZZ	6100	HIGHWAY 101, NORTH
CDOT BRACUT CRWQCB STAFF: ZZZ	6100	HIGHWAY 101, NORTH
CASH-AND-CARRY CRWQCB STAFF: ZZZ	6700	HIGHWAY 101, NORTH
SOUTH BAY ELEMENTARY SCHOOL CRWQCB STAFF: ZZZ	6077	HIGHWAY 101, SOUTH
CUSTOMER TRUCK SERVICE CRWQCB STAFF: ZZZ	1945	HILFIKER LANE
OREGON COAST TOWING CRWQCB STAFF: BAR	2401	HILFIKER LANE
EICH ESTATE CRWQCB STAFF: ZZZ	2566	HILLCREST DRIVE
PG&E HANSEN HILL REPEATER CRWQCB STAFF: ZZZ	2N,3E	HUMBOLDT BASE
NORTHCOAST ENVIRONMENTAL CONSTRUCTION CRWQCB STAFF: ZZZ	5695	HUMBOLDT HILL ROAD
PACIFIC BELL TE-618 CRWQCB STAFF: HUM	5749	HUMBOLDT HILL ROAD
HUMBOLDT BAY YACHTS, INC. CRWQCB STAFF: ZZZ	690	INDIANOLA ROAD
HCDPW MOTOR POOL CRWQCB STAFF: RRA	209	J STREET
COOPER PROPERTY CRWQCB STAFF: ZZZ	515	J STREET
AMERITONE PAINT STORE CRWQCB STAFF: ZZZ	600	J STREET

Release Sites Located in Eureka, Humboldt County

10/7/2004

HYSTER COMPANY 2736 JACOBS AVENUE
CRWQCB STAFF: ZZZ

AIR LIQUIDE (EUREKA OXYGEN, A-L WELDING) 2810 JACOBS AVENUE
CRWQCB STAFF: ZZZ

REDWOOD KENWORTH 2846 JACOBS AVENUE
CRWQCB STAFF: HUM

JOHN'S USED CARS AND WRECKERS 3008 JACOBS AVENUE
CRWQCB STAFF: ZZZ

HCDPW EUREKA GARAGE (JACOBS) 3130 JACOBS AVENUE
CRWQCB STAFF: RRA

U-HAUL CENTER, EUREKA 3229 JACOBS AVENUE
CRWQCB STAFF: ZZZ

TRINITY DIESEL 3408 JACOBS AVENUE
CRWQCB STAFF: RRA

GEORGE'S EQUIPMENT 3810 JACOBS AVENUE
CRWQCB STAFF: HUM

CHEVRON #8-4101 /MURRAY FIELD 4100 JACOBS AVENUE
CRWQCB STAFF: ZZZ

HUMBOLDT COUNTY AVIATION 4102 JACOBS AVENUE
CRWQCB STAFF: KSA

HUMBOLDT COUNTY AVIATION 4102 JACOBS AVENUE
CRWQCB STAFF: ZZZ

DELANEY, DOROTHY 1707 K STREET
CRWQCB STAFF: ZZZ

PG&E HUMBOLDT BAY POWER PLANT KING SALMON DRIVE
CRWQCB STAFF: KSA

WHITELEY EUREKA DIESEL CARDLOCK 1320 KOSTER STREET
CRWQCB STAFF: HUM

Relase Sites Located in Eureka, Humboldt County

10/7/2004

D&D MOTORS CRWQCB STAFF: CSW	1423	KOSTER STREET
BONOMINI'S MARKET CRWQCB STAFF: HUM	3800	LITTLE FAIRFIELD
DUNBAR PAINTING SERVICE CRWQCB STAFF: ZZZ	746	LONG STREET, WEST
INDIAN ISLAND CRWQCB STAFF: BAR		MIDDLE SAMOA BRIDGE
HINCH, JOSEPH R. RESIDENCE CRWQCB STAFF: ZZZ	3199	MITCHELL ROAD
BO & T MYRTLE 76 CRWQCB STAFF: HUM	1589	MYRTLE AVE
HUMBOLDT PETROLEUM CRWQCB STAFF: HUM	1434	MYRTLE AVENUE
BP MYRTLE AVE / BIG OIL & TIRE CRWQCB STAFF: ZZZ	1589	MYRTLE AVENUE
CASH OIL COMPANY (MYRTLE) CRWQCB STAFF: ZZZ	1679	MYRTLE AVENUE
CASH OIL EUREKA CRWQCB STAFF: HUM	1679	MYRTLE AVENUE
JURKOVICH, ELI CRWQCB STAFF: ZZZ	2259	MYRTLE AVENUE
PG&E EUREKA SERVICE CENTER CRWQCB STAFF: ZZZ	2415	MYRTLE AVENUE
WAYNE HOOPER TRUCKING CRWQCB STAFF: RRA	5150	MYRTLE AVENUE
INDIANOLA MARKET CRWQCB STAFF: HUM	7769	MYRTLE AVENUE

Relase Sites Located in Eureka, Humboldt County

10/7/2004

INDIANOLA MARKET CRWQCB STAFF: ZZZ	3889	MYRTLE AVEUE
HARTRIDGE RESIDENCE CRWQCB STAFF: ZZZ	2233	N STREET
VICTORIA GARDENS CRWQCB STAFF: RRA		NORTH OF SOMOA BRIDGE
BRADEN AUTOMOTIVE CRWQCB STAFF: ZZZ	3582	OLD ARCATA ROAD
HAYES ESTATE CRWQCB STAFF: HUM	3806	PENNSYLVANIA AVENUE
UNOCAL TERMINAL (EUREKA) CRWQCB STAFF: KSA	1200	RAILROAD AVENUE
UNOCAL TERMINAL (EUREKA) CRWQCB STAFF: KSA	1200	RAILROAD AVENUE
FIGAS CONSTRUCTION CRWQCB STAFF: ZZZ	115	REDMOND ROAD
OLD COAL GAS PLANT RR-HM-EKA-3 CRWQCB STAFF: KSA		SECOND & G STREETS
ADORNI SITE CRWQCB STAFF: ZZZ		SECOND STREET
OREGON FREIGHTWAYS CRWQCB STAFF: ZZZ	10	SECOND STREET
VARSITY ICE CREAM CRWQCB STAFF: HUM	1732	SECOND STREET
EUREKA BRAKE & FRONT END CRWQCB STAFF: HUM	2002	SECOND STREET
PEPSI COLA CRWQCB STAFF: KSA	2433	SECOND STREET

Relase Sites Located in Eureka, Humboldt County

10/7/2004

HCDPW SIGN YARD CRWQCB STAFF: RRA	931	SECOND STREET
BAKER & STANTON CRWQCB STAFF: ZZZ	37	SECOND STREET, WEST
NORTHWESTERN PACIFIC RAILROAD CRWQCB STAFF: JMG	4	SECOND STREET, WEST
NWP SOUTH FORK STATION CRWQCB STAFF: HUM	4	SECOND STREET, WEST
COASTAL AUTO MART, INC. CRWQCB STAFF: ZZZ	205	SEVENTH STREET
NORTHWOOD CHEVROLET CRWQCB STAFF: HUM	212	SEVENTH STREET
REDWOOD MOTORS, INC. CRWQCB STAFF: HUM	301	SEVENTH STREET
MCCREA NISSAN SHOWROOM CRWQCB STAFF: ZZZ	601	SEVENTH STREET
HENDERSON CENTER CAB CORP. CRWQCB STAFF: HUM	135	SEVENTH STREET, WEST
EUREKA COSTCO CRWQCB STAFF: ZZZ		SHORT & WABASH
HARPER JEEP-EAGLE CRWQCB STAFF: HUM	30	SIXTH STREET
TIMES STANDARD BUILDING CRWQCB STAFF: ZZZ	930	SIXTH STREET
WOODLEY ISLAND MARINA CRWQCB STAFF: ZZZ	601	STARTARE DRIVE
TRIANGLE MOTEL CRWQCB STAFF: HUM	518	SUMMER STREET

Release Sites Located in Eureka, Humboldt County

10/7/2004

SHORELINE DEVELOPMENT COMPANY / FORMER S 2 T STREET
CRWQCB STAFF: KSA

MATSON ARCHITECTS 3234 T STREET
CRWQCB STAFF: ZZZ

COOPER, JOHN THIRD & K STREETS
CRWQCB STAFF: ZZZ

NIEKRASZ PLUMBING, INC. 2015 THIRD STREET
CRWQCB STAFF: HUM

COLLEGE OF THE REDWOODS 7351 TOMPKINS HILL ROAD
CRWQCB STAFF: ZZZ

EUREKA, MCCULLEN AVENUE PUMP STATION 2005 TRUESDALE STREET
CRWQCB STAFF: HUM

EUREKA, HILL STREET PUMP STATION 2264 TYDD STREET
CRWQCB STAFF: ZZZ

OLD MILL NORTH OF SAMOA BRIDGE FOOT OF U STREET
CRWQCB STAFF: ZZZ

EUREKA PRODUCE 1401 UNION STREET
CRWQCB STAFF: ZZZ

CDOT EUREKA DISTRICT 1 OFFICE 1656 UNION STREET
CRWQCB STAFF: ZZZ

HTA - V STREET SITE 133 V STREET
CRWQCB STAFF: ZZZ

FARM FRESH DAIRY PRODUCTS 1175 VERNON STREET
CRWQCB STAFF: HUM

CUMMINS WEST INC. 1048 VIGO STREET
CRWQCB STAFF: ZZZ

CALIF NATIONAL GUARD ARMORY 3517 W STREET
CRWQCB STAFF: ZZZ

Release Sites Located in Eureka, Humboldt County

10/7/2004

HERMAN'S MOBIL SERVICE CRWQCB STAFF: HUM	101	WABASH AVENUE
RAINBOW BODY SHOP CRWQCB STAFF: ZZZ	110	WABASH AVENUE
UNOCAL BULK PLANT CRWQCB STAFF: AAA		WABSAH OR 15TH
HUMBOLDT PETROLEUM CRWQCB STAFF: HUM	3973	WALNUT DRIVE
TEXACO CRWQCB STAFF: ZZZ	3988	WALNUT DRIVE
ACE ADAMS & SON PRINTING CRWQCB STAFF: ZZZ	4137	WALNUT DRIVE
A-1 EQUIPMENT CRWQCB STAFF: ZZZ	4898	WALNUT DRIVE
HUMBOLDT COMMUNITY SERVICE DISTRICT CRWQCB STAFF: HUM	5055	WALNUT DRIVE
LOUISIANA PACIFIC / WASHINGTON CRWQCB STAFF: ZZZ		WASHINGTON ST., FOOT
EUREKA, WASHINGTON PUMP STATION CRWQCB STAFF: ZZZ	721	WASHINGTON STREET
WESTFALL STEVEDORE COMPANY CRWQCB STAFF: ZZZ	722	WASHINGTON, WEST
WASHINGTON CARDLOCK CRWQCB STAFF: HUM	910	WASHINGTON, WEST
EUREKA FISHING GEAR FACILITY CRWQCB STAFF: KSA		WATERFRONT DRIVE
SCHMIDBAUER LUMBER COMPANY CRWQCB STAFF: KSA	1099	WATERFRONT DRIVE

Relase Sites Located in Eureka, Humboldt County

10/7/2004

R.E. DAVENPORT

34

WATERFRONT DRIVE

CRWQCB STAFF: KSA

SAMOA BRIDGE SITE

WATERFRONT DRIVE / SAMOA BRIDGE

CRWQCB STAFF: KSA

FLUHRER BAKERIES PARKING LOT

25

West 3rd Street

CRWQCB STAFF: ZZZ

FLUHRER BAKERIES TRUCKING AREA

8

WEST 3rd Street

CRWQCB STAFF: HUM

REDWOOD OIL BULK PLANT

105

X STREET

CRWQCB STAFF: KSA

PETERSEN, DARREL

5510

ZECK ROAD

CRWQCB STAFF: ZZZ

NATIVE AMERICAN HERITAGE COMMISSION

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

RECEIVED



SEP 21 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

September 21, 2004

Ms. Lisa Shikany
 City of Eureka
 531 K Street
 Eureka, CA 95501

Re: Waterfront Drive Extension Project DEIR
 SCH# 2004092041

Dear Ms. Shikany:

Thank you for the opportunity to comment on the above-referenced document. The Commission was able to conduct a Sacred Lands File search of the proposed project area, which identified no recorded Native American sites within the project area. However, the lack of recorded sites does not preclude the possibility that cultural resources may be present. To adequately assess the specific related project impacts on cultural resources, in accordance with the CEQA Guidelines (15063 (d) (3)), regarding the conclusion that the project will cause no identifiable impacts to cultural resources, the Commission recommends that all of the following actions be taken.

- Contact the appropriate California Historic Resources Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains and cemeteries in their mitigation plans. Health and Safety Code §7050.5, CEQA §15064.5 (e) and Public Resources Code §5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Early consultation with tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed is a list of Native Americans individuals/organizations that may have knowledge of cultural resources in the project area. The Commission makes no recommendation of a single individual or group over another. Please contact all those listed; if they cannot supply you with specific information, they may be able to recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If you have not received a response within two weeks' time, we recommend that you follow-up with a telephone call to make sure that the information was received.

Sincerely,


 Carol Gaubatz
 Program Analyst
 (916) 653-6251

CC: State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION

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



September 21, 2004

Ms. Lisa Shikany
City of Eureka
531 K Street
Eureka, CA 95501

Re: Waterfront Drive Extension Project DEIR
SCH# 2004092041

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Sincerely,


Carol Gaubatz
Program Analyst
(916) 653-6251

CC: State Clearinghouse

**NATIVE AMERICAN CONTACTS
Humboldt County
September 21, 2004**

Bear River Band of Rohnerville Rancheria
James Moon, Jr., Chairperson
32 Bear River Drive Wiyot
Loleta , CA 95551 Mattole
(707) 733-1900
Fax: (707) 733-1972

Blue Lake Rancheria
Claudia Brundin, Chairperson
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blrt@tidepool.com Tolowa
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Bear River Band of Rohnerville Rancheria
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32 Bear River Drive Wiyot
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Blue Lake Rancheria
Paul Angell, Cultural Resources Coordinator
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(707) 668-4272 Fax

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Waterfront Drive Extension Project DEIR, SCH# 2004092041, Humboldt County.

**NATIVE AMERICAN CONTACTS
Humboldt County
September 21, 2004**

Blue Lake Rancheria
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P.O. Box 428
Blue Lake, CA 95525
blrt@tidepool.com
(707) 668-5101
(707) 668-4272 Fax

Wiyot
Yurok
Tolowa

Table Bluff Reservation -Wiyot Tribe
Cheryl Seidner, Chairperson
1000 Wiyot Drive
Loleta, CA 95551
wiyotone@yahoo.com
(707) 733-5055
(707) 733-5601 Fax

Wiyot

Table Bluff Reservation - Wiyot Tribe
Marnie Atkins, Cultural Director
1000 Wiyot Drive
Loleta, CA 95551
cultural@wiyot.com
(707) 733-5055
(707) 733-5601 Fax

Wiyot

Table Bluff Reservation - Wiyot Tribe
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1000 Wiyot Drive
Loleta, CA 95551
kirk@wiyot.com
(707) 733-5055
(707) 733-5601 Fax

Wiyot

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September 22, 2004

City of Eureka
Lisa D. Shikany
Environmental Planning
531 K Street
Eureka, CA 95501

RECEIVED

SEP 23 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Re: Proposed Waterfront Drive Extension Project Comments

Dear Lisa:

We thank you for your Notice of Preparation dated September 3, 2004, asking for comments to the referenced Six Mile Road Extension.

PG&E has no objection to the Preparation.

Our concerns are as follows:

1. Relocation of any Electric/Gas Utilities outside of existing City Streets to accommodate the project shall be at the Requestors Expense.
2. Relocation of any Electric/Gas Utilities within the existing City Street to accommodate the project shall be at PG&E's expense.
3. PG&E requests a minimum lead-time of 6 months to relocate the electric/gas facilities to accommodate the project.
4. Please contact Barbara Giannini at 445-5594 to begin the electric/gas relocation process if at PG&E's expense.
5. Please contact Tom deAge at 445-5519 to begin the electric/gas relocation process if at the Requestors Expense.

Sincerely,



Tom deAge
Land Agent
Eureka

cc. B. Giannini
D. Brouillard





Table Bluff Reservation Wiyot Tribe

Cultural Department

October 8, 2004

RECEIVED

OCT 12 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Lisa D. Shikany, Environmental Planner
City of Eureka
Community Development Department
531 'K' Street
Eureka, CA 95501
Sent via fax: 441-4202

Re: Notice of Preparation for Waterfront Drive Extension Project

He' ba' lo' (Greetings) Ms. Shikany:

This letter is in response to the above referenced Notice of Preparation for the Waterfront Drive Extension Project received in this Department on September 9, 2004.

Hu' (thank you) for sending this information to this Department for review. At this time we have the following comments for the Project:

1. Due to the location of the project, we are in agreement with the determination in the NOP that there is a potential for significantly impacting cultural resources in the project area. We encourage the City of Eureka, the Federal Highway Administration, and all applicable consultants involved with this project to work directly with the Wiyot Tribe in order to protect as many cultural resources as possible and to minimize impacts to these sites.
2. In regard to the determination of a "Less Than Significant Impact" to item d on page 11, Section V, we believe that this determination may need to be changed to "Potentially Significant Impact" due to confidential information that we have and will share with the qualified archaeologist completing the Archaeological and Historical Survey.
3. We request a copy of the Survey be sent to the Tribe once it is completed.

October 8, 2004

Again, hu' for the sending this information to our Department for review. If you should have any questions or need further information regarding our comments please do not hesitate to contact me at (707) 733-5055. Alternatively, I can be reached via email at cultural@wivot.us.

We appreciate your time and attention to this matter and look forward to working with you and the City of Eureka in the future.

Čawókš,



Marnie Atkins
Cultural Director



North Coast Railroad Authority

419 Talmage Road, Suite M

Ukiah, CA 95482

October 13, 2004

Ms. Lisa D. Shirkany
Environmental Planner
City of Eureka
Community Development Department
531 K Street
Eureka, CA 95501

RECEIVED

OCT 18 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

**Re: Notice of Preparation, Waterfront Drive Extension
Project, Draft Environmental Impact Report**

Dear Ms. Shirkany:

The North Coast Railroad Authority (NCRA) has received the Notice of Preparation (NOP) referenced above regarding the proposed extension of Waterfront Drive. We appreciate the opportunity to submit the following comments regarding this proposal and the NOP.

The NCRA and its railroad operator, the Northwestern Pacific Railway Co., LLC (Carrier) are subject to a body of state and federal law and regulation which, in the interests of public safety, require us to carefully consider every proposal which may impact the railroad right of way and operations.

With respect to the Draft Environmental Impact report, there are three principle areas of interest about which we need to learn more regarding the City's proposal. First, is the issue of access to the railroad. The California Public Utilities Commissions (CPUC) has specific regulations regarding the placement of any objects which may obstruct the passage of trains or interfere with railroad employees walking along the railroad right of way. Additionally, Carrier employees need access to the track with railroad vehicles for maintenance of the track and right of way. However, public safety demands that public access be controlled along rights of way that are heavily traveled by the public. The Sonoma Marin Area Rail Transit District (SMART) has given a lot of attention to resolving this dichotomy and we urge consideration of the results of SMART's efforts.

Secondly, the issue of drainage must be addressed. The environmental and hydrological issues of putting a highway in such close proximity to an existing railroad right of way through an environmentally sensitive area could be daunting. Among all of the competing goals, the railroad must protect its right of way from damage attributable to misdirected drainage flows. Adequate drainage is a very significant railroad maintenance issue.

Thirdly, is the issue of liability. Not only responsibility for maintenance of any fences, culverts and the like attributable to the proposed project, but also the potential liability for accidents involving trespassers on the railroad right of way, and increased liability attributable to increased numbers of vehicles using the railroad crossings. One must also consider that, no matter how remote the prospect, Carrier personnel and first responders must be able to control any possible discharge of hazardous materials which might result from such incidents.

Finally, there will certainly be other issues, such as coordination of reconstruction, compliance with federal regulations regarding work on or adjacent to railroad rights of way, which may be beyond the scope and intent

of the Draft Environmental Impact Report, but which will require our attention through the process of reviewing detailed engineering plans and specifications. Hopefully, the Carrier will have resumed service to Eureka before this project breaks ground, but even if that milestone has not been reached, the eventual resumption of railroad service must be protected and preserved.

Further communication with the NCRA should be addressed to the undersigned at the above address. Thank you for the opportunity to comment.

Sincerely yours,

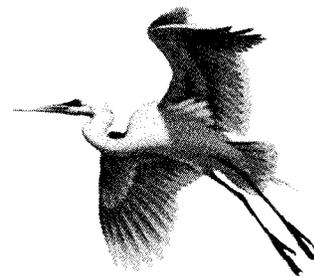
A handwritten signature in black ink that reads "Mitch Stogner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mitch Stogner
Executive Director
NCRA

cc: John A. Darling
General Manager
Northwestern Pacific Railway Co.
PO Box 338
Willits, CA 95409

REDWOOD REGION AUDUBON SOCIETY

P.O. BOX 1054, EUREKA, CALIFORNIA 95502



RECEIVED

OCT 25 2004

DEPARTMENT OF
COMMUNITY DEVELOPMENT

October 20, 2004

Lisa Shikany
City of Eureka
Community Development Department
531 K Street
Eureka, CA 95501

Subject: Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Waterfront Drive Extension (WDE) Project

Dear Ms Shikany:

Thank you for offering private citizens and nonprofit conservation and environmental groups the opportunity to comment on the above-referenced document. The questions and concerns expressed below represent a cumulative list from the signatory organizations and individuals but are by no means exhaustive, as additional issues are likely to emerge from review of the DEIR.

MAPS

1. The maps provided were not of large enough scale to determine important details. For example, when lines show several existing and proposed features in close proximity, it is not always possible to tell whether they are close, overlap, or share a common boundary, or to extract measurements from the drawings. We suggest that the City produce legible maps and restart the 30-day NOP comment process.
2. Some existing features were omitted from the figures. For example, on Figure 5, a 24-inch culvert crosses from Parcel A to Humboldt Bay at location 49+50. On Figure 6, a stormwater drainage ditch east of the railroad tracks along the back of Bayshore Mall from Parcel A to Truesdale Avenue is not shown.

TRAFFIC & SAFETY

3. The stated purpose of the WDE is to relieve traffic congestion. Through traffic diverted from Highway 101/Broadway will need to return to 101 between McCullens Avenue and V Street. To what extent will diverted returning traffic to 101 negate the claimed effect of the WDE? Will there be any actual net congestion relief between McCullens Avenue and

V Street? In what areas will the project increase traffic congestion? Where will drivers approaching from the north be directed onto the Waterfront Drive alternative to 101?

4. How many traffic lights will be added to Highway 101/Broadway, other than at Hilfiker Lane? (Page 10/14 of the Project Information says that a connection to the WDE will be provided at Truesdale Avenue and potentially at McCullens Avenue and Bayshore Way.) How many of them will have turn arrows? How will this improve current delays on Broadway, which according to Table 2 on page 8/14 of the Project Information are about 1 minute at noon at the Broadway/Henderson intersection? Does the City expect drivers to travel the entire length of Waterfront Drive or to exit at intersection points along Broadway? (If the latter, at least a traffic light at Bayshore Way appears warranted for safety reasons if the Bayshore Way extension option is constructed.)

5. What will be the speed limit on the WDE? Is it envisioned mainly to be a truck route to the 14th Street area or a tourist drive? Will there be stop signs on the WDE at each intersection point?

6. The NOP states that traffic would be directed toward downtown and Old Town, which would result in additional congestion and negative economic inputs in these areas. What are the related consequent impacts of redirecting traffic into these areas? What will be the effect of increasing traffic near Costco and into Old Town by 4,000-8,000 cars/day? (Note: If the WDE is intended as a tourist drive, it bypasses the County's visitor center on Broadway!)

7. Is on-street parking really needed (see Figures 2 and 5), given the width of the WDE?

MULTI-MODAL ASPECTS

8. Walkways and trails along the road are inconsistent in width, purpose, and location. Sidewalk widths range from 5 to 6 feet and from the east side to both sides of the WDE. The standard minimum width of a multi-use bike/hiking trail is 10 feet (vs 8 feet in this project). On Figure 6, the 8-foot bike/hiking trail disappears behind Bayshore Mall and becomes a 6-foot sidewalk, creating a dangerous situation for bikers and hikers alike.

9. The designated bike ways are not described or shown as connecting to other bike paths or lanes. How does this satisfy the multi-modal aspect of the project? Currently, truck trailers may park along the east side of Waterfront Drive, blocking potential bike lanes. How will the city accommodate truck parking if bike lanes are added to the existing Waterfront Drive?

RAILROAD

10. The proposed route relies on encroachment permits from the North Coast Railroad Authority (NCRRA) that have not been obtained as well as relocation of 1400 feet of track. Does the City have the right to relocate tracks and encroach on railroad right of way without NCRRA acquiescence?

PUBLIC ACCESS

11. The proposed fence between the railroad track and the road would restrict public access to Humboldt Bay, which is contrary to Local Coastal Plan Policy 4.2.

PLANTS

12. The WDE bisects wetlands within the Coastal Zone, including coastal salt marsh, brackish marsh, and freshwater marsh. The project area contains several hundred Pt. Reyes birds' beak, *Cordylanthus maritimus* ssp. *palustris*, a rare plant that is protected by the California Environmental Quality Act (CEQA) § 15380. The project also has the potential to negatively impact rare plant occurrences adjacent to the project area (more Pt. Reyes birds' beak and a large population of Humboldt Bay owl's clover, *Castilleja ambigua* ssp. *humboldtiensis*) (WDEP Rare Plant Survey Results 2002). CEQA also protects rare vegetation types as well as individual species.

13. Since *Phragmites australis* spreads as a response to manual disturbance, how will grading, filling, etc related to the WDE be done without stimulating Phragmites growth and expansion?

CULTURAL RESOURCES

14. Are Wiyot burial/homestead sites located within the project area? Native American monitors need to be on site for all ground-disturbing activities.

PALCO (AKA EUREKA) MARSH, ITS WILDLIFE, AND RECREATION VALUES

15. The City has received well over \$1 million from the Coastal Conservancy ("Conservancy") to acquire and improve the Palco Marsh. In 1985, the Marsh was deemed a "priority acquisition," following its designation as an "area of importance" to the functioning of the Bay ecosystem by the US Army Corps of Engineers. How will the WDE affect the continued functioning of the Bay ecosystem?

16. How much clearance from the WDE footprint does the City think is necessary to "avoid direct impacts to Palco Marsh"? The proposed route would further hydrologically and ecologically isolate Parcel A from the rest of Palco Marsh.

17. Page 5 of the Initial Study states that the WDE is "not expected to substantially damage existing scenic resources such as ... Palco Marsh." We believe that 4,000 to 8,000 cars per day will have a substantial visual – and audio – impact on birders and others visiting Palco Marsh for the natural resources and relative solitude it has to offer. Much of birdwatching relies on "birding by ear" – listening for bird songs and calls, as it is not always possible to see the animals.

18. What will be the effects of streetlights and noise on bird movement into and between Humboldt Bay and Palco Marsh?

19. How will the footprint of the WDE (both road and fill width and height above grade, including a retaining wall) affect terrestrial wildlife movement into and between Humboldt Bay and Palco Marsh? Will animals be blocked from crossing the road? How many will be run over by vehicles if they are able to cross? How will the proposed fence between the railroad track and the road affect wildlife movement?

20. Vehicles release pollutants such as oil and gas, ozone precursors, nitrogen oxides, particulate matter, carbon dioxide, carbon monoxide, and heavy metals (such as lead, zinc, and cadmium), all of which have serious cumulative effects on the surrounding environment. What will be the effects of 4,000-8,000 cars/day on plant and animal life, both aquatic and terrestrial?

21. Since 2001, Redwood Region Audubon Society (RRAS) has been leading field trips to the Eureka (aka Palco) Marsh on a regular basis, with trip attendance reaching as high as 18. Our public service advertisements for the walks tout the “variety of habitats from marsh, bay, and mudflat to willow and berry thickets around this often-overlooked salt marsh in downtown Eureka... the best birding hot-spot in downtown Eureka... Eureka’s own wetland gem. Shorebirds, waterfowl, and chickadee-flock surprises will be sought.” Bird sightings at the Palco Marsh are regularly included in the Field Notes published monthly in the RRAS Sandpiper newsletter and the area is part of the annual Arcata/Eureka Christmas Bird Count. Science classes from Eureka High School visit the Marsh. What is the economic value of the Palco Marsh for local ecotourism and how will that be impacted by the WDE?

DEPARTMENT OF TRANSPORTATION ACT

22. The project would negatively impact a public park, wildlife habitat, and cultural resources, as defined by section 4(f) of the Department of Transportation Act (U.S.C. 303). These potential 4(f) impacts must be addressed in the DEIR.

CONSISTENCY WITH CITY GENERAL PLAN

23. The project conflicts with the City of Eureka’s General Plan (1999), which states that within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas, including wetlands, are protected against any significant disruption of habitat values (Sections 6.A.6 (b) and (d) and 6.A.7).

24. City staff has cited the fact that WDE is included in the current General Plan as justification for moving forward with the project. However, General Plan Policy 3.A.8 states that the City shall develop Waterfront Drive along Humboldt Bay from the Elk River Interchange to the vicinity of Eureka Slough, “consistent with all other applicable General Plan and Local Coastal Program (LCP) policies [emphasis added].” We believe

that the WDE is NOT consistent with LCP policies for the reasons outlined in the next section.

CONSISTENCY WITH LOCAL COASTAL PROGRAM (LCP)

25. Eureka's LCP, approved in 1984, includes Waterfront Drive only as far south as Wabash Avenue.

26. Even if the current City of Eureka General Plan has been approved by the California Coastal Commission (CCC), under Section 30603(5)(d), the CCC retains primary jurisdiction over "...any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone,...[and] development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone..." (Section 30519 (b).) As noted on page 1 of the Initial Study, the project corridor lies within the Coastal Zone. Why does the City believe that the CCC would permit filling in this sensitive area to build the WDE?

Additional portions of the Eureka LCP that we find applicable to this discussion are:

- A limited on-site marsh restoration and enhancement program is required as an integral part of any permitted Planned Commercial development on the former Pacific Lumber Company log deck west of Broadway. In return for restoration and enhancement of the entire emergent Palco saltmarsh immediately east of the Northwestern Pacific Railroad tracks, the LCP will allow the filling of the small and isolated remnant grazed wetland (presently utilized as a horse pasture) in the southwestern corner of the Palco property. The large Palco Marsh near Broadway is proposed for a permanent environmentally-sensitive habitat protection through a partial gift from the private landowner and partial Coastal Conservancy acquisition. As part of its implementation, the LCP provides for a wetlands management study and program involving the City in cooperation with the Coastal Conservancy, DFG, Coastal Commission, and other interested persons or organizations [page V-19].
- Environmentally-sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development adjacent to environmentally-sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas [Policy 5.6; also Section 30240 (a) and (b)].
- A buffer shall be established for permitted development adjacent to all environmentally-sensitive habitat areas. The width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of a

buffer, that a smaller buffer will protect the resources of the habitat area....
[Policy 5.17]

- The City shall provide public parks, open space, and shoreline accessways throughout the coastal zone, particularly along the waterfront and Second Street, through all of the following:
 - (a) Develop Waterfront Drive from Wabash Avenue to a terminus near Eureka Slough, with provisions for bicycle lanes, pedestrian walkways, and supporting facilities.
 - (e) Consistent with LCP Policy 9.4, consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways. [Policy 4.2]
- Starting on page V-7, the LCP lists specific coastal environmental resources. Included are:
 - Salt marshes at Palco Marsh and the low-lying areas along the railroad tracks southwest of this marsh.
 - Brackish marsh between the railroad tracks and the Pacific Lumber log deck at the foot of Vigo Street.
 - Freshwater marsh near the oil storage facility at the foot of Hilfiker Lane.
 - Swamp west of Broadway along the eastern edge of the Palco Marsh, just south of the Eureka Garbage Transfer station.
 - Riparian areas, mudflats, dunes, grassland, etc.
- (a): Consistent with all other applicable policies of this chapter, permitted development or uses within wetlands... or within estuaries, shall be limited to the following:
 - (1) Port facilities
 - (2) Energy facilities
 - (3) Coastal dependent industrial facilities, including commercial fishing facilities
 - (6) Restoration projects
 - (7) Nature study, aquaculture, or similar resource-dependent activities
 - (8) New or expanded boating facilities in estuaries, consistent with the demand for such [Policy 5.12(a)]
- Diking or filling of a wetland that is otherwise in accordance with the policies of this LCP shall, at a minimum, require the following mitigation measures:
 - A detailed restoration plan...
 - Equivalent areas shall be opened to tidal action or other sources of surface water shall be provided...
 - Mitigation shall...be of the same type as the wetland to be filled... [Policy 5.11(b)]
- The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline by: (a) accepting offers of dedication that will increase

opportunities for public access... (c) allowing only such development as will not interfere with the public's right of access to the sea... including the use of dry sand and rocky coastal beaches or shoreline to the first line of terrestrial vegetation [Policy 3.1]. A sandy beach stretches from "Parcel 4" (Figure 7, 66 + 00) to the mouth of the Elk River.

- The City shall establish a coordinated contiguous public access system throughout its coastal zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as provided specifically in this policy and shown generally on the public access maps in Chapter 15 [Policy 3.4]. (Specific sites listed include the foot of Truesdale and Del Norte Streets.)
 - l. At the foot of Truesdale Street, a scenic vista point shall be developed on the shoreline... Access support facilities shall include a small parking lot, bicycle racks, and trash receptacles.
 - m. A continuous waterfront trail between Truesdale Street and Hilfiker Lane shall be dedicated and developed in conjunction with future development in order to connect the vertical accessways at the two street ends. The existing offer of a 250-foot lateral access easement dedication from Oregon Coast Towing, as shown on Exhibit 3 of Coastal Development Permit No. 1-83-08, shall be accepted, subject to the condition that at such time as when new or expanded coastal-dependent industrial development immediately inland of the waterfront trail is proposed, the City shall review the appropriateness of the specific location of applicable portions of the trail in light of possible safety and security concerns...

OPEN SPACE EASEMENTS & CONTRACTS

27. The WDE is inconsistent with the City's contracts with the Conservancy. A grant to acquire the Palco Marsh property [85-019-85-63-A] states that the City shall "refrain from developing or otherwise using the Grantee's property in the vicinity of the [Palco Marsh] property in such a way as to interfere with or inconvenience the operation of the property or the public's use of the property for access. An ensuing grant to implement the marsh enhancement activities states that the City shall "refrain from developing or otherwise using any other property it owns or controls in the vicinity of the project in such a way as to interfere with or inconvenience the use, management, operation, or maintenance of the project or to detract from the project purposes." Those purposes were habitat restoration and non-motorized public access, both of which would be severely affected by the WDE. The WDE would interfere with public use of the property, wildlife habitat values, and other public trust doctrines associated with public open space in the Coastal Zone, and would violate the spirit and intent of this and other agreements between the City and the Conservancy.

28. Pages 11 and 20 of the Initial Study notes that "there is an open space easement over a portion of the City's Palco Marsh property in favor of the [Conservancy]. There may be

a potential for conflicts with the easement as a result of the operation of this project” [the WDE and the possible extension of Bayshore Way]. Does the City intend to breach its legal agreements? The City’s delays on the Palco Marsh Enhancement Project have affected its relationship with the Conservancy and made funding for other waterfront projects more tenuous. If the City knowingly and willingly violates its contractual obligations, it should not only expect to receive no more funding from the Conservancy but also could open itself to legal action.

29. The area covered by the Eureka Marsh Enhancement Plan includes two railroad parcels (007-051-02 and 007-031-02). Conservancy money will be spent on enhancement and restoration activities on these parcels, where the WDE is proposed to be constructed.

COST

30. What is the expected cost of the WDE and where will the money come from? According to a spreadsheet on the CalTrans website for Humboldt County projects, the WDE is projected to cost \$9.385 million for 9,000 lineal feet of road that would (see Table 2, page 8/14 of the NOP Detailed Project Information) provide at most 30 seconds less backup at the Broadway/Henderson intersection, if used at maximum capacity in 2015. No source of funding has been identified for \$3.248 million of the cost in FY2006/7, which is when construction is projected to occur. This means that 35% of the total project cost and 62% of the construction expense is currently identified as “Future Need.” According to the CalTrans website, “with over \$10 billion in unfunded need in the 2002 State Transportation Improvement Program (STIP), it is unlikely that many projects will be fully STIP funded for a long time. You should assume that there would be no capacity in the 2004 STIP for additional funding and that new capacity in the 2006 STIP will be for FY 2009/10 and 2010/11.”

ALTERNATIVES

31. The DEIR should evaluate alternatives to the project that offer other traffic congestion relief opportunities, such as light rail and construction of a stand-alone multi-use trail to encourage bicycle commuters.

Submitted by Sue Leskiw on behalf of



Redwood Region Audubon Society: Jim Clark, Chet Ogan, and Sue Leskiw
Environmental Protection Information Center: Cynthia Elkins and Jennifer Kalt
North Group, Redwood Chapter, Sierra Club: Diane Beck and Melvin McKinney
Northcoast Environmental Center: Tim McKay

From: Lisa Shikany [lshikany@ci.eureka.ca.gov]
Sent: Monday, October 18, 2004 3:17 PM
To: Wirt Lanning
Subject: FW: NOP WaterFront Drive Extension Proj.

-----Original Message-----

From: Kaye Strickland [mailto:kstricklan@humboldt1.com]
Sent: Monday, October 18, 2004 3:46 PM
To: Lisa Shikany
Cc: lwoolley@co.humboldt.ca.us; Oringer
Subject: NOP WaterFront Drive Extension Proj.

NORTH WESTERN PACIFIC SUPPORT COALITION
service to Humboldt County

A Coalition of Civic Organizations supporting return of rail

October 18, 2004

Lisa Shikany, Env. Planner

Comments to City of Eureka

Re: NOP Proposed Waterfront Drive Extension Project

The Rail Support Coalition (NWPSC) has always been concerned re this proposed project, and the effect it would likely have on the existing railroad right-of-way, as well as the wetlands and marsh area it would pass through.

For a variety of reasons, this railroad has been out of service for several years.

I won't go into that in this correspondence. However, we are doing everything we can to bring back this vitally needed facet of our northcoast balanced transportation system. It will be brought back, be very sure of that. And the route must be maintained and be ready when this happens.

We have a wide variety of folks working with us to accomplish this, including cooperation from potential shippers, and the cities of Fortuna and Arcata. More concern for this needed railroad r-o-w by the city of Eureka would be helpful, since I know you have received correspondence from Mitch Stogner, Exec.Dir. of NCRA which does an excellent job of detailing their concerns, and the legal requirements of the railroad.

I will be submitting further comments as Eureka proceeds on this project. I trust you will take ours and the many other concerns you have been and will continue to be receiving if this project goes much further.

Sincerely,

Kaye Strickland, Chair NWPSC

cc: JWoolley, Chair NCRA