

## **APPENDIX B**

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# Comments on the Notice of Preparation and Responses

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This document summarizes and responds generally to the comments received during the Public Scoping Meeting held on April 13, 2006 and the Notice of Preparation (NOP) for the proposed Marina Center Mixed-Use Project EIR in Eureka, California. The responses noted below address comments that relate to the California Environmental Quality Act (CEQA) issues, and comments received regarding the project description or other project components that would not be analyzed pursuant to CEQA are not addressed herein.

## **Responses to Scoping Comments**

### ***Public Agencies***

#### **Letter A-1: Brent C. Siemer, City of Eureka Engineer**

The sanitary sewer documents and maps provided in the letter will be used by the project applicant to design their sanitary sewer to function efficiently with the City of Eureka system.

#### **Letter A-2: Andrea Davis, Wiyot Tribe**

The EIR will address the presence of cultural resources that may be located on the site, as well as any water quality and hydrology issues as related to the project and project site.

#### **Letter A-3: Paul Angell, Blue Lake Rancheria**

The EIR will address the presence of cultural resources that maybe located on the site, but would protect the exact location in order to maintain the dignity of the cultural place.

#### **Letter A-4: PG and E**

The electrical and gas design requirements are noted, and the City would require that the project conform to those requirements. The potential electrical design conflicts along Broadway are noted and will be addressed during the electric design phase.

#### **Letter A-5: Robert W. Bronkall, County of Humboldt**

The cumulative traffic impacts will be analyzed and discussed in the EIR.

#### **Letter A-6: Kevin Boles, Public Utilities Commission**

The safety impacts with regard to development adjacent to a railroad corridor, specifically related to increased traffic volumes, pedestrian circulation and railroad crossings, will be analyzed and discussed in the EIR.

#### **Letter A-7: Mark Piros, Department of Toxic Substances Control**

The EIR will analyze and discuss known contaminants in the soil and groundwater on the project site, identify screening levels for the risk assessment, cleanup levels. The EIR will discuss proposed remediation activities if they are proposed as part of the project, and the anticipated regulatory agency oversight. The DTSC Voluntary Cleanup program is noted, and the City will contact DTSC as necessary.

**Letter A-8: Rex A. Jackman, Department of Transportation**

The EIR will analyze project traffic impacts to U.S. Highway 101 (U.S. 101), and discuss project traffic impacts, including access from U.S. 101. The Caltrans approval for mitigation measures and design access in their right-of-way is noted and the City would require that the project conform to those requirements. Information provided to the traffic consultant, including Caltrans guidelines and the MMUTCD publications, will be used to address project impacts in the transportation section. The requirements for encroachment permits for any work within the Caltrans right-of-way are noted and the City would require that the project conform to those requirements.

**Letter A-9: James R. Baskin, California Coastal Commission**

The City recognizes the California Coastal Commission’s responsibility to the EIR as both a trustee and responsible agency, and will include the California Coastal Commission in the CEQA process. The Land Use Plan will be amended to include the Professional Office land use designation during the project process.

The EIR will address aesthetics impacts of the project on the site and surrounding land uses and impacts of the project on air quality and mitigation measures imposed will be consistent with the North Coast Unified Air Quality Management District. The EIR will include a biological assessment and address impacts of the project on biological resources. A wetlands delineation report was prepared and will be reviewed by a certified biologist. The EIR will include a cultural assessment and will recommend mitigation measures to protect any resources identified prior to or found during construction. The EIR will include a discussion of hazards from both geological and hazardous materials. Appropriate mitigation measures will be identified. The EIR will include a discussion of water quality and hydrology as related to the project. Appropriate mitigation measures will be identified. The EIR will include a discussion of water land use issues, as well as support infrastructure and services, as related to the project. Appropriate mitigation measures will be identified.

***Speakers and Written Comments from the Scoping Meeting***

Responses address both written and spoken comments received at the Public Scoping Meeting.

**Speaker 1: Ken Barr**

The EIR will address the topics of to traffic, aesthetics, and land use and potential impacts from the proposed project. The EIR will address alternatives to the project, as required by CEQA.

**Speaker 2: Tom Peters (spoke twice)**

The EIR will address the topics of traffic, air quality, including odor, land use, aesthetics, stormwater runoff and potential impacts from the proposed project. The City of Eureka has retained an environmental consultant to prepare the EIR, who will perform peer reviews of all documents conducted by the applicant’s consultants.

**Speaker 3: Patrick Eytchison (spoke thrice)**

The EIR will address the topics of traffic, air quality and include a health risk assessment and assessment of diesel emissions, hazards and hazardous materials, geology and soils, including ground-shaking, liquefaction and tsunami, and the potential impact from the proposed project. The design of the

development around the availability of fossil fuels is not a CEQA issue and will not be discussed in the EIR.

**Speaker 4: Mike Schwabenland**

The EIR will address the topics of land use, traffic, hazards and hazardous materials and soils on the project site, and the potential impacts from the proposed project. The EIR will address alternatives to the project, as required by CEQA. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Speaker 5: Mark Konkler (spoke twice)**

The EIR will address the topics of traffic, including truck traffic, air quality, , hazards and hazardous materials and soils on the project site, and the potential impacts from the proposed project. The EIR will address alternatives to the project, as required by CEQA. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR. The EIR will also address the topic of cultural resources including Native American consultation, and cumulative impact analyses. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6).

**Speaker 6: Maggy Herbelin**

The EIR will address the topic of land use, and consistency with applicable plans and policies.

**Speaker 7: Mark Lovelace (spoke twice)**

Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6). The EIR will address the topics of traffic, air quality, land use, including consistency with zoning, the Eureka General Plan and LCP, aesthetics, public services, utility services, and the potential impacts from the proposed project. The geographic scope of the EIR will be defined, as appropriate for each environmental topic. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Speaker 8: Larry Evens**

The Appendix G, Environmental Checklist Form, will be used as significance criteria for the EIR discussion. The EIR will address the topics of land use including consistency with zoning, the Eureka General Plan and LCP, hazards and hazardous materials and soils on the project site, geology and soil conditions on the site including liquefaction and ground-shaking, and the potential impact from the proposed project. The EIR will also include a health risk assessment. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Speaker 9: Kay Strickland**

The EIR will address the topics of transportation including alternative modes and railroad right-of-way, land use, hazards and hazardous materials and soils on the project site, and recreation, and the potential impacts of the proposed project. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Speaker 10: Melvin McKinnery**

The EIR will address the topic of transportation.

**Speaker 11: Nezzie Wade (spoke twice)**

The EIR will address the topics of hazards and hazardous materials and soils on the project site, aesthetics, and cultural resources, and the potential impact of the proposed project.

**Speaker 12: James Showalter-Garcia**

The EIR will address the topics of transportation including truck traffic, stormwater run-off, and biological resources, and the potential impacts of the proposed project. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Speaker 13: Kemberly Starr**

The purpose of the EIR is to provide information to assist the lead agency in making decisions on the project but does not control the agency's exercise of discretion (*CEQA Guidelines* 15121).

**Speaker 14: Dennis Moore**

The EIR will address the topics of transportation, aesthetics, hazards and hazardous materials and soils on the project site, and potential impacts of the proposed project. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Speaker 15: Judy Hageman**

The EIR will address the topics of aesthetics, and population and housing, and the potential impacts of the proposed project. Economic impacts are not CEQA issues; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Speaker 16: Mary Shively-Boughton**

The EIR will address the topics of hazards and hazardous materials and soils on the project site, air quality and transportation, and the potential impacts of the proposed project.

***Organization/Public Written Comments***

**Letter 17: Patricia M. Clary, Californians for Alternatives to Toxics**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. The EIR will address alternatives to the project, as required by CEQA. A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative.

**Letter 18: Larry Evans, Environmental Project Information Center Larry Glass, Citizens for Real Economic Growth**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Other issues raise that will be evaluated in the EIR include: traffic, stormwater runoff pollution, aesthetics, air quality, noise, wetlands, biological resources, construction impacts, public service, and utilities. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

The Appendix G, Environmental Checklist Form, will be used as significance criteria for the EIR discussion. The EIR will address cumulative impacts and alternatives, as required by CEQA.

**Letter 19: Healthy Humboldt Coalition, Mark Lovelace**

The EIR will address all required CEQA issues as outlined in the Appendix G, Environmental Checklist Form, including traffic, visual, biological, utilities, noise, air quality, hazardous materials, water quality, and land use. Construction impacts will be addressed as part of the project. The Waterfront Drive project will be discussed in the transportation analysis. The geographic scope of the EIR will be defined in each environmental section.

Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR. As required by CEQA, the EIR will discuss alternatives, including alternative geographic locations for the proposed project.

**Letter 20: Humboldt Baykeeper, Michelle D. Smith**

The EIR will address both indirect and cumulative impacts that may result from the proposed project, as well as the topics of aesthetics, biological resources (including wetlands), hazards and hazardous materials, water quality, transportation, and recreation. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Letter 21: Humboldt County Democratic Central Committee, Patrick Riggs**

The City of Eureka has retained an environmental consultant to prepare the EIR, who will perform peer reviews of all documents conducted by the applicant's consultants. The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project.

**Letter 22: Sierra Club, Diane Beck**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Potential land use impacts, including zoning, and transportation impacts, including the Waterfront Drive extension and railroad right-of-way will be discussed in the EIR. Project alternatives, will also be discussed in the EIR, as required by CEQA. Economic issues are not a CEQA issue; however, physical environmental issues raised by economic effects will be discussed in the EIR.

**Letter 23: David A Ammerman**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Potential transportation impacts, including circulation issues and transit access, will be discussed in the EIR.

**Letter 24: Maggie Banducci**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Historic and aesthetic impacts will be discussed in the EIR, as required by CEQA. Economic issues are not a CEQA issue; however, physical environmental issues raised by economic effects will be discussed in the EIR.

**Letter 25: Kathy Bhardwaj**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Potential land use impacts, including zoning, will be addressed in the EIR.

**Letter 26: Moss Bittner**

The EIR will address transportation issues, including alternative modes and railroad right-of-way. Potential impacts to and use, aesthetics, noise, and air quality will be discussed in the EIR, as required by CEQA. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative.

**Letter 27: Mike Buettner**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Potential land use impacts, including zoning, will be addressed in the EIR.

**Letter 28: Kathleen Cameron**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Water quality issues, as related to hazardous materials, will be discussed in the EIR. Economic issues are not a CEQA issue; however, physical environmental issues raised by economic effects will be discussed in the EIR.

**Letter 29: Dot Campbell**

As required by CEQA, alternatives will be evaluated in the EIR.

**Letter 30: George Clark, Kyoto Japanese Restaurant**

The EIR will address the topics of land use, recreation, and hazards and hazardous materials, as required by CEQA.

**Letter 31: David Cobb**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Transportation impacts related to proposed project will be discussed in the EIR.

**Letter 32: Gregory Conners**

The EIR will address the topics of hazards and hazardous materials, and geology and soils conditions on the site, including liquefaction and tsunami, and the impact of the proposed project.

**Letter 33: Charlene Cutler-Ploss**

The EIR will address the topics of hazards and hazardous materials and land use issues, as required by CEQA.

**Letter 34: Jean Doran**

The EIR will address the topics of hazards and hazardous materials and land use, as required by CEQA.

**Letter 35: Dan Ehresman**

The EIR will address the topics of open space, recreation, and biological resources, including a biological assessment and wetland delineation, on the project site and the potential impact from the proposed project. As it is illegal to “squat” on private property, the issue of displaced transients will not be included in the

EIR. The EIR will discuss potential impacts to transportation, geology and soils, and hazards and hazardous materials, as required by CEQA. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Letter 36: Loreen Eliason**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Potential aesthetic impacts related to proposed project will be discussed in the EIR.

**Letter 37: Patrick Eytchison**

The EIR will address issues related to aesthesis. The design of the development around the availability of fossil fuels is not a CEQA issue and will not be discussed in the EIR.

**Letter 38: Ali Freedlund, Mattole Restoration Council**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6).

**Letter 39: Elaine Gray**

The EIR will address the topic of hazards and hazardous materials on the site and the potential impact from the proposed project. Potential transportation and aesthetics impacts will also be evaluated in the EIR. Economic impacts are not CEQA issue; however, physical environmental issues raised by economic impacts, will be discussed in the EIR.

**Letter 40: Gilbert and Judy Groszmann**

The EIR will address the topic of hazards and hazardous materials on the site and the potential impact from the proposed project. Economic impacts are not CEQA issue; however, physical environmental issues raised by economic impacts, will be discussed in the EIR.

**Letter 41: Matt Groszmann**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Transportation, utilities, and public services will be discussed in the EIR, as required by CEQA. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 42: Xandra Grube/Xandra Manns**

The EIR will address the topics of recreation, geology and soils, water quality (including run-off), transportation, air quality, and biological issues (including a wetland delineation), as required by CEQA. . Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6).

**Letter 43: David Hagemann**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Transportation, visual, and historic impacts will be discussed in the EIR, as required by CEQA. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 44: Chuck Harvey**

The EIR will address the topics of aesthetics and historic resources on the site and the potential impact from the proposed project.

**Letter 45: Maggy and Charlie Herbelin**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Transportation, visual, biological, and recreation impacts will be discussed in the EIR, as required by CEQA. Land use issues related to the Coastal Commission will be evaluated. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 46: Tom Hinz**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. A range of alternatives will be considered in the EIR, as required by CEQA. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 47: Paula Kant**

A range of alternatives will be considered in the EIR, as required by CEQA.

**Letter 48: Tracy Katelman, ForEverGreen Forestry**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Transportation impacts related to Broadway will be evaluated. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Letter 49: Kristin Lane**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Recreation impacts will also be discussed in the EIR, as required by CEQA. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative.

**Letter 50: Kenneth Lang**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic impacts are not a CEQA issue; however, physical environmental issues raised by economic impacts, will be discussed in the EIR. Project alternatives

will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6).

**Letter 51: Marilyn Lang**

The EIR will the topics of address hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Land use and zoning will also be evaluated in the EIR. Economic impacts are not a CEQA issue; however, physical environmental issues raised by economic impacts, will be discussed in the EIR. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A light industrial alternative was considered in the discussion of the EIR.

**Letter 52: Sue Leskiw**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Potential transportation impacts will also be evaluated in the EIR.

**Letter 53: Donna Lin**

The EIR will address potential aesthetic impacts from the proposed project.

**Letter 54: Scott Menzies**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Letter 55: Lance G. Morton**

The EIR will address the topics of hazards and hazardous materials, water quality, soils, and utility infrastructure on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 56: Ruth Mountaingrove**

The EIR will address the topics of transportation and air quality and potential impacts from the proposed project, as required by CEQA.

**Letter 57: Kevin McKenny**

The EIR will address the topics of transportation, including circulation and parking on the project site. Zoning violations related to merchandise placement in the parking lot would be addressed by the appropriate City staff. The EIR can not assume that such zoning violation will occur. Economic impacts are not a CEQA issue; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Letter 58: Melvin McKinney**

The EIR will address the topics of hazards and hazardous materials, water quality, geology and soils on the project site and the potential impact from the proposed project. Potential transportation and land use

impacts will also be evaluated. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 59: Carol McFarland and Don Nielsen**

The EIR will address the topic of hazards and hazardous materials on the project site and the potential impact from the proposed project.

**Letter 60: Carol Krikby McFarland**

Economic impacts are not a CEQA issue; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Letter 61: Andrew McFarland**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Letter 62: Thomas J. McMurray Jr., PWM, INC.**

The EIR will address the topic of stormwater drainage on the project site and the potential impact from the proposed project.

**Letter 63: Kelly O'Conner**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A light industrial and a mixed use option will be considered as alternatives.

**Letter 64: Chet Ogan, Redwood Region Audubon Society**

The EIR will address the topics of hazards and hazardous materials, water quality, drainage, and soils on the project site and the potential impact from the proposed project. Potential transportation impacts will also be evaluated in the EIR.

**Letter 65: Jessica Olesh**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative. In addition, a no-retail, waterfront dependent only, light industrial and a mixed use option will be considered as alternatives.

**Letter 66: Thomas H. Peters**

The EIR will address the topics of transportation, including circulation, and parking issues. The EIR will also discuss hazards and hazardous materials, water quality, geology and soils, and biological resources on

the project site and the potential impact from the proposed project. Aesthetics utility infrastructure and public service effects from the proposed project will be addressed in the EIR, as required by CEQA. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative.

**Letter 67: Sara Pillow**

The EIR will address the topics of transportation and utility infrastructure and the potential impact from the proposed project, as required by CEQA. Economic impacts are not a CEQA issue; however, physical environmental issues raised by economic effects, will be discussed in the EIR.

**Letter 68: Morgan Randall**

The EIR will address the topics of hazards and hazardous materials, water quality, geology and soils on the project site and the potential impact from the proposed project. Potential effects to land use, including zoning and consistency with the Eureka General Plan, and aesthetics, will be evaluated in the EIR, as required by CEQA.

**Letter 69: Michael L. Rilla**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impact from the proposed project. Transportation issues related to the proposed project will be evaluated in the EIR. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR.

**Letter 70: Jared Rossman**

The EIR will address the environmental impacts from the proposed project, including the topic of hazards and hazardous materials and soils on the site and the impact from the proposed project.

**Letter 71: Carol Rowe**

The EIR will address the topic of aesthetics on the site and the potential impact from the proposed project.

**Letter 72: Lynn Ryan**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impact from the proposed project. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social impacts, will be discussed in the EIR. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative. In addition, a no-retail, waterfront dependent only, light industrial and a mixed use option will be considered as alternatives.

**Letter 73: Richard Salzman**

The EIR will address the topics of public services, water quality and stormwater run-off on the project site and the potential impacts from the proposed project. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of

the significant effects of the project (CEQA *Guidelines* Section 15126.6). Other land use alternatives will be considered in the EIR.

**Letter 74: Kaye Strickland**

The EIR will address the topics of transportation issues, including alternative mode access and the railroad right-of-way. Employment, population and housing will be evaluated in the EIR, as required by CEQA. Economic and social impacts are not CEQA issues; however, physical environmental issues raised by economic or social effects, will be discussed in the EIR.

**Letter 75: Diane Sutherland**

The EIR will address the topics of hazards and hazardous materials, geology and soils, wetlands, and aesthetics on the project site and potential impacts from the proposed project.

**Letter 76: Kimberly Tays**

The EIR will address the topics of hazards and hazardous materials and soils on the project site and the potential impacts from the proposed project. Transportation issues, including parking and pollution, will also be discussed in the EIR.

**Letter 77: Diane R Ventruini**

The EIR will address the topics of hazards and hazardous materials, water quality, and soils on the project site and the potential impacts from the proposed project. Project alternatives will be selected by City of Eureka staff and developed to feasibly attain most of the project objectives but avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6). A park/open space alternative was considered, but rejected in the EIR as an unfeasibly alternative.



# MEMORANDUM

To: Sidnie Olson, Senior Planner

Thru: Brent C. Siemer, City Engineer

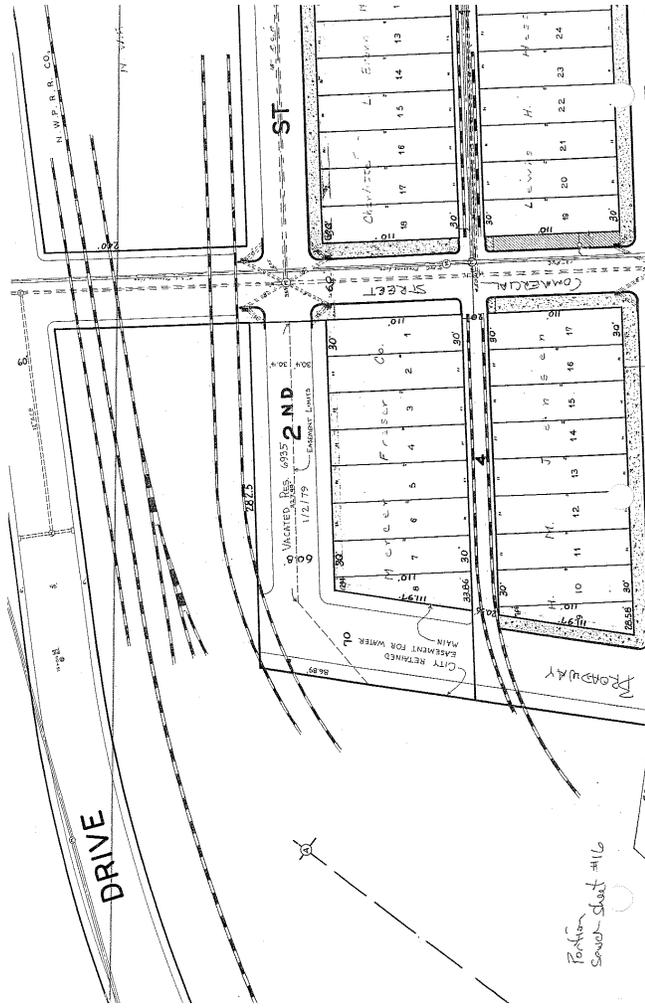
From: Gary D. Boughton, Deputy City Engineer *Gary D. Boughton*

Date: April 11, 2006

**RE: Marina Center**  
APNs 001-014-002  
003-021-009  
003-031-006, 012  
003-041-001, 005, 006

**RECEIVED**

APR 11 2006  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT



Per our discussion the other day, Please find the following documents:

1. A 11"x17" photocopy of Sewer Map #16 showing the vacation of a portion of 2<sup>nd</sup> Street between Broadway and Commercial Street along with a portion of Broadway between the south line of 2<sup>nd</sup> Street and the north line of the alley in Block 4. Also please find a copy of Resolution No. 6935 (recorded on January 8, 1979 as Book 1539 of Official Records, Page 246, H.C.R.) detailing the vacation and the reservation of an easement for City water lines.
2. Two 11"x17" photocopies of portion of Sewer Map #20 showing the 20" pressure sanitary sewer cross town interceptor through the southerly portion of the Balloon Track parcel of land. I have not been able to find a recorded deed for the shown 20-foot wide easement. Possibly Union Pacific files may have the easement.
3. Sheets 26 and 27 of Drawing P3-1 showing the 20" pressure sanitary sewer interceptor as Record Drawing per Winzler & Kelly.

These are provided in an effort to bring to light some issues of the project which may affect the possible options available or not available.

The pressure sanitary sewer interceptor appears to be such that it could be designed around.

However, the vacation of Broadway and Second Street may be items which the developer may wish to look at immediately.

cc: Brent C. Siemer, City Engineer  
David W. Tyson, City Manager

RETURN TO: City Clerk  
P.O. Box 1018  
Eureka, CA 95501

560

RECORDED AT THE REQUEST OF  
*City Clerk*  
VOL. 1539 OFFICIAL RECORDS No. 246

JAN 8 1 30 PM 1979

HUMBOLDT COUNTY RECORDS  
GRACE J. JAMES, RECORDER  
*Grace James*  
FEE \$ 4.00

RESOLUTION NO. 6935

RESOLUTION OF THE COUNCIL OF THE CITY OF EUREKA ORDERING THE VACATION OF SECOND STREET BETWEEN THE WEST LINE OF COMMERCIAL STREET AND THE WEST LINE OF BROADWAY, AND BROADWAY BETWEEN THE NORTH LINE OF THE ALLEY IN BLOCK 4 OF THE COMMERCIAL ADDITION AND THE SOUTH LINE OF SECOND STREET IN THE CITY OF EUREKA

WHEREAS, the Council of the City of Eureka on December 5, 1978, duly passed and adopted Resolution of Intention No. 6927 wherein the Council declared its intention to order the vacation of portions of Second Street and Broadway in the City of Eureka, County of Humboldt, State of California, more particularly described as follows:

PARCEL ONE (Second Street)

BEGINNING at the northwest corner of Second and Commercial Streets of the City of Eureka;

1. thence along the west line of Commercial Street south 10° 48' east 60.8 feet;
2. thence at right angles south 79° 14' west to the west line of Broadway, if the same were extended north from the north line of Clark's Addition of Eureka as the same is shown on the map of the Third Enlargement of Clark's Addition filed in the offices of the County Recorder of Humboldt County, California, in Book 9 of Maps, page 1;
3. thence north 61.8 feet, more or less, to the north line of Second Street, if the same were extended westerly from Commercial Street;
4. thence north 79° 14' east along said north line of Second Street to the point of beginning;

PARCEL TWO (Broadway)

A strip of land 70 feet wide, the east line of which is the west line of Block 4 of the Commercial Addition to the City of Eureka, as shown on the map thereof on file in the Recorder's Office of Humboldt County in Book 11 of Maps, page 27, and bounded on the north by a line parallel to and 60.8 feet south, measured at right angles,

from the north line of Second Street extended westerly, and bounded on the south by the westerly extension of the north line of the alley in said Block 4 of the Commercial Addition, and bounded on the west by a line parallel to and 70 feet westerly, measured at right angles, from the west line of said Block 4 of the Commercial Addition;

and WHEREAS, in the opinion of the Council public convenience and necessity require the reservation and exception to the City of Eureka, pursuant to the provisions of 8330 of the Streets and Highways Code of the State of California, permanent easement and right-of-way for the uses and purposes enumerated in said 8330, reserving to the City of Eureka the permanent easement and right-of-way to maintain, operate, replace, remove, renew and enlarge lines of pipe for the transportation or distribution of water and incidental purposes, including access thereto, and to protect the same from all hazards in, upon and over the following described portions of said streets proposed to be vacated:

PARCEL ONE (Second Street Easement)

BEGINNING at the southeast corner of parcel one, said point also being the intersection of the south line of Second Street and the west line of Commercial Street;

1. thence north 10° 46' west 30.4 feet to a point on the centerline of Second Street;
2. thence south 79° 14' west 227.99 feet along the centerline of Second Street;
3. thence south 41° 26' 25" west 49.61 feet to a point on the south line of Second Street if extended westerly;
4. thence north 79° 14' east 267.19 feet along the south line of Second Street to the point of beginning.

PARCEL TWO (Broadway Easement)

Reserving an easement for maintenance and reconstruction of a water main and appurtenances over all of parcel two described above, excepting therefrom the following described portion:

BEGINNING at the northwest corner of parcel two, said point also being the intersection of the south line of Second Street, if extended westerly, and the west line of Broadway;

1. thence south 25.00 feet along the west line of Broadway;
2. thence north 41° 26' 25" east 40.08 feet to a point on the south line of Second Street if extended westerly;
3. thence south 79° 14' west 27.00 feet along the south line of Second Street, if extended westerly to the point of beginning.

and  
 WHEREAS, said vacation shall be done and made in the manner and in accordance with the provisions of the Street Vacation Act of 1941 of the State of California, as amended, and subject to the following conditions:

- a) That said public utility easement terminate in the event the existing water line is removed or taken permanently out of service.
- b) That sidewalk improvements shall not be constructed across the vacated ends of the street rights-of-way, considering the possibility of further street vacations as proposed in the Eureka Core Area Development Plan; and

WHEREAS, the City Clerk did transmit to the Department of Public Works a certified copy of said Resolution No. 6927 and said Department of Public Works did upon receipt of said resolution cause to be posted, in the manner required by law, notice of the passage of said resolution; and

WHEREAS, said Resolution No. 6927 came on for public hearing before the Council of the City of Eureka on January 2, 1979, in accordance with the date, time and place fixed therefor in said resolution, and no persons protested or objected to the proposed vacation; and

WHEREAS, from all the evidence submitted, the Council of the City of Eureka finds that said rights-of-way, hereinabove described, are unnecessary for present or prospective street purposes;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Council of the City of Eureka, as follows:

1. That said rights-of-way, hereinabove described, be and the same are hereby vacated subject to the conditions stated herein;
2. That the City Clerk of the City of Eureka be, and is hereby authorized and directed to cause a certified copy of the within resolution and order to be recorded in the Office of the County Recorder of the County of Humboldt.

Passed, approved and adopted by the Council of the City of Eureka, County of Humboldt, State of California, on the 2nd day of January, 1979, by the following vote:

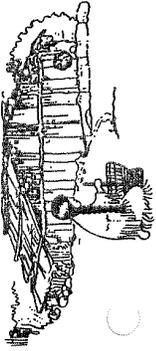
AYES: MEMBERS Howard, Cobine, Reardon, Mengel  
 NAYS: MEMBERS None  
 ABSENT: MEMBERS Goodwin

s/ Sam J. Sacco  
 MAYOR OF THE CITY OF EUREKA

ATTEST:

s/ Patricia A. Banducci  
 City Clerk of the City of Eureka





# Wiyot Tribe

April 10, 2006

Sidnie L. Olson  
Senior Planner  
City of Eureka  
531 K Street  
Eureka, CA 95501

Re: Marina Center Notice of Preparation

Dear Ms. Olson,

The Wiyot Tribe has received the Notice of Preparation for the proposed Marina Center project. Thank you for including the Wiyot Tribe on the distribution list.

The Wiyot Tribe does believe there may be cultural resources present on the proposed project site, and thus requests that the City of Eureka enters into formal consultation with the Wiyot Tribe, as established in SB 18.

The Wiyot Tribe is also very invested in the water quality of Humboldt Bay. Under our Clean Water Act (Section 106) water quality monitoring program, the Wiyot Tribe samples the waters of Humboldt Bay regularly. Given the Wiyot Tribe's concern for the water quality of Humboldt Bay, the tribe is also interested in the aspects of this project that relate to hydrology and the environmental clean-up of the site.

The Wiyot Tribe looks forward consultation with the City of Eureka regarding this project. Please feel free to contact me at 707-733-5055 or via email at [andrea@wiyot.us](mailto:andrea@wiyot.us) if you have further questions or concerns.

Sincerely,

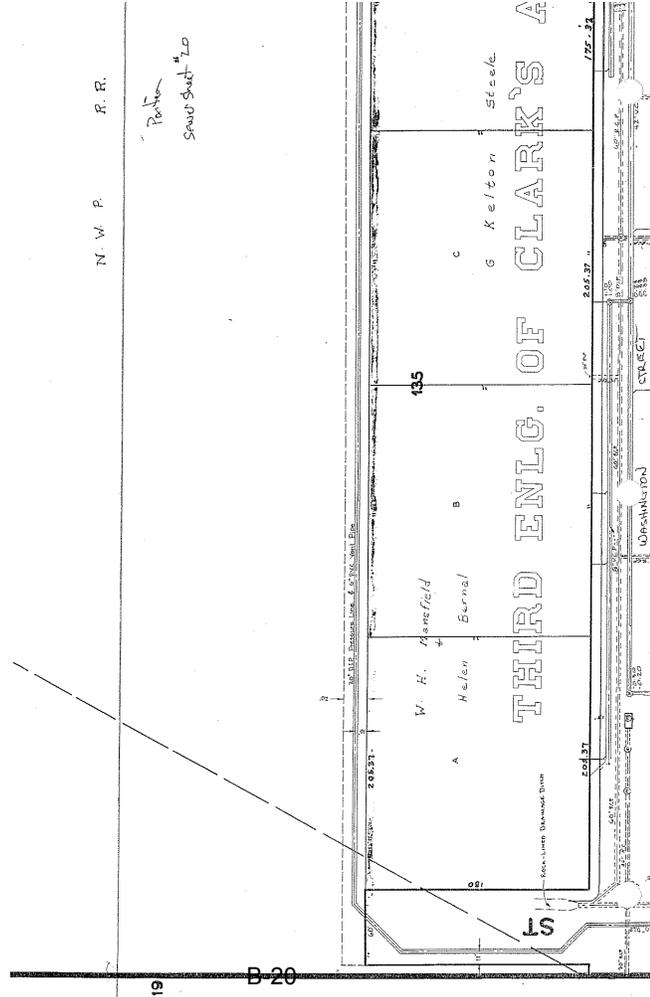
Andrea Davis  
Environmental Director

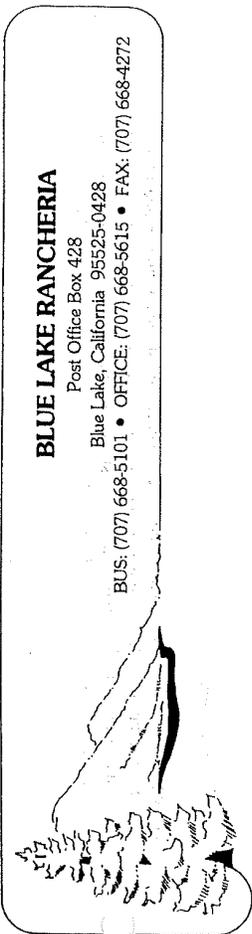
**RECEIVED**

APR 11 2006  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

M. W. P. R. R.

Porton  
Sawtooth L.O.





**BLUE LAKE RANCHERIA**

Post Office Box 428  
 Blue Lake, California 95525-0428  
 BUS: (707) 668-5101 • OFFICE: (707) 668-5615 • FAX: (707) 668-4272

April 13, 2006

Kevin Hamblin, Planning Director  
 Eureka Community Development Dept.  
 City of Eureka  
 531 'K' Street  
 Eureka, CA 95501

RE: SB-18 Request for Consultation

Dear Mr. Hamblin,

As required by Senate Bill 18 the Blue Lake Rancheria must file a written request for future consultation with local governments regarding protection of "cultural places". The Blue Lake Rancheria (Tribe) officially requests consultation with the City of Eureka in accordance with Government Code §65352.3. The purpose of this consultation is to preserve, or mitigate impacts to, cultural places that may be affected by a general plan or specific plan amendment or adoption. The Tribe requests that the City of Eureka consult with the Tribe before designating open space per Government Code §65092 which includes notice of a public hearing, at least 10 days prior to the hearing. The purpose of this consultation is to protect the identity of the cultural place and to develop treatment with appropriate dignity of the cultural place in any corresponding management plan (Government Code §65562.5). Thank you and I look forward to working with the City of Eureka regarding the requirements of SB-18.

Sincerely,

*Paul Angell*

Paul Angell  
 Tribal Historic Preservation Officer  
 Blue Lake Rancheria

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APR 17 2006  
 DEPARTMENT OF  
 COMMUNITY DEVELOPMENT

**Notice of Preparation**

R4+E

171-915  
 848-67

SEE  
**ATTACHMENTS  
 RECEIVED**

2. State Clearinghouse  
 (Agency)  
 1400 Tenth Street, Suite 212  
 (Address)  
 Sacramento, CA 95814

APR 17 2006

DEPARTMENT OF  
 COMMUNITY DEVELOPMENT  
 Please see the attached distribution list for Agencies sent a copy of COMMUNITY DEVELOPMENT

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency: \_\_\_\_\_ Consulting Firm (if applicable): \_\_\_\_\_  
 Agency Name: City of Eureka Firm Name: ESA  
 Street Address: 1531 'K' Street Street Address: 225 Bush Street, Suite 1700  
 City/State/Zip: Eureka, CA 95501 City/State/Zip: San Francisco, CA 94104  
 Contact: Sidnie L. Olson Contact: David Full or Jamie Schmidt

The City of Eureka will be Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description and location are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Sidnie L. Olson at the address shown above; or at the email address shown below. We will need the name for a contact person in your agency.

Project Title: Marina Center Mixed-Use Project EIR

Project Location: Eureka Humboldt County (nearest)

Project Description: (brief)

The proposed project would construct a mixed-use development on the site that would include approximately 333,700 sq. ft. of Retail/Service/Furniture/Restaurants; 28,000 sq. ft. of Nurseries/Garden; 104,000 sq. ft. of Office; 12,500 sq. ft. of Restaurant; 40 Multi-Family Residential dwelling units; 12,000 sq. ft. of Museum; and 36,000 sq. ft. of Light Industrial use. The new buildings would be between one- and four-stories. The project would include about 1,647 parking spaces, including about 310 spaces in a 3 level parking structure. The project would also include extensions of 2nd Street and 4th Street to serve the site and would provide vehicular access from Broadway or Washington Streets. The project would also include the construction of a landscaped pedestrian and bicycle path parallel to Waterfront Drive.

Date: April 3, 2006 Signature: *Sidnie L. Olson*  
 Title: Senior Planner  
 Telephone: (707) 441-4265  
 email: solson@ci.eureka.ca.gov

Pg 1E

ELEC. 17-9B  
GAS 848 G7

### Map / Plan Review Routing Sheet

Address / Location: BALLOON TRAIL  
 Requesting Agency: CITY OF EUREKA  
 Date Received: 4/10/06

Comments: - PROVIDE 10' PUES FROM ALL EXISTING PUBLIC UTILITIES. PUES WILL BE REQUIRED ON INTERIOR PROPERTIES DEPENDENT ON UNDERGROUND ELECTRICAL FACILITIES ARE LOCATED.  
 - COULD BE SING COMPACT WITH NEW BUILDINGS AROUND TO EXISTING DIVERSED POWER LINES ALONG BROADWAY. WILL NEED TO ADDRESS DIGGING ELECTRIC DESIGN PHASE.

Comments: 10' PUES # clear routes for all Distribution & Service facilities.  
 Electric ADE: L. KAYLA Date: 4-11-06  
 Gas ADE: John Cordova Date: 4-11-06

Comments: PLEASE RESPOND WITHIN 30 DAYS  
 Land Department: D. Young Date: 4-10-06

Comments: 12/1  
 Senior New Business Rep.: Alex Mossman Date: 4/10/06



DEPARTMENT OF PUBLIC WORKS

## COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707/FAX 445-7409

AVIATION  
 AIRPORT  
 TERMINAL  
 MONTEVILLE  
 838-501

PUBLIC WORKS BUILDING  
 SECOND & 11 ST. EUREKA  
 445-7481  
 NATURAL RESOURCES  
 445-7741  
 PARKS  
 445-7861  
 ROADS & EQUIPMENT MAINT.  
 445-7861  
 ARCHITECT  
 445-7448

CLARK COMPLEX  
 HARRIS & 11 ST. EUREKA  
 LAND USE  
 445-7205

April 28, 2006

Ms. Sidnie L. Olson  
 Community Development Department  
 531 K Street  
 Eureka, CA 95501-1146

RE: MARINA CENTER. APN 003-041-007

Ms. Olson:

Thank you for the opportunity to comment on the above project. This project does not significantly affect any facilities maintained by the Department of Public Works. It is hoped that the City of Eureka will address the cumulative impacts of traffic in the same manner that the City has requested to County to do so.

If you have any questions please free to call me at (707) 445-7205.

Sincerely,

*R. W. Bronkall*

Robert W. Bronkall, PE, LS  
 Associate Engineer  
 Land Use Division

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MAY 01 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721Arnold Schwarzenegger  
Governor

April 25, 2006

Sidnie Olson  
City of Eureka  
531 K Street  
Eureka, CA 95501

Dear Ms. Olson:

Re: SCH 2006042024; Marina Center Mixed-Use Project EIR

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles  
Utilities Engineer  
Rail Crossings Engineering Section  
Consumer Protection and Safety Division

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APR 28 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

April 25, 2006

Dan Skopec  
Acting Secretary  
Cal/EPA**RECEIVED**

APR 27 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENTMs. Sidnie Olson  
Senior Planner  
City of Eureka  
531 K Street  
Eureka, California 95501-1146

Dear Ms. Olson:

The Department of Toxic Substances Control (DTSC) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) dated April 3, 2006 for the Marina Center Mixed-Use Project (SCH #2006042024). As you may be aware, DTSC oversees the cleanup of hazardous substance release sites pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that might be required as part of the project.

The NOP states that previous investigations have shown that the site is impacted by petroleum hydrocarbons and metals in soil. The Draft EIR will rely on historical land use data, the results of site investigations which have already been performed, and other public records to identify and evaluate on-site contamination that could pose a threat to the occupants of the developed site or its neighbors. If further site characterization is necessary, DTSC recommends that soil and groundwater on the project site be sampled and analyzed for any contaminants of potential concern that are identified in the course of the abovementioned records review prior to the completion of the Draft EIR. The results of all site investigations should be summarized in the Draft EIR.

The NOP also states that a risk assessment for the proposed project will be presented in the Draft EIR. Any screening levels that are used in determining whether detected contaminants pose a potential, significant human health or environmental risk should be identified as part of the discussion of the risk assessment. Project planners are referred to the California Human Health Screening Levels (CHHSLs) and the US-EPA Preliminary Remediation Goals (PRGs) as potentially-applicable screening levels. Resources for conducting risk assessments may be obtained at the DTSC website ([www.dtsc.ca.gov](http://www.dtsc.ca.gov)) or from the US-EPA ([www.epa.gov](http://www.epa.gov)).

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APR 27 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT



California Environmental Protection Agency  
Department of Toxic Substances Control

Ms. Sidnie Olson  
April 25, 2006  
Page 2

If remediation activities are to be implemented as part of the project, these activities should be discussed in the Draft EIR along with the cleanup levels that will be applied and the anticipated regulatory agency oversight. Potential impacts associated with the remediation activities should also be addressed by the Draft EIR. If the remediation activities include soil excavation, the Draft EIR should include: (1) an assessment of 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 and noise levels; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident during cleanup.

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 Eileen Belding at (510) 540-3844 if you have any questions. Thank you in advance for your consideration of our comments.

Sincerely,

*Mark Piro*

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

Enclosure

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

## The Voluntary Cleanup Program

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, and local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where releases of hazardous substances have occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- Eligibility and Application
- Negotiating the Agreement
- Site Activities
- Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

## The Voluntary Cleanup Program

### Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup, if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

### Step 2: Negotiating the Agreement

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

### Step 3: Site Activities

Prior to beginning any work, the proponent must have signed the Voluntary Cleanup Program agreement, made the advance payment, and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

February 1999  
(Revised November 2001)

Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

### Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a [No Further Action] letter, depending on the project circumstances. Either means that what was, [The Site,] is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:

#### Southern California

Tina Diaz  
1011 North Grandview Avenue  
Glendale, California 91201  
(818) 551-2862

#### Central California

Megan Cambridge  
8800 Cal. Center Drive  
Sacramento, CA 95826-3200  
(916) 255-3727

#### North Coast California

Lynn Nakashima - Janet Natio  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737  
(510) 540-3839 (510) 540-3833

#### Central California - Fresno Satellite

Tom Kovac  
1515 Tollhouse Road  
Clovis, California 93612  
(209) 297-3939

(Revised 1/12/01)

February 1999  
(Revised November 2001)



**VOLUNTARY CLEANUP PROGRAM APPLICATION**

The purpose of this application is to obtain information necessary to determine the eligibility of the site for acceptance into the Voluntary Cleanup Program. Please use additional pages, as necessary, to complete your responses.

**SECTION 1 PROPONENT INFORMATION**

Proponent Name \_\_\_\_\_

Principal Contact Name \_\_\_\_\_ Phone ( ) \_\_\_\_\_

Address \_\_\_\_\_

Proponent's relationship to site \_\_\_\_\_

Brief statement of why the proponent is interested in DTSC services related to site \_\_\_\_\_

**SECTION 2 SITE INFORMATION**

Is this site listed on Calsites?  Yes  No  
 If Yes, provide specific name and number as listed \_\_\_\_\_

Name of Site \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

(Please attach a copy of an appropriate map page)

**SECTION 2 SITE INFORMATION (continued)**

Current Owner Name \_\_\_\_\_

Address \_\_\_\_\_

Phone ( ) \_\_\_\_\_

**Background: Previous Business Operations**

Name \_\_\_\_\_

Type \_\_\_\_\_

Years of Operation \_\_\_\_\_

If known, list all previous businesses operating on this property \_\_\_\_\_

What hazardous substances/wastes have been associated with the site? \_\_\_\_\_

What environmental media is/was/may be contaminated?  
 Soil  Air  Groundwater  Surface water  No

Has sampling or other investigation been conducted?  Yes  No  
 Specify \_\_\_\_\_

If Yes, what hazardous substances have been detected and what were their maximum concentrations?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 2 SITE INFORMATION (continued)**

Are any Federal, State or Local regulatory agencies currently involved with the site?  Yes  No  
 If Yes, state the involvement, and give contact names and telephone numbers

Agency	Involvement	Contact Name	Phone

What is the future proposed use of the site? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What oversight service is being requested of the Department?  
 PEA  RI/FS  Removal Action  Remedial Action  RAP  Certification  
 Other (describe the proposed project) \_\_\_\_\_

Is there currently a potential of exposure of the community or workers to hazardous substances at the site?  
 Yes  No If Yes, explain \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 3 COMMUNITY PROFILE INFORMATION**

Describe the site property (include approximate size) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe the surrounding land use (including proximity to residential housing, schools, churches, etc.) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe the visibility of activities on the site to neighbors \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 3 COMMUNITY PROFILE INFORMATION (continued)**

What are the demographics of the community (e.g., socioeconomic level, ethnic composition, specific language considerations, etc.)? \_\_\_\_\_  
 \_\_\_\_\_

**Local Interest**  
 Has there been any media coverage? \_\_\_\_\_  
 \_\_\_\_\_

**Past Public Involvement**  
 Has there been any past public interest in the site as reflected by community meetings, ad hoc committees, workshops, fact sheets, newsletters, etc.? \_\_\_\_\_  
 \_\_\_\_\_

**Key Issues and Concerns**  
 Have any specific concerns/issues been raised by the community regarding past operations or present activities at the site?  
 Are there any concerns/issues anticipated regarding site activities? \_\_\_\_\_  
 \_\_\_\_\_

Are there any general environmental concerns/issues in the community relative to neighboring sites?  
 \_\_\_\_\_

**Key Contacts**  
 Please attach a list of key contacts for this site, including: city manager; city planning department; county environmental health department; local elected officials; and any other community members interested in the site. (Please include addresses and phone numbers.) \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 4 CERTIFICATION**

The signatories below are authorized representatives of the Project Proponent and certify that the preceding information is true to the best of their knowledge.

Proponent Representative \_\_\_\_\_ Date \_\_\_\_\_ Title \_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

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



*Flex your power!  
Be energy efficient!*

May 1, 2006

1-HUM-101-78.026  
Eureka Marina Center NOPEIR  
SCH# 2006042024

Sidnie Olson, Senior Planner  
Community Development Department  
City of Eureka  
531 K Street  
Eureka, CA 95501

**RECEIVED**

MAY 03 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Dear Ms. Olson,

Thank you for giving us the opportunity to comment on the Notice of Preparation for the Environmental Impact Report for the Eureka Marina Center. The project proposes to construct a mixed-use development would include 40 Multi-Family Residential dwelling units, approximately 333,700 sq. ft. of Retail/Service/Furniture/Restaurants, 28,000 sq. ft. of Nurseries/Garden, 104,000 sq. ft. of Office, 12,500 sq. ft. of Restaurant, a 12,000 sq. ft. Museum, and 36,000 sq. ft. of Light Industrial use. We have the following comments:

- This project has the potential create significant transportation impacts to State Route 101. These impacts must be identified in the traffic impact study and appropriately mitigated.
- The project description states that the vehicular access to the project will be provided from Broadway or Washington Streets and will be served via a proposed extension of 4th Street. Maps and a traffic model showing an access plan have been presented in the media as well as at public events. However, we have not received any such plans for review. Early consultation on proposed access plan is highly recommended, as any access to Route 101 (as well as any traffic mitigation measures) proposed for this project must be approved by Caltrans. To this end we would like to schedule a focused scoping meeting with city staff and the applicant's traffic consultant, in order to confirm elements to be included in the traffic impact study. Please call me to schedule a time for the meeting.
- To assist the applicant's traffic consultant with the preparation of the traffic impact study, we have provided intersection signal plans and timing records for the following intersections: State Route 101 and Henderson St., Wabash Ave/Fairfield Ave, 14<sup>th</sup> St, Washington St, 6<sup>th</sup> St, 5<sup>th</sup> & E, and 4<sup>th</sup> & E Streets. (See the letter sent to Mr. Au, dated April 6, 2006.)
- We have also provided the applicant's traffic consultant with a link to the Caltrans Guide for Preparation of Traffic Impact Studies (Guide) and mailed a copy of the District 1 Traffic Signal Supplement to the Guide. The City may reference the Guide on-line at:

Ms. Sidnie Olson  
05/01/06  
Page 2

<<http://www.dot.ca.gov/dist1/d1transplan/tisguide-Dec02.pdf>>.

- For traffic signal analysis and design, the project proponent is advised to use the Manual of Uniform Traffic Control devices (MUTCD) 2003 and the MUTCD 2003 California Supplement.
- Any work within the Caltrans right of way will require an encroachment permit. Requests for Caltrans Encroachment Permit application forms can be sent to the Caltrans District 1 Permits Office, P.O. Box 3700, Eureka Ca 95502-3700, or requested by phone at (707) 445-6342. The Caltrans Permit Manual is also available online in pdf format at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/manual/manual.pdf>

If you have questions or need further assistance, please contact me at the number above or contact Jesse Robertson of District 1 Community Planning at (707) 441-2009.

Sincerely,

Rex A. Jackman, Chief  
System & Community Planning  
Caltrans, District 1

Enclosures:

1. Letter to Mr. Stephen Au, dated April 6, 2006
2. District 1 Traffic Signals Supplement to the Caltrans Guide for the Preparation of Traffic Impact Studies

cc: Scott Morgan, State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

DISTRICT I, P. O. BOX 3700  
 EUREKA, CA 95502-3700  
 PHONE (707) 441-2009  
 FAX (707) 441-5869  
 (Teletypewriter #707-445-6463)



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4/5/2006

**Caltrans - District 1  
 TRAFFIC SIGNALS ON STATE HIGHWAYS  
 SUPPLEMENT TO GUIDE FOR THE PREPARATION OF TRAFFIC IMPACT STUDIES**

**FOR NEW OR EXISTING TRAFFIC SIGNALS SERVING PROPOSED AND EXISTING DEVELOPMENTS.**

The traffic study for signalized intersections should typically include:

- Project impacts and proposed mitigation and improvements.
- WARRANTS. Signal warrant worksheets and analysis for new signals.
- INTERSECTION AND CAPACITY OPERATIONAL ANALYSIS.
  - Project trip generation and distribution, traffic and geometric characteristics, including vehicle traffic and pedestrian volumes, lane usage, capacity and level of service (LOS) analysis (HCM operational method) for the various traffic scenarios. The traffic scenarios should typically include existing conditions, proposed project only, existing plus project, cumulative conditions, etc. Annual daily traffic (ADT), morning (AM) and evening (PM) peak hour information should be provided. The analysis should address vehicle queues and storage lengths, accident and safety data, safety, sight distance, turning movement conflicts, truck turn movements, critical speeds (85<sup>th</sup> percentile) of approaching vehicles, congestion, right of way protection/dedication needs, impacts to adjacent driveways and intersections, parking, bicycle paths, etc.
- Proposed signal phasing operation, indicating protected and permitted movements. Pedestrian signal phasing, crosswalks, sidewalks, and other facilities should be addressed.
- Site plan and conceptual geometric layout plans of the signalized intersection, showing intersection and facility geometrics, right of way, channelization and all existing and proposed lanes for new signals or existing signals requiring modification, including both sides of the highway. Lane, shoulder, sidewalk and right of way widths may need to be addressed.

- SYSTEM AND PROGRESSION OPERATIONAL ANALYSIS. Coordinated signal timing plans of all signals that may be connected into a coordinated traffic signal system. This should include coordination and intersection analysis and optimized timing, travel speeds, intersection spacing distances, time-space diagrams, cycle lengths and offsets for both AM and PM peak hours. Pedestrian signal phasing and timing should typically be included in the analysis. Evaluation of traffic flow and progression of existing and proposed scenarios should be addressed.
- SOFTWARE. Synchro software may be used for intersection analysis. Synchro computer models may be used to develop and optimize coordinated signal timing plans and system analysis. Caltrans should be consulted whether software data files should be provided with the traffic study. The Ideal Saturation Flow rate for District 1 shall be 1750 vphpl, unless otherwise approved by Caltrans Traffic Operations.
- INSTALLATION. The expected dates of project (normally full build) construction, and how the project and mitigation is to be financed and implemented. If a staged or phased project, the date of each phase should be provided. The responsible party for installing, operating and maintaining the traffic signals and funding energy costs should be stated.

April 6, 2006

I-HUM-101-77.9  
 Eureka Marina Center  
 TIS Preparation

Stephen Au, Senior Transportation Engineer  
 TJKM Transportation Consultants  
 5960 Inglewood Drive, Suite 100  
 Pleasanton, CA 94588

Dear Mr. Au,

To assist you with your work on the Traffic Impact Study for the proposed mixed-land use development at Eureka Marina Center/Balloon Track, in the City of Eureka, we have enclosed timing records and intersection signal plans for the following intersections: State Route 101 and Henderson St., Wabash Ave/Fairfield Ave, 14<sup>th</sup> St, Washington St, 6<sup>th</sup> St, 5<sup>th</sup> & E, and 4<sup>th</sup> & E Streets. Also enclosed is the District 1 Traffic Signal Supplement to the Caltrans Guide for Preparation of Traffic Impact Studies. A pdf version of the Caltrans Guide for Preparation of Traffic Impact Studies is available on-line for your reference at: <<http://www.dot.ca.gov/dist1/d1transplan/tisguide-Dec02.pdf>>.

If you have questions or need further assistance, please contact me at the number above or contact Lezlie Kimura of District 1 Community Planning at (707) 441-4542.

Sincerely,

**ORIGINAL SIGNED BY:**

Jesse Robertson  
 Associate Transportation Planner  
 District 1 Community Planning

Sidnie Olson - City of Eureka Community Development Department  
Marina Center Notice of Preparation  
May 23, 2006  
Page 2 of 11**RECEIVED**

May 23, 2006

MAY 24 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENTSidnie Olson AICP  
City of Eureka  
Community Development Department  
531 K Street  
Eureka, CA 95501

**SUBJECT:** Request for Comments on Environmental Impact Report *Notice of Preparation* for General Plan and Zoning Amendments for Facilitating *Marina Center Residential/Commercial/Industrial/Public Assembly Mixed-use Development, Former Union Pacific Railyard and Adjoining Parcels, City of Eureka, Humboldt County, California* (APNs 001-014-02, 003-021-09, 003-031-03, -05, -06, -07, 003-041-05, -06, -07, and 003-051-01); Sierra National Holding Company, LLC, Petitioner/Applicant

Dear Ms. Olson:

First, thank you for your granting a time extension to our office for the transmittal of preliminary comments regarding the preparation of the draft environmental impact report (DEIR) for the above-referenced coastal development project. The project entails the reclassification of property currently planned and zoned Public/Quasi-Public (P/QP), and Light Industrial (LI) to Waterfront Commercial (WFC), General Services Commercial (GSC), Professional Office (PO), and Light Industrial (LI), with corresponding changes in zoning from Public (P) and Limited Industrial (ML) to Waterfront Commercial (CW), Commercial Services (CS), Office and Multi-Family Residential (OR) and Limited Industrial (ML) over the whole of the approximately 40-acre property, consisting of a currently moribund railroad switching and maintenance yard and adjoining active commercial-industrial sites in northwest Eureka. Once the changes to planning and zoning designations are certified, physical development at the site would comprise over 500,000 square-feet a mixed-use complex of commercial retail sales and services, professional office space, multi-family residential, museum, and light manufacturing uses, with attending off-street parking areas, street rights-of-way, and open space / restoration areas.

Given their location within the California Coastal Zone, the proposed changes to land use and zoning designations of the property will require certification by the Coastal Commission of the changes as part of a Local Coastal Plan (LCP) amendment. The Commission's standard of the review for the amendments to the land use plan designation is whether the proposed changes meet the requirements of, and are in conformity with, the policies of Chapter 3 of the California Coastal Act (PRC §30200 *et seq.*). The Commission's standard of review for the amendments to the zoning designations is whether the proposed changes conform with, or are adequate to carry out, the provisions of the certified land use plan (as amended).

The subsequent site improvements under the new designations will require the issuance of conditional use and coastal development permits, and other authorizations by the City. Pursuant

to Coastal Act Section 30603(a)(2), any site developments approved by the local government located within 100 feet of any wetland would be appealable to the Commission. The Commission's standard of review for hearing any such appeal, should one be filed, would be whether the development conforms to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

#### Scope of Agency Comments

Pursuant to Section 15082(b) of the CEQA Guidelines (14 CCR 15000 *et seq.*), the Coastal Commission as a consulted agency is to provide the lead agency with "...specific detail about the scope and content of the environmental information related to the ... agency's area of statutory responsibility." In addition to providing this information, the consulted agency must identify if it will be a "responsible" or "trustee" agency (or both) for the project. This designation will depend upon the physical location of the project site being studied.

The entirety of the project site is located within the California Coastal Zone as defined in Chapter 2.5 of the California Coastal Act (PRC §30150 *et seq.*) and within the City of Eureka's certified coastal development permit jurisdiction and is subject to the policies and standards of the City's LCP. Accordingly, the Commission will function as both a trustee and responsible agency. The role of trustee agency is based upon the Commission's explicit jurisdiction by law over natural resources held in trust for the people of the State of California that could be affected by the project. The function of responsible agency derives from the role of the Commission in: (a) certifying LCPs for areas within the coastal zone under local governments' jurisdiction; (b) issuing coastal development permits (CDPs) within areas of Commission jurisdiction; or (c) hearing appeals on CDPs issued by local governments for certain classes of developments in specified areas.

Under Sections 15251(c) and (f) of the CEQA Guidelines, the Secretary of Resources has certified the California Coastal Commission's regulatory program as a "functionally equivalent process" to CEQA. Accordingly, for purposes of considering the proposed changes to the site's land use and zoning designations, and for hearing any future appeal of the project should one be filed, the adopted final EIR would be used as technical background document in assessing environmental effects in terms of the amendment's and future planned unit development project's consistency with the City's LCP and/or the Coastal Act. In keeping with this approach, the comments provided below have been structured as to how the EIR should address issues of consistency with relevant LCP and Coastal Act coastal resource and environmental policies for the project. Pertinent LCP and Coastal Act sections are cited, quoted or paraphrased accordingly.

#### Scope of Project

The project includes the redesignation of property to Professional Office (PO) land use designations. Although the PO classification is listed and discussed alongside other commercial designations in Section 1 of Part 1 of the City's certified Land Use Plan (LUP), specific detail as to the purpose of the designation or the principally and conditionally permitted uses allowed under the designation is not correspondingly enumerated in the Section B.4 of the LUP's

Appendix B which sets forth the various land use categories within the City's Local Coastal Program portion of its General Plan. Thus, to resolve this internal inconsistency within the LUP such that the PO designation would be an established designation for which portions of the Marina Center project site might be redesignated, we recommend that the subject LCP amendment include text modifications to the LUP, specifically in the form of insertion of the PO designation and identification of its purpose, and principal and conditional uses within Table B-1 of Section B.4 of LUP Appendix B.

#### Environmental Review

The following comments are provided for lead and responsible agency consideration in developing the environmental review document and reviewing the environmental effects associated with this development project:

#### Aesthetics

##### Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30251 requires that "... the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." Permitted development is to be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural landforms, to be compatible with surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. LUP View Corridors Policy 1.H.1 states, "The City shall promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting and effective street tree maintenance." In addition Section 156.054 of the Zoning Regulations of the City for the Coastal Zone (herein "Coastal Zoning Regulations" or "CZR) establish numerous criteria for reviewing the potential effects of new development on visual resources.

#### Comments

The EIR coverage of visual resources impacts should assess whether the siting --- through the imposition of the various requested plan and zoning designations --- and design of the site improvements --- as detailed in any subsequent coastal development permit application --- comply with the above-cited criteria, respectively. Mitigation measures to reduce any significant adverse effects to less-than-significant levels, including height and size restrictions, exterior treatments to the structures, landscaping, and creation of view corridors should similarly be identified.

#### Air Quality

##### Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30253 directs, in applicable part:

New development shall:

- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

#### Comments

The EIR should document how the proposed development project, with the attachment of specified mitigation measures would be consistent with any requirements imposed by the North Coast Unified Air Quality Management District.

#### Biological Resources

##### Applicable Coastal Act and LCP Policies and Standards

Section 30121 of the Coastal Act defines "wetlands" as:

'Wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Within the context of when the Commission may consider appeals of coastal development permits issued by local governments involving wetland environmentally sensitive habitat areas, Section 13577 of the Commission's administrative regulations (14 CCR 13001 *et seq.*), in applicable part, further defines "wetlands" as:

- (1) ...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 as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:
  - (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
  - (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; **or**
  - (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

- (2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

- (A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; **and**
- (B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. [Emphases added]

Section 30233 of the Coastal Act states, in applicable part

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, **where there is no feasible less environmentally damaging alternative**, and where feasible mitigation measures have been provided to minimize adverse environmental effects, **and shall be limited to the following:**
- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
  - (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
  - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
  - (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
  - (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  - (7) Restoration purposes.
  - (8) Nature study, aquaculture, or similar resource dependent activities...
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary... [Emphases added.]

Coastal Act Section 30240 directs:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The central precepts of these policies and standards also appear within the *Aquatic Resources and Marine, Wetland, and Riparian Habitat* Section of the LUP and in Section 156.052 of the City's Coastal Zoning Regulations.

Comments

The City should review the wetlands delineation report to ascertain whether the study has adequately addressed the presence of wetland areas on the site, if any, based upon definitions cited above. Concurrent biological assessments of the environmental sensitivity of the delineated areas should also be prepared detailing the functions, characteristics, and values each perform, including but not limited to, fish and wildlife habitats, natural water quality improvement, flood storage, shoreline erosion protection, and opportunities for recreation and aesthetic appreciation. Mitigation measures that would reduce impacts of the project to less than significant levels, including the establishment of non-development buffer areas around the perimeter of delineated wetlands, should be evaluated. In addition to the potential physical effects the development may have on biological resources, the environmental document should also discuss any potential conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, such as the Commission, particularly as relates to the enumerated permissible uses for the filling, diking, and/or dredging of wetlands, and whether there is a less environmentally damaging feasible alternative to the filling/dredging/diking, as required by Coastal Act Section 30233(a) and equivalent provisions within the City's LCP. Finally, with regard to consistency with the provisions of Coastal Act Section 30240 and related LUP and CZR requirements for protecting adjacent ESHA through the appropriate siting and design of new development, the EIR should identify appropriate mitigation measures for protecting any ESHA found on or in proximity to the project site, including but not limited to the imposition of buffer areas between the environmentally sensitive areas and proposed site improvements. The environmental document should also include factually based site- and project-specific information of the ability of any proposed buffer of less than 100 feet in width to protect the resources within the adjoining habitat area.

Cultural Resources

Applicable Coastal Act and LCP Policies and Standards

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Archaeological Resources section of Part II of the LUP includes the following policies regarding the protection of cultural resources:

- 5.F.2 The City shall solicit the views of the Native American Heritage Commission and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

- 5.F.5 The City shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a citywide cultural resource data base.
- 5.F.6 The City shall require that discretionary development projects are designed to avoid potential impacts to significant cultural resources whenever feasible. Unavoidable impacts, whenever feasible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological or historical consultants, depending on the type of resource in question.

#### Comments

Based on information derived from site reconnaissance studies and through requisite consultations with knowledgeable parties, including SHPO, local tribal entities, and individuals, the environmental analysis should identify the known or potential presence of archaeological or paleontological resources on the project site and identify reasonable mitigation measures for reducing development impacts, associated with both the imposition of the proposed plan and zoning designations, and the direct and cumulative impacts from physical development at the site.

#### Geology and Soils / Hazards and Hazardous Materials Applicable Coastal Act and LCP Policies and Standards

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Coastal Act Section 30232 directs:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Parallel provisions to these policies and standards also appear within LUP *Seismic Hazards, Geologic Hazards, Fire Safety, Flooding, and Hazardous Materials and Toxic Contamination* Sections 7.A.1 through 7.E.4 of the LUP and in Section 156.053 of the City's Coastal Zoning Regulations.

#### Comments

The project site, as with much of the City, is located in a highly geologically active area subject to exposure to a variety of natural hazards including seismic shaking, liquefaction-related subsidence and ground failure, tsunami inundation, and flooding. In addition, any structural development of the site would be subject to variable risks of fire and hazardous materials contamination, depending upon the type and scale of development thereupon. The EIR should evaluate the degree of exposure to the natural and man-made hazards inherent with the project site and its location, and associated with the proposed development. Mitigation measures to reduce any significant adverse impacts to less than significant levels should also be identified.

#### Hydrology and Water Quality

#### Applicable Coastal Act and LCP Policies and Standards Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 continues on to direct:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Equivalent provisions are set forth within the LUP's *Stormwater Drainage and Aquatic Resources and Marine, Wetland, and Riparian Habitat* Sections.

#### Comments

Facilitating planned unit development of mixed-use commercial-industrial-residential uses on the site through changes in the land use and zoning designations and the subsequent construction of new and additional streets, parking lots, landscaped areas, and other structural improvements could cause an increase in nonpoint-source pollution (i.e., entrained petroleum hydrocarbons from lubricants and fuels, brake lining particulate, pesticide and herbicide residues, heavy metals, pathogens --- bacteria and viruses, nutrients, sediment, and litter). The analysis for the plan and zoning amendments should adequately address up-front these potential environmental

impacts and identify appropriate water quality best management practices (BMPs) to prevent impacts to receiving coastal waters both on- and off-site.

#### Land Use and Planning

##### Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30250(a) directs, in applicable part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Coastal Act Section 30252 continues on to state:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Moreover, Section 30255 of the Coastal Act directs that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

City of Eureka LUP Policy 3.F.2 states:

The City shall work with the North Coast Railroad to determine if feasible locations for switching operations can be located outside the city, allowing the current balloon track area to be used for industrial or commercial development purposes.

In addition, Section One of the City's Land Use Plan (LUP) titled *Land Use and Community Design* contains numerous policies that relate to the proposed plan and zoning redesignations and site development. The policies most germane to the proposed development project include the following:

LUP Policy 1.A.2 states:

Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.

LUP Policy 1.L.1 states, in applicable part:

The City shall discourage new commercial development within the city that will adversely affect the economic vitality of the Core Area...

LUP Policy 1.L.8 states:

The City shall require major commercial development projects to either be located in areas served by public transportation or in areas to which the existing public transportation service can be feasibly extended.

LUP Policy 1.L.12 states:

The City shall promote the concentration of automobile-oriented retail development in the ASC designated area at the west end of 6th and 7th Streets. In particular, the City will support the establishment and retention of auto dealerships in this area. The City shall also discourage the establishment of new dealerships outside of this area.

LUP Policy 1.M.5 states:

If efforts to develop a multi-purpose terminal at Dock B are unsuccessful, the City will support the development of a non-coastal industrial park in the Dock B area, including the "balloon track" and the Wright-Schuchart site. In developing such an industrial park, the City would retain the Dock A area for possible long-term cargo terminal development.

LUP Policy 1.M.8 states:

The City shall require that new industrial and heavy commercial development projects have convenient and safe access to major transportation facilities (highways, railroads, waterfront facilities) to minimize unnecessary and disruptive traffic through residential and other sensitive sections of the city.

LUP Policy 1.N.9 states:

The City shall strive to provide high quality public facilities, utilities, and services throughout the urbanized area of Eureka and shall ensure that such facilities, utilities, and services are compatible with surrounding development.

Comments

As set forth in LUP Policy 3.F.2 cited above, it is clear that the City's General Plan acknowledged a phase out of the former railroad uses on the proposed project site to be replaced with other commercial and/or industrial development. While such visioning may have been included within the City's long range planning program, the City must nonetheless ensure that any such change in use be consistent with all provisions within the LCP. The policies and standards enumerated above categorically set out the more salient issues that need to be addressed as part of the environmental review of the proposed LCP amendment and development project. To this end, the EIR should address the following questions:

- Are adequate community services, public utilities, and other support infrastructure available to serve the proposed uses at their proposed locations?
- Will the proposed development integrate in a non-conflicting manner with established and/or planned surrounding uses?
- Will the project result in displacing or thwarting the development of other requisite, needed, or planned-for higher priority uses to other locations or timelines that could more effectively be provided for at the proposed project site and/or in a more expeditious timeframe?

In developing coverage of these land use issue areas, please also refer to the above comments regarding applicable LCP land use plan policies and standards as may also relate to the protection of biological resources, especially the limited uses and instances for which dredging, diking, and filling of wetlands may be authorized.

Thank you for the opportunity to provide comments as part of the scoping for the environmental analysis. Please call if you have any questions regarding this letter.

Sincerely,



JAMES R. BASKIN AICP  
Coastal Planner

RSM/JRB:jb/lt

**Marina Center**  
**Summary of EIR Scoping**  
Scoping period - April 5, 2006 to May 5, 2006

**Public Scoping Meeting Attendees, April 13, 2006**

***Speakers:***

- (1) Ken Barr
- (2) Tom Peters
- (3) Patrick Eytchison (*spoke thrice*)
- (4) Mike Schwabenland
- (5) Mark Konkler
- (6) Maggy Herbelin
- (7) Mark Lovelace (*spoke twice*)
- (8) Larry Evans
- (9) Kaye Strickland
- (10) Melvin McKinney
- (11) Nezzie Wade (*spoke twice*)
- (12) James Showalter-Garcia
- (13) Kimberly Starr
- (14) Dennis Moore

***Submitted written comments, but did not speak:***

- (15) Judy Hageman
- (16) Mary Shively-Boughton

**Organization/Public Written Comments submitted by:**

- (17) Californians for Alternatives to Toxics, Patty Clary
- (18) EPIC, Larry Evans with Larry Glass for CREG
- (19) Healthy Humboldt Coalition, Mark Lovelace
- (20) Humboldt Baykeeper, Michelle D. Smith
- (21) Humboldt County Democratic Central Committee, Patrick Riggs
- (22) Sierra Club, Diane Beck
- (23) David A. Ammerman
- (24) Maggie Banducci
- (25) Kathy Bhardwaj
- (26) Moss Bittner
- (27) Mike Buettner
- (28) Kathleen Cameron
- (29) Dot Campbell
- (30) George Clark, Kyoto Japanese Restaurant
- (31) David Cobb
- (32) Gregory Conners
- (33) Charlene Cutler-Ploss
- (34) Jean Doran
- (35) Dan Ehresman

- (36) Loreen Eliason
- (37) Patrick Eytchison
- (38) Ali Freedlund, Mattole Restoration Council
- (39) Elaine Gray
- (40) Judy Groszmann
- (41) Matt Groszmann
- (42) Xandra Grube/ Xandra Manns
- (43) David Hagemann
- (44) Chuck Harvey
- (45) Maggy & Charlie Herbelin
- (46) Tom Hinz
- (47) Paula Kant
- (48) Tracy Katelman, ForEverGreen Forestry
- (49) Kristin Lane
- (50) Kenneth Lang
- (51) Marilyn Lang
- (52) Sue Leskiw
- (53) Donna Lin
- (54) Scott Menzies
- (55) Lance G. Morton
- (56) Ruth Mountaingrove
- (57) Kevin McKenny
- (58) Melvin McKinney
- (59) Carol McFarland and Don Nielsen
- (60) Carol Kirkby McFarland
- (61) Andrew McFarland
- (62) Thomas J. McMurray Jr., PWM, INC.
- (63) Kelly OConner
- (64) Chet Ogan, Redwood Region Audubon Society
- (65) Jessica Olesh
- (66) Thomas H. Peters
- (67) Sara Pillow
- (68) Morgan Randall
- (69) Michael L. Rilla
- (70) Jared Rossman
- (71) Carol Rowe
- (72) Lynn Ryan
- (73) Richard Salzman
- (74) Kaye Strickland
- (75) Diane Sutherland
- (76) Kimberly Tays
- (77) Diane R. Venturini





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: MRS. SCHUMBERG  
 Address: 1750 "S" STREET EUREKA, CA 95501-2658

I would like to be added to the public notification list.

Please use the mailing address above  
 Please use my email address: CSHUMBERG@GMAIL.COM

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

I WOULD LIKE THE EIR TO COVER THE FOLLOWING ISSUES:

1. LAND USE - WHAT ARE THE IMPACTS TO THE AREA FOR LAND USE? RETAIL DEVELOPMENT IS SPREAD OUT IN AN AREA THAT IS BOTH PUBLIC AND WHAT INDUSTRIAL ZONED LAND?

2. TRAFFIC - WHAT ARE THE IMPACTS TO TRAFFIC IN THE IMMEDIATE AREA AND ON THE ACCESS AREAS FROM 101 (BROADWAY) WILL THE EIR ADDRESS SIGNALS CONGESTION CAUSED BY THIS DEVELOPMENT?

3. ECONOMIC - WILL THE EIR MAKE AN ATTEMPT TO MEASURE IMPACTS OF THE IMPACT THAT THE LARGE RETAILERS / HOME DEPOT / BEST BUY WILL HAVE ON THE RETAIL ENVIRONMENT. THIS WOULD INCLUDE BUSINESS OF HOME PRODUCTS, AND HOME IMPROVEMENT SERVICES.

... THIS WOULD ALSO INCLUDE EMPLOYMENT & UNEMPLOYMENT IMPACTS.

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

Quality) of Humboldt 21<sup>st</sup> Century, County General Plan Update be given serious and through attention in the EIR in question? As it has been acknowledged in public by the North Coast Air Quality Management District APCO that present ambient air monitoring in Eureka is not adequate, will the EIR include a schedule of ambient air testing in West Eureka to establish a data base for assessing the impact of additional traffic emissions created by the project on existing environmentally impacted air quality?

**2. Energy:** Various local planning documents (Humboldt County Energy Report-draft-June 2004, Redwood Energy Authority, HCAAG Regional Transportation Plan) acknowledge the issue of growing global energy scarcity ("peak oil") and its special relevance to Eureka and Humboldt County due to our area's geographic isolation. Will the EIR give attention to the degree to which the proposed Marina Center project is designed to function in an energy scarce world; perhaps in a world where the private automobile is largely absent? Will the EIR examine the extent to which the Marina Center project incorporates maximum energy conservation technology, alternate (renewable) energy, energy that does not increase emission of greenhouse gases? Will the EIR examine how well the proposed design considers the question of long term maintenance and repair of buildings, surfaces and devices in an energy scarce world? Will the EIR assess the possibility for abandonment if the Marina Center should become financially or physically not maintainable under conditions of energy scarcity and high energy cost? In all, what is the "energy budget" of the Marina Center as proposed and how compatible is this budget with future energy availability? Will the EIR make explicit its own assumptions regarding global petroleum reserves and peak oil dating?

**3. "Capping":** As the project in question has proposed capping as the primary means for containing toxic contaminants on the site, will the EIR consider the relationship between future (reduced) energy availability and future containment maintenance; particularly in the case of extreme events such as earthquakes or tsunamis; how will future liquefaction issues be handled given energy scarcity?



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: Mark Lovelace  
 Address: ~~1111 1st St, Eureka~~  
 PO Box 1301, Eureka, 95502

- 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:

In General my comments are in regards to:  
 - EIR for the zoning, GPA, and CCP  
 - views as the project  
 - alternative for the project  
 - defining the "no project" alternative  
 - Geographic range of project  
 - Economics

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**

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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: LARRY EVANS  
 Address: 574 "H" St., Suite 302  
 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:

Our comments will follow in A  
 Big box!

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**

08

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: Keyle Strickland  
 Address: Chair's Port Dev + Railroad Support Group

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

- Please use the mailing address above
- Please use my email address: kstricklan@humboldt.ca.gov

My comments regarding the scope of the EIR are provided below:  
Keyle Strickland - more will come later, well before May 5.

Main-in fall 5-0-04 of the Railroad

Too much detail being planned - everything in the Marina Center is tentative at this time

Too many buildings and too much parking, too much paving

Economics must be thoroughly considered

Effects of bringing in outside businesses

Contractor's BAE report also contradicts Council's Council's Visioning Report

I want to see the B.T. cleaned up but the ultimate use must be acceptable to the community

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**

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: Melvin McKinney  
 Address: PO. Box 78 Cuffen Ca 95534

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

- Please use the mailing address above
- Please use my email address: mmckinney@humboldt.ca.gov
- My comments regarding the scope of the EIR are provided below:

my address is to have a reliable traffic pattern to focus the Bolson Truck needs to also exit the project on Koster Street because this will help create a safe traffic flow from the Bolson Truck to Washington St opp 11th and 4th street need to join with Koster Street at Washington for a safe & free flow of traffic from this project.

I will have more written comments to address this project before May 5.

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**

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: Kyrie Wade  
Address: 1144 Garrison 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 mostly the  
air quality issues that caused involving  
the toxic site and how it will be  
clean up... and what gas there?

I am also concerned about the  
social psychological impacts due to  
the environmental cleanup brought on  
by the development of chemical  
industrial sites especially the  
Kochette industrial chemical public  
space.

I would like to be added to the  
public notification list. I am  
concerned about the impact of  
the project on the environment  
and the health of the community.  
I am also concerned about the  
impact of the project on the  
environment and the health of  
the community. I am also  
concerned about the impact of  
the project on the environment  
and the health of the community.  
I am also concerned about the  
impact of the project on the  
environment and the health of  
the community.

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 SHANAHAN  
Address: 772 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:

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**

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

APR 19 2006  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

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: Judy.Fiddle@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 ~~area~~ 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 competitive 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, Myrtle town 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 European style malls - nothing that says Eureka is special - Victorian and Seaport Housing in the area seems inappropriate given the Olds and tack trade. Run-off pollution is a great concern and multiple story buildings seem visually inappropriate to the area.

> 2 stories  
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

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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: 8147 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: MESB814@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 as 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 'backyard 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

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>

NOTE: A better location for a  
public pool - to respond  
to Karye 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.

Californians for Alternatives to Toxics  
315 P Street  
Eureka, California 95501  
707 445-5100  
[www.alternatives2toxics.org](http://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 Mail 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 phenanthrene 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 through 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-TCDD, 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.

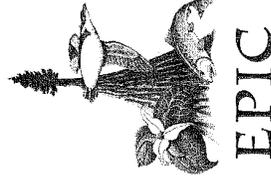
The EIR must identify the chemicals present at the site, establish at what rates they are present in specific areas, identify where, how and what chemicals are moving off-site, analyze the environmental effects, including human health, of the chemicals both on and off-site, propose how the site will 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 Eureka 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



EPIC

**RECEIVED**

MAY 05 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

May 5, 2006

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

Subject: Balloon Tract CEQA Scoping Comments

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](mailto:epic@wildcalifornia.org) • Web: [www.wildcalifornia.org](http://www.wildcalifornia.org)

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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 [mailto: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](mailto: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 Curin'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.

The Healthy Humboldt Coalition

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## 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 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

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# The Healthy Humboldt Coalition

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

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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

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BAYKEEPER

May 5, 2006

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MAY 05 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.

Humboldt Baykeeper  
Balloon Track CEQA Scoping Comments

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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  
Staff Attorney  
Humboldt Baykeeper  
(707) 268-0665  
422 First Street, