Nezzie

Speaker Comment / Notification Card
Marina Center Mixed-Use Project
EIR Public Comment Session
April 13, 2006

Please turn in this form if you plan to speak; if you would like to submit written comments today; and/or if you would like to be added to the EIR public notification list.

☑ I wish to speak regarding the scope of the EIR

Name: Nezzie Wade
Address: 1994 Barnum Lane
Eureka, CA 95503

☑ I would like to be added to the public notification list:

- ☐ Please use the mailing address above
- ☐ Please use my email address: _____

☐ My comments regarding the scope of the EIR are provided below:

I am concerned about most of the obvious environmental issues involving the toxic site and how it will be clean up . . . and what from there?

I am also concerned about the social psychological impacts due to the environmental change brought on by the development of commerce and buildings as opposed to more aesthetic and conducive public space.

In addition what consideration are being shown for the historic preservation and cultural ~~[illegible]~~ artifacts or connection to this site — for example — the impact on Wiyot sacred land not so far away for [illegible]

impacts on the cultural and social environment issues affected

You may also mail or email comments to:
Sidnie L. Olson
Community Development Department
531 "K" Street
Eureka, CA 95501
solson@ci.eureka.ca.gov

Deadline to submit comments on the Notice of Preparation: **May 5, 2006**

011

Speaker Comment / Notification Card
Marina Center Mixed-Use Project
EIR Public Comment Session
April 13, 2006

Please turn in this form if you plan to speak; if you would like to submit written comments today; and/or if you would like to be added to the EIR public notification list.

☒ I wish to speak regarding the scope of the EIR

Name: James Shanaftu-Garcia
Address: 272 14th St
Eureka CA 95501

☐ I would like to be added to the public notification list:

- ☒ Please use the mailing address above
- ☐ Please use my email address: _____

☐ My comments regarding the scope of the EIR are provided below:

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Community Development Department
531 "K" Street
Eureka, CA 95501
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012

Deadline to submit comments on the Notice of Preparation: **May 5, 2006**

Speaker Comment / Notification Card
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EIR Public Comment Session
April 13, 2006

Please turn in this form if you plan to speak; if you would like to submit written comments today; and/or if you would like to be added to the EIR public notification list.

☑ I wish to speak regarding the scope of the EIR

Name: Kimberly Starr
Address: 915 California St.
Eureka, CA 95501

☐ I would like to be added to the public notification list:

- ☐ Please use the mailing address above
- ☐ Please use my email address: _____

☑ My comments regarding the scope of the EIR are provided below:

They will be forthcoming

You may also mail or email comments to:
Sidnie L. Olson
Community Development Department
531 "K" Street
Eureka, CA 95501
solson@ci.eureka.ca.gov

013

Deadline to submit comments on the Notice of Preparation: **May 5, 2006**

Speaker Comment / Notification Card
Marina Center Mixed-Use Project
EIR Public Comment Session
April 13, 2006

Please turn in this form if you plan to speak; if you would like to submit written comments today; and/or if you would like to be added to the EIR public notification list.

☒ I wish to speak regarding the scope of the EIR

Name: Dennis Moore
Address: _____

_____

☐ I would like to be added to the public notification list:

- ☐ Please use the mailing address above
- ☐ Please use my email address: _____

☐ My comments regarding the scope of the EIR are provided below:

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You may also mail or email comments to:
Sidnie L. Olson
Community Development Department
531 "K" Street
Eureka, CA 95501
solson@ci.eureka.ca.gov

014

Deadline to submit comments on the Notice of Preparation: **May 5, 2006**

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Speaker Comment / Notification Card
Marina Center Mixed-Use Project
EIR Public Comment Session
April 13, 2006

Please turn in this form if you plan to speak; if you would like to submit written comments today; and/or if you would like to be added to the EIR public notification list.

☐ I wish to speak regarding the scope of the EIR

Name: Judy Hageman
Address: 1290 Freshwater Rd
Eureka, CA 95503

☑ I would like to be added to the public notification list:
- ☐ Please use the mailing address above
- ☑ Please use my email address: Judyfiddle@MSN.com

☑ My comments regarding the scope of the EIR are provided below:

I think that a development of the tract needs to address drawing people towards the existing Old Town Area with complimentary services (not competing) The bike path/trail is one example of how to do that. Any retail stores must be examined for their competive nature with existing stores as well as their ability to attract customers to using the entire area of old Town. For instance, a Home Depot doesn't draw people to other services and also competes with existing businesses - Piersons, Myrtletown lumber, etc. A store like Trader Joe's keeps Eureka people shopping Eureka (rather than the Bay Area), draws people to Old town, encourages people to stay and eat, walk around and provides services not readily found here.

I am concerned about keeping the area visually beautiful and Unique. The Marina Center sketches remind me of everyone else's (outdoor) malls - nothing that says Eureka is Special - victorian and seaport. Housing in the area seems inappropriate, given the odors and truck traffic. Run-off pollution is a great concern and multiple story buildings seem visually inappropriate to the area. (> 2 stories)

You may also mail or email comments to:
Sidnie L. Olson
Community Development Department
531 "K" Street
Eureka, CA 95501
solson@ci.eureka.ca.gov

Deadline to submit comments on the Notice of Preparation: **May 5, 2006**

015

Speaker Comment / Notification Card
Marina Center Mixed-Use Project
EIR Public Comment Session
April 13, 2006

Please turn in this form if you plan to speak; if you would like to submit written comments today; and/or if you would like to be added to the EIR public notification list.

☐ I wish to speak regarding the scope of the EIR

Name: Mary Shively Boughton
Address: 814 J St
Eureka

☑ I would like to be added to the public notification list:

- ☐ Please use the mailing address above
- ☐ Please use my email address: mrsb814@msn.com ✓

☑ My comments regarding the scope of the EIR are provided below:

My comment would be that I appreciate the work that went into the original concept of Marina Center & I hope it doesn't change (at all) or very much.

The environmental cleanup should be no more than what is required by The North Coast Regional Water Quality Control Board and I believe the 'background cleanup' requested by some small environmental groups would negatively impact air quality and traffic & would not be worth the expense.

Thank You!

You may also mail or email comments to:
Sidnie L. Olson
Community Development Department
531 "K" Street
Eureka, CA 95501
solson@ci.eureka.ca.gov

(over)

Deadline to submit comments on the Notice of Preparation: **May 5, 2006**

016

RTC: A better location for a public pool - to respond to Kaye Strickland's comment - is behind Humboldt Bank Plaza - there are 4 parcels that could be strung together - total is 16 acres + with a shared parking agreement with N.B.P. on weekends - it would be big enough for a 50 m pool.

Sidnie Olson

From: Patty Clary [patty@alternatives2toxics.org]
Sent: Friday, May 05, 2006 4:46 PM
To: Sidnie Olson
Subject: Balloon Tract Scoping Comments

Balloon tract coping 0506.doc.

Attached please find scoping comments for the Balloon Tract EIR.

Patty Clary
Californians for Alternatives to Toxics
315 P Street
Eureka, CA 95501
707-445-5100
http://www.alternatives2toxics.org

017

Californians for Alternatives to Toxics
315 P Street
Eureka, California 95501
707 445-5100
www.alternatives2toxics.org

May 5,2006

Sidnie L. Olson, Senior Planner
Community Development Department
531 K Street
Eureka, CA 95501

Regarding: Balloon Tract CEQA Scoping Comments

Dear Ms. Olson,

These scoping comments are written on behalf of Californians for Alternatives to Toxics CATs), a regional public interest membership organization that focuses on the use of and contamination by toxic chemicals, particularly pesticides, in northern California. With more than 800 members and supporters who live in Eureka, the location of CATs' office near the bay in Eureka and an annual special event, the Organic Planet Festival, produced by CATs on Humboldt Bay each year, our organization has a very direct interest in the activities proposed for the site known as the Balloon Tract and potential changes to the City of Eureka General Plan and rezoning requested for the Big Box Mall project proposed for the site and adjacent areas.

CATs' interest in this site arises from our many years of studying and analyzing "legacy" toxic sites in northern California and the chemicals associated with them and promoting options to clean up the sites to the highest degree possible. The Balloon Tract is one of many contaminated legacy sites that potentially impact Humboldt Bay and groundwater and/or air quality in the bay area. In our view, and based on two decades of studying, analyzing and acting on the issue, CATs believes the Balloon Tract to be one of and perhaps THE most toxic site in the Humboldt Bay area. Although there exist numerous potentially significant environmental effects that would be caused by the project, for problems associated with chemicals alone, any consideration of what to do with the site must proceed with great caution.

Any serious analysis of the Balloon Tract must have, at its basis, both a clear understanding of its physical attributes such as soil types, groundwater characteristics and tidal influence, and of the history of its use. Where were railroad ties, lead batteries, petroleum products, solvents and other materials stored and used? Where was maintenance of engines and cars done? Where was the dump? An analysis must look at the activities being conducted at the site at various times in its history. From an in-depth analysis an informed understanding of which contaminants would be found and where could be approached, though all parts of the site should be thoroughly tested for all contaminants that are present.

We understand that the claim has been made that a clay layer was laid under much of the site at one time, to prevent translocation of contaminants. To consider the clay layer as protective ignores two critical weak points: 1) the clay layer was laid many years after contamination at the site was initiated and pollutants were already present and 2) clay aquatards as thick as 30 feet have been completely breached when the contaminants are mixtures containing petroleum hydrocarbons or other solvents. Solvents alone readily penetrate and breach clay layers and when combined with other contaminants such as dioxins, which generally adsorb to soil particles and are not mobile, will "drive" the usually immobile chemicals through the clay. Since solvents are extensively represented at the Balloon Tract, there is no doubt that the clay layer has proven less than useless in preventing contaminants from passing through to groundwater and the bay.

The presence of several extremely long-lasting pesticides that were used on the site or released from materials at the site is of the utmost importance and cannot simply be swept under the proverbial rug, or more accurately, under a parking lot and buildings. These chemicals are undoubtedly present at rates that have slowed to a crawl activity at various chemical and organic degradation paths, so their presence is likely to be found to be very significant if adequate site testing is undertaken.

The pesticides in question are two wood preservatives: Pentachlorophenol, which is highly contaminated with 2,3,7,8-TCDD, the most toxic form of dioxin, as well as hexachlorobenzene and a host of other chemicals of great concern, and creosote, which is composed of thousands of chemicals of which approximately 85% are polycyclic aromatic hydrocarbons, in addition to anthracene, naphthalene and phenatnthrene derivatives, with many of the creosote chemicals recognized as genotoxins and carcinogens possessing a wide variety of environmental fate characteristics ranging from volatilization to transport in stormwater runoff. Pentachlorophenol was used to preserve wood buildings and sometimes mixed with creosote to preserve railroad ties. Pentachlorophenol was likely to have been applied to manufactured wood products at the Balloon Tract. Creosote of course was applied to wood railroad ties. Decades after these ties have been put into storage after being replaced, chemicals continue to discharge from them, and many of these ties were stored for years or even buried on the site, creating a situation in which creosote contaminated not only the rail track area but also much of the Balloon Tract.

Unfortunately, petroleum hydrocarbon and other solvent spills or deliberate dumps have driven many of the contaminants into the soil, through the useless clay aquatard and into surface water, groundwater and the bay. This pollution activity is current. Additionally, many of the chemicals are adsorbed to soil particles and, when soil is disturbed during development, will move off-site though air and sediment discharge unless very specific techniques are applied to prevent such movement.

Numerous herbicides were used regularly on the railroad tracks and throughout the site and, it's safe to assume, at high rates, to control vegetation. We believe that 2,4,5-T, an herbicide heavily contaminated with 2,3,7,8-TCD, was used at the site until stocks were used up after its removal from the market in 1982. The dioxin and other chemicals associated with these herbicides are persistent and part of the toxic stew at the Balloon site.

The EIR must identify the chemicals present at the site, establish at what rates they are present in specific areas, identify where. how and what chemicals are moving off-site, analyze the environmental effects, including human health, of the chemicals both on and off-site, propose how the site will be cleaned up so that the environment and human health of Eureka and its inhabitants will be protected – all before any future use of the site may be considered.

The party responsible for the contamination Union Pacific Railroad, must not be allowed to avoid responsibility for restoring the site. An alternative use for the Balloon Tract which should be considered in an EIR is its conversion to a park, once its restored, to provide Eurekans and visitors that extremely rare commodity in the City, public open space. Having only Halverson Park in which to conduct any outdoor activities such as festivals and other community gatherings renders Eureka a less-than-desirable metropolitan area. The impact of converting most of the city to living or commercial space without adequate balancing effects provided by public parks and open spaces greatly diminishes the quality of life. It would be a fitting change for this sad and badly abused site to morph to a beautiful park, with green vegetation where destructive toxic chemicals once dominated.

We look forward to reviewing the EIR.

Sincerely,

Patricia M. Clary
Executive Director

To: Sidnie L. Olson, Senior Planner
Community Development Department
531 "K" Street
Eureka, CA 95501

RECEIVED
MAY 05 2006
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Subject: Balloon Tract CEQA Scoping Comments

May 5, 2006

EPIC

Dear Senior Planner Olson,

Please accept these scoping comments on the City of Eureka General Plan Amendment and rezoning requested for the Big Box Mall project proposed for the Balloon Tract and adjacent areas on behalf of the Environmental Protection Information Center (EPIC) and Citizens for Real Economic Growth (CREG). These comments are in addition to any other comments submitted on behalf of CREG.

We are concerned that this project will have significant negative impacts on the environment and people of Eureka and Humboldt County due to the toxic contamination situation, as well as the profound economic impacts on local communities as well as on small businesses and their employees. The Environmental Impact Report (EIR) required for this project by the California Environmental Quality Act (CEQA), should pay close attention to these issues in particular.

We are resolute in our determination that the toxic contamination be cleaned up to the fullest extent of technical feasibility and not be left for future generations to deal with. We are also adamant that the railroad be held accountable for their responsibility to clean up the mess they have created.

The EIR must consider all primary impacts including, but not limited to, traffic impacts, surface runoff pollution, visual impacts, air pollution, light and sound pollution, and impacts on wetlands and other biological resources. The EIR must also consider all secondary impacts including, but not limited to, economic impacts of the proposed project over time and spatially across the entire county.

The EIR must consider short-term impacts including, but not limited to, construction activities, remediation activities related to the toxic contamination of the area, and the social impacts on surrounding neighborhoods. The EIR must consider long-term impacts including, but not limited to, storage or use of hazardous materials on the site related to the proposed land uses, as well as the biological and economic impacts referred to for primary and secondary effects.

The EIR must consider irreversible environmental changes brought about by the proposed project. We consider any failure to clean up the toxic contamination on the site to anything short of full technical feasibility to constitute an irreversible environmental change. The EIR must consider growth inducing impacts of the proposed project. This analysis should consider any expansion or addition to community services required due to the proposed project including, but

Environmental Protection Information Center
PO Box 397 • Garberville, CA 95542
Phone: (707) 923-2931 • Fax: (707) 923-4210 • Email: epic@wildcalifornia.org • Web: www.wildcalifornia.org

not limited to, drainage and sewage, utilities and telecommunications, and police, fire and emergency medical response. The addition of new housing in the area should be considered for both the local and community-wide impacts, as well as the effect on housing cost of the proposed dwellings. All secondary effects of the growth inducing impacts of this project must be considered and analyzed. The analysis of growth inducing impacts should include estimates of the amount, location, and time frame of growth which will occur as a result of this project. We expect both quantitative and qualitative methodologies be applied to impact analysis of this project. We expect a range of mitigation measures designed to reduce significant impacts to be analyzed, compared and assessed.

The EIR must consider the cumulative impacts of the proposed project. These impacts should include recent, current and future projects including, but not limited to, all other waterfront projects, both within and beyond, city limits of Eureka. These would include the proposed Hampton Inn hotel project adjacent to the site, the C-street fishing/boat facility, the proposed "Eco-Hostel" project, and all other planned and potential probable projects. General consideration of likely impacts of the project relative to the County General Plan should be considered.

The EIR must consider a full range of alternatives- not a simplistic two alternative analysis of the current proposal and a "No Action" alternative. Alternatives should consider several levels of toxic contamination clean-up from full technical feasibility to the minimum levels proposed by the current project. The EIR should also consider a wide range of land use alternatives including the current Big Box Mall proposal, a no retail option, a public facilities option, a waterfront dependent only option, a light industrial only option, and a wide variety of other mixes of uses.

Specific questions we consider to be required for sufficiency of the EIR analysis include:

Aesthetics— Will the project:
1) Have a substantial adverse effect on the scenic vista?
2) Substantially damage scenic resources?
3) Substantially degrade the existing visual character or quality of the site or its surroundings?
4) Create a new source of substantial light or glare which would adversely affect day or night time views in the area?

Air Quality— Will the project:
1) Contribute to the degradation of local or regional air quality through increased traffic, potential long-term project operations, or any other?
2) Produce negative health effects in humans?
3) Produce negative health effects in non-human species of plants or animals?

Biological Resources— Will the project:
1) Have an adverse effect, either directly or through habitat modifications, on any species of plant or animal, and particularly on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the California Department of Fish & Game or US Fish & Wildlife Service?
2) Have an adverse effect on any riparian habitat or any sensitive natural community? Have a substantial effect on designated wetlands including, but not limited to marshes, sloughs, bogs, seasonal pools, etc., through direct removal, filling, hydrological interruption, or other means?

3) In particular, what is the officially designated extent, if any, of the wetlands occurring on the southern end of the site, as well as the Clark Slough, and any hydrologic connections between the two?
4) Interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
5) Conflict with any local policies or ordinances protecting biological resources?
[Examples: Eureka General Plan, **Section 6.A.3:** *"The City shall maintain and where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and storm water discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."*

Cultural Resources— Will the project:
1) Cause an adverse change in the significance of a historical resource? [Example: any railroad facility or remnant facility?]
2) Cause any adverse impact to an archaeological resource?
3) Will there be consultation with local tribes to determine the significance, if any, of the proposed project?

Geology & Soils— Will the project:
1) Expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving:
   a. Strong seismic ground shaking?
   b. Seismic-related ground failure, including liquefaction?
2) Be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project, and potentially result in lateral spreading, subsidence, liquefaction or collapse?
3) What soil types occur on the site including both fill material and naturally occurring soil materials? What are their placement patterns? Will there be a three-dimensional mapping of soil types on the site?
4) What are the properties of each of these soil types relative to construction engineering, movement of groundwater, infiltration of surface water, and any other applicable physical or chemical properties?

Hazards and Hazardous Materials:
The EIR must provide a comprehensive and current appraisal of the composition and distribution of the toxic materials on the site. There must be an explanation of the known and potential risks to human health associated with these toxic materials. There must be a state of the art consideration of the known and potential movement of these materials into ground water and/or the receiving waters of Humboldt Bay. All possible connections to all receiving waters must be considered for the site under current conditions, as well as over time across a long term time scale equivalent to the persistence of toxic effects from these materials.

The EIR should provide a comprehensive and in-depth explanation of the various potential remediation methods available for site clean-up. This section of the EIR should include

discussion of cost and effectiveness of each method, as well as a discussion of proposed methods and the impacts of residual contaminants following cleanup.

All likely and potential impacts of toxic materials must be inventoried and assessed for all resource values, including but not limited to, water quality, sport and commercial fisheries and oyster mariculture, and other wildlife and plant resources. Cumulative impacts of this toxic waste site must be assessed as one among the many toxic waste sites in the watersheds of the Humboldt Bay. The cumulative impacts analysis must also be considered relative to the wide range of alternatives outlined above

Additional Questions— Will the project:

1) Create a hazard to the public or environment through routine transport, use, storage or disposal of hazardous materials?
2) Create a significant hazard to the public or the environment through foreseeable upset and accident conditions involving release of hazardous materials into the environment?
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste?
4) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
5) Expose people to risk of loss, injury or death from release of hazardous emissions due to an accidental fire?
6) What toxic materials are known to contaminate the site?
7) What are known and suspected effects of these toxic materials on:
   a. Human health?
   b. Water quality?
   c. Invertebrate species known to inhabit the site and any areas affected by the site?
   d. Vertebrate species known to inhabit the site and any areas affected by the site?
8) For each of the known toxic substances contaminating the site, what levels of concentration are known or suspected to pose risks to health of humans and non-human species?
9) What are current legal standards of contamination allowed for each of the toxic substances known to be on the project site for soil, air and water?
10) Please list and describe any scientific studies indicating that current legal standards are inadequate to safeguard the health of human and non-human species.
11) If partial removal of contaminated soil is one of the expected or potential remediation methods planned for the site, what are the criteria for relative concentration levels in the removed soil versus the soil left on site?
12) What is the known, expected, or potential range of the rate of lateral seepage of toxic materials over time? Over five, ten, twenty, fifty, one-hundred and two-hundred years?
13) What is the differential rate of seepage for each of the different types of toxic materials relative to known spatial occurrence on the site over time? Over five, ten, twenty, fifty, one-hundred and two-hundred years?
14) What effects does tidal action have on the seepage of toxic materials?
15) What are likely and potential effects of liquefaction due to seismic activity on the movement of toxic materials both laterally and vertically?
16) What are the possible effects on the health of human and non-human species from movement of toxic materials due to tidal action &/or liquefaction.
17) What effects are likely or possible of various soil types in their relative distribution relative to lateral and vertical seepage of toxic materials?

18) What effect does the presence of fill materials, particularly in the layer where fill contacts naturally occurring substrate material, have on the potential or known movement of toxic materials?
19) What, if any, known or potential increase &/or decrease in toxicity of the various individual onsite toxic materials is likely or possible over time?
20) What is the known, likely or possible effect of capping on the increase or decrease in toxicity of the various individual onsite toxic materials?
21) TOXIC STEW:

a. What are the known, suspected or potential effects of uncontrolled mixing of various onsite toxic materials? Is there any known, suspected or potential increase in the toxicity of mixed materials relative to effects on the health of humans and non-human species?
b. Based on surveys and testing, which onsite toxic materials are known to have mixed and in what relative concentrations and in which areas?
c. Based on surveys and testing, which onsite toxic materials have the potential to mix and in which areas?
d. What is the long term potential for seepage of toxic materials into the bay &/or into the slough &/or into designated wetland areas of the site over time? Over five, ten, twenty, fifty, one-hundred and two-hundred years?
e. What, if any known or potential increase &/or decrease in toxicity is likely or possible of the various known, likely or possible mixtures of toxic materials over time?
f. What is the known, likely or possible effect of capping on the increase or decrease in toxicity of the various known, likely or possible mixtures of toxic materials over time?

22) For all toxic materials questions explain the scientific basis for all answers. Are the answers to the preceding questions based on any scientific principles or discrete scientific studies? Are the studies based on laboratory experimentation or on actual field studies?
23) What are the relative criteria for determining economic cleanup levels versus technically feasible cleanup levels?

Hydrology and Water Quality— Will the project:
1) Violate any water quality standards or waste discharge requirements?
2) Alter the drainage pattern of the site or area, including the alteration of the course of a stream or river or increase the rate or amount of surface runoff?
3) Create or contribute runoff water which might exceed the capacity of existing storm water drainage systems or provide additional sources of polluted runoff?
4) What is the relative content of toxics and other contaminants in typical street runoff waters of Eureka streets including, but not limited to hydrocarbon/petroleum materials, tire residue, heavy metals, radiator fluid, windshield wiper fluid, etc.?
5) Effect groundwater infiltration and recharge?
6) Otherwise substantially degrade water quality of the site and surrounding areas?
7) Be subject to inundation by seiche or tsunami?

Land Use and Planning— Will the project:
1) Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project, including but not limited to the general plan, any specific plan, local coastal plan or zoning ordinance?
2) What is the relative "foot print" of proposed and potential big box retail buildings relative to the foot print of other proposed buildings on the project site?

Noise— Will the project:
1) Cause the generation of noise levels in excess of standards established in the local general plan or noise ordinance, or any other applicable standards?
2) Cause any permanent increase in ambient noise levels in the project vicinity?
3) Cause any temporary or periodic increase in ambient noise levels in the project vicinity?

Population & Housing— Will the project:
1) Induce population growth, either directly (for example, by increasing new housing or business) or indirectly (for example, through extension of roads or other infrastructure)?

Public Services & Infrastructure— Will the project:
1) Result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services including, but not limited to:
   a. Fire protection?
   b. Police protection?
   c. Street maintenance?
   d. Other public facilities?
2) Result in adverse impacts associated with the provision of new or physically altered private utilities services and facilities, need for new or physically altered private utilities services and facilities, the construction of which could cause environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services including, but not limited to:
   a. Electrical service?
   b. Gas service?
   c. Garbage removal?
   d. Telecommunications service?
3) Result in increased costs to local government for provision of services including, but not limited to those listed above in items # 1) & 2)?
4) Result in increased solid waste stream requiring landfill disposal either in or out of the area?
5) Will the planned landfill site have sufficient permitted capacity to accommodate the projects solid waste disposal needs?
6) Comply with federal, state, and local statutes and regulations related to solid waste?
7) Will increases in solid waste volumes resulting from the project effect county compliance with state solid waste reduction requirements?

Recreation—
1) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

Transportation & Traffic— Will the project:
1) Cause an increase in traffic which is disruptive to existing traffic load and capacity of the street system (i.e., result in an increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
2) Cause an increased risk to pedestrians or bicyclists due to any increase in traffic load?
3) Cause additional congestion in the area around the site or at portal areas of the city?

4) Exceed, either individually or cumulatively, a level of service standard established by the city or county congestion management plans for designated roads and highways?
5) Increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., waterfront industrial truck traffic)?
6) Result in inadequate emergency access?
7) Result in inadequate parking?
8) Conflict with policies related to policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.)?
9) Conflict with potential re-establishment of train service along existing tracks?

Utilities & Service Systems— Will the project:
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
2) Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause environmental effects?
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause environmental effects?
4) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?
5) Result in a determination by the wastewater treatment provider which will serve the proposed project that it has adequate capacity to serve the projects projected additional demand in addition to the provider's existing commitments?
6) Result in a determination by the wastewater treatment provider which will serve the proposed project that it has adequate capacity to serve the projects projected additional demand in addition to the provider's expected future commitments relative to expected area growth?

Economic and Social Impacts:
We hold that a comprehensive and INDEPENDENT economic analysis should be considered by the City Council members as they formulate their decisions as to whether the General Plan should be amended and whether rezoning of the area should occur.

The EIR must document and disclose the full range of project economic effects on the regional economy. These findings must be founded on a comprehensive survey of current studies of economic effects of big box retail on local economies, especially those that are similar to the economies Eureka and Humboldt County. Studies that reach conclusions counter to those providing the rationale for the current Big Box Mall proposal must be explained and substantial evidence provided for not applying such studies to the current proposal. Economic effects should be studied for potential changes to area wage levels, anticipated likely reallocation of retail spending, employment levels, loss of profits from the area, costs to local government for infrastructure and provision of services, indirect subsidies through increased public costs for medical and social services, and loss of local multiplier effects. Economic analysis must consider county-wide effects. The economic impacts analysis must also be considered relative to the wide range of alternatives outlined above.

Based on the vigorous political history surrounding this site, please analyze and demonstrate how a zoning change will not open the way to the Wal-Mart resoundingly rejected by voters in 1999?

Additional Questions— Will the project:
1) Conflict with any local plans, policies or goals for economic development? [Examples: the City of Eureka 2004 Strategic Visioning Plan (including Economic Development, Downtown & Waterfront Development, Housing & Neighborhood Improvement, Public Safety, and Transportation Management) and Prosperity! the officially adopted economic development strategy of both Humboldt County and the City of Eureka]
2) What decrease in local multiplier effects are likely due to the export of profits from big box retail operations?
3) What is the local multiplier effect of locally owned retail businesses for profits kept in the area?
4) What is the ratio of jobs per 100 dollars of sales for the likely big box retailers proposed for the mall project?
5) What is the ratio of jobs per 100 dollars of sales for locally owned retail businesses?
6) What is the rate of failure of locally owned retail businesses in similar sized cities in similar rural counties with similar relative proximity to large urban areas to Eureka after big box retailers enter the local markets?
7) What effect do the proposed and potential big box retailers have on retail pay rates in similar sized cities in similar rural counties with similar relative proximity to large urban areas to Eureka?
8) What effect do the proposed and potential big box retailers have on local contractors providing the same services in similar sized cities in similar rural counties with similar relative proximity to large urban areas to Eureka?
9) What impacts do big box retailers have on the demand for government subsidized medical services by their employees?
10) What impacts do big box retailers have on the demand for government subsidized social services by their employees?
11) What is the record of proposed and potential big box retailers for labor law violations?
12) What is the record of proposed and potential big box retailers for violations of environmental law?
13) What share of pre-tax profit do the proposed and potential big box retailers donate to local charities?
14) What share of pre-tax profit do local retailers donate to local charities?
15) What is the record of lawsuits against local municipalities by proposed and potential big box retailers?
16) What is the record of discrimination complaints against proposed and potential big box retailers?
17) What is the average life span of individual outlets of proposed and potential big box retailers?
18) How many local businesses might be affected by proposed and potential big box retailers?
19) What guarantee is there that this does not end up as a Wal-Mart?

Thank you for your consideration of these comments. We look forward to accomplishing a development plan for this site that best protects the significant public interests at stake here.
Sincerely,

Larry Evans for EPIC
PO Box 147, Eureka, CA, 95502

Larry Glass for CREG
PO Box 738, Eureka, Ca. 95502

Enclosure: CD containing reference documentation

Sidnie Olson

From: Mark Lovelace [mail@healthyhumboldt.org]
Sent: Friday, May 05, 2006 5:01 PM
To: Sidnie Olson
Subject: DEIR comments

Dear Ms. Olson,

Please find attached comments for the Marina Center DEIR.

Mark Lovelace
Healthy Humboldt Coalition
PO Box 1301
Eureka, CA 95502
(707) 822-1166
www.healthyhumboldt.org
mail@healthyhumboldt.org

The Healthy Humboldt Coalition

May 5, 2006

Sidnie L. Olson, AICP
Senior Planner
City of Eureka
Community Development Department
531 "K" Street
Eureka, CA 95501
solson@ci.eureka.ca.gov

Via: E-Mail

Re: Scoping Comments for Marina Center EIR

Dear Ms. Olson,

I am providing these comments on behalf of the Healthy Humboldt Coalition, the Humboldt Watershed Council, and Citizens for Real Economic Growth.

In general, our comments could be regarded as recommending a slow and cautious approach to this project and its attendant EIR. This is a singularly significant piece of property both for the City of Eureka and for the greater Humboldt Bay area, and the proposed project is the antithesis of every existing designation, policy or recommendation regarding the use of this property. There is no need for, nor wisdom in, a hasty approach to evaluating the potential impacts of this project.

Additionally, since the proposed project requires a major General Plan Amendment to proceed, the requirements of the permit streamlining act do not apply. See Curtin's California Land Use and Planning Law, 2004, page 413; see also *Horn v. County of Ventura*, 24 Cal 3d, 605, 612 (1979).

The project description is fully inadequate and misleading. The GPA application states that the plan is *"...to build a mixed-use, urban infill development"* that will *"...promote neighborhood livability..."* by *"...incorporating smart growth elements."* The application also states that *"the plan discourages sprawl."* All of these points are either false or misleading.

The term "urban" is commonly defined as "an area that is densely populated. For an area to be populated, it must have inhabitants who live there. Similarly, the word "neighborhood" also gives the false impression that this project will be a place where significant numbers of people actually live. In actuality, this project makes only a grudging nod towards the pressing need for housing in Eureka and the County by providing some 10-20 residences on 38 acres.

Further claims that the project "incorporates smart growth elements" and "discourages sprawl" are similarly contradictory to the reality of what is proposed here. Smart growth requires a balanced mix of housing, jobs, and services within a walkable area. No such balance exists in this project. If the developer's claims are to be believed, the project will provide available workspace (not jobs, as the proponent states, but simply empty space) for up to 1,271 workers. Additionally, it is assumed that the large retail component of the project will require perhaps 4,000 or more shoppers per day. Using standard occupancy of 1.8 persons per dwelling unit, the project can be expected to house less than 40 people, creating a massive imbalance between jobs, services, and housing. This is the antithesis of smart growth.

Project Alternatives

The above points are significant for the evaluation of project alternatives. CEQA Guidelines Section 15126.6 states that *"the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project."* Since the stated purpose of the project is absolutely inconsistent with the specifics of the project, one must beg the question as to what the 'objectives' of the project are.

The objectives of the project must also take into account the clearly stated intent of the developer that the project "Is not going to be a Big Box." Presumably, then, the specific inclusion of a major Big Box retail component in the project must be viewed as neither central to, nor inseparable from, the objectives of the project. Therefore, alternatives which separate out the Big Box component from the remainder of the project must be considered.

Additionally, Section 15126.6 also states:

> *(B) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.*

In the case of the Balloon Track, there was a Master Planning Study for the property already in the wings, and well established within the City's documentation. A "No Project" alternative would not mean a lack of development on the site, but rather a development which is the product of this Master Planning study. Additionally, there has been mention of another project proponent waiting in the wings for this site. This project must be fully analyzed as an alternative, as it is a "predictable" action. To fully analyze this project alternative, the City will have to seek out additional information from this alternative project proponent.

The discussion of alternatives, and the separable nature of the Home Depot component must also require analyzing alternative locations for that portion of the project. Given it's regional retail scope, this analysis should include the entire Humboldt Bay Area.

Economic Impacts

The notice states that the City is inviting comments on the range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures. The accompanying document includes a list titled *"Environmental Issues to be Discussed in the Draft EIR."* That list is missing any reference to economics. The negative economic impacts from this project will likely be very significant, and yet there is no indication that they will be analyzed. This is a significant error.

Second, there is no discussion of the geographical scope of the EIR. Given that this project will remove the largest vacant parcel in the City of Eureka for a use other than that for which it is currently zoned, the impacts upon the City as a whole must be considered. Additionally, since the use proposed for the majority of the parcel ("big box" retail) is financially dependent upon taking business from a large area (the whole of the greater Humboldt Bay area, extending to Garberville, Willow Creek, and Crescent City), it must be assumed that this project will have traffic, economic, and social impacts across that area. Certainly the scope of this project must, at minimum, consider the environmental, economic, health and

safety, and social impacts stemming from the loss of small, local businesses. Therefore, the physical scope of this EIR must consider those impacts whether next door to the project, or 60 miles away. This project is *regional* in scope, and the economic impacts must be addressed as such.

Within the range of issues outlined, numerous of the issues outlined could have very real impacts stemming from this regional impact. Aesthetics of distant communities would be impacted by blight due to the closure of small local businesses.

Land use would be effected by the loss of this prime coastal parcel to a non-coastal dependent (or even coastal aware) use.

Additional Comments:

- The specific types of uses that will occupy the major stores and offices has not been enumerated, making it impossible to evaluate the impacts of such businesses. Before any claims as to the insignificance of impacts may be made, a more detailed accounting of the businesses which will occupy the site is necessary so that the City can truly analyze parking and traffic needs.

- The lack of specificity as to the business types should also make any claims as to job creation extremely suspect, as the project will only provide empty shells for businesses to occupy. There is no way, short of wishful thinking, for the project proponent to assert any knowledge of actual job creation, when it is far more reasonable to assume that this project will more likely relocate existing businesses from elsewhere in the City, replacing blight here with blight there. Given this, the negative impacts of store closures and blight created elsewhere in the City and the Humboldt Bay area must be fully analyzed.

- Greater detail as to occupancy will allow the DEIR to more fully describe and analyze the impacts associated with this type of use, including traffic, visual impacts, parking, operations, delivery schedule, truck activity, lighting, and construction-period activities, among other potential impacts specific to this type of major big box use. These details are important to the accuracy and completeness of the DEIR. This discussion should also include the presence of any drive-through businesses, such as restaurants, coffee shops, or banks. We urge the City to require a much more detailed list of likely tenants in a revised Project Description of the DEIR.
- The DEIR must include a full analysis of the noise, dust, and traffic conditions caused by the construction period activities, as well as a discussion of project phasing and timeline. This information is critical to the thoroughness and accuracy of many impact sections, including, but not limited to construction period traffic, noise, air quality and water quality. The description should be specific as to the activities that will occur during each phase of project construction, the amount of earthwork that will be required (e.g. heights of cut and fill, among other information); types and noise levels of equipment; total construction employees and related traffic trips, among other details of the construction period that could generate impacts.

- Given the stated goal of "capping" the site to contain toxic contaminants beneath pavement, the DEIR should contain a full discussion of water detention areas and specific information on how the water quality system will be maintained in perpetuity. The DEIR must also discuss how contaminated runoff from the parking lots will be prevented from entering the bay during peak wet weather flow events when the City's drainage infrastructure may already be overloaded. Given the area of impervious surface which is planned, the DEIR should specifically include measures to retain all "new" water on site so that it does contaminate

water in the area (e.g. use of cisterns and best management practices for water containment).

- Specific contaminants/pollutants, and estimated amounts that will be generated by the project and during project construction must be fully addressed.

- Types of activities that will be supported by the new stores, shops and plaza areas (e.g. events, outdoor sales or eating, recreation activities, and the like). In particular, the full outdoor area of the Home Depot anchor store must be considered, including the prevalence of outdoor displays, garbage, and packing and shipping materials which typically surrounds such a store.

- The details of the engineering, timing, and funding of the Waterfront Drive Extension must be considered, as it is likely that the significant traffic increase caused by the site will require this project. Additionally, since the State Coastal Commission has made it quite clear that it will not support the Waterfront Drive project, the City must discuss what alternatives are available for accommodating both expected traffic increases and unanticipated future increases caused by the project.

- The discussion of traffic impacts must not accept as 'mitigation' any off-site fixes which could be applied equally in the absence of the project, including electronic timing of traffic lights.

Thank you for considering these comments.

Sincerely,

Mark Lovelace
Healthy Humboldt Coalition

HUMBOLDT BAYKEEPER®

May 5, 2006

RECEIVED
MAY 0 5 2006
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Sidnie L. Olson
City of Eureka
(707) 441-4265
531 K Street
Eureka, CA 95501

Scoping Comments on Proposed Marina Center Mixed-Use Development, SCH 2006042024

Ms. Olson,

On behalf of the board, staff, and supporting members of Humboldt Baykeeper, I would like to thank you for the early opportunity to comment and help define the necessary scope of the Draft Environmental Impact Report being prepared for the proposed rezoning and subsequent development of the parcel commonly known as "the Balloon Track".

The environmental review of any development is an integral part of the process, and as such the full range of alternatives to the project and the project's location must be considered. The environmental review must also analyze the full scope of potential environmental impacts that may be caused by the project and the alternatives to the project that are identified. In addition to the discrete impacts that may be caused by the proposed project itself, the environmental impact analysis must consider any indirect and/or cumulative impacts that may result from the proposed project. As this environmental review is being conducted for both the rezoning of the parcel and the Marina Center Development, in one document, it is imperative that the analysis conducted be sufficient for each element, i.e. for the rezoning and the development individually. Additionally, the environmental review conducted for this project must consider and analyze the social and economic effects of the project.

Specific issues that must be considered in detail, include, but are not limited to:

- **Aesthetics.** The impact of the proposed project on the aesthetic character of the project area needs to be fully analyzed. This impact must include the visual character as far as the viewscape of Humboldt Bay, as well as the impacts caused by the lighting of the site.

- **Biological resources.** The analysis of the impacts of the proposed project on biological resources must include an analysis of the affects of night-lighting the site, in addition to other impacts of the rezoning and subsequent development. This analysis should include

the effect on nesting, feeding and mating that may occur in Clark Slough and other habitat areas found on the site.

- **Wetlands analysis.** The site of the proposed project includes Clark Slough as well as other freshwater and brackish marsh areas. Any proposed project needs to fully consider the impacts on these wetland areas. In addition to the direct impacts caused to the onsite wetlands and Clark Slough, the environmental review must consider the cumulative impact of this development with other such developments on the frequency and quality of wetlands on a local and non-local basis.

- **Hazardous Materials.** This parcel has been used almost continually since it was filled in the late 1800's as a railroad maintenance and switching yard. Due to this fact, and to sloppy management practices, the property is heavily contaminated with various petroleum hydrocarbons as well as a variety of heavy metals, among other things. Any environmental review needs to analyze the exposure to these contaminants caused by the future development and use of the parcel, including the impacts on required clean up levels due to the rezoning of the parcel and the proposed land use. Such analysis needs to include short term exposure to workers on the site as well as the long term exposure of people who will be contacting the site in the future and the potential environmental exposures which will continue dependant upon cleanup measures chosen for the site. The potential for contaminants to migrate between the A and B zone aquifers as a result of construction on the site needs to be evaluated. This evaluation must consider the possibility of there being contaminant hotspots that have not yet been identified on the site, among other things.

  Such exposures analyses need to include both surface and groundwater pathways as well as surface soils and sediment exposures. This analysis needs to be cumulative in nature and consider other exposure routes and severity experienced in the local community.

- **Water Quality.** In addition to an analysis of the impact of the proposed development on stormwater quantity and quality, the impact of the development on groundwater and other surface water, such as Clark Slough, Humboldt Bay, and on site wetlands, needs to be conducted. The proposed project consists of paving virtually the entire site, which will necessarily reduce groundwater infiltration in the area. It additionally will result in high vehicular use with the associated potential for leaking oil, brake fluid, and other engine fluids onto the site with subsequent discharges to on site wetlands, Clark Slough, and Humboldt Bay.

- **Transportation/Traffic/Recreation.** Due to the proposed project's location and design, there is great potential for users of the site to infringe on the ability of other individuals to access the marina and other recreational users in the area. The currently existing parking lots located on Waterfront Drive at the Wharfinger building, the public marina, as well as street parking, will likely be negatively impacted by users of the proposed project. This use would have a corresponding negative impact on the ability of people to recreate in the area.

As noted above, this is not an exhaustive list of issues that must be fully analyzed in the Draft Environmental Impact Report. They do, however, warrant close attention and careful analysis. I look forward to receiving and reviewing the Draft Environmental Impact Report when it is prepared and thank you again for the opportunity to participate in the scoping portion of this project.

Michelle D. Smith

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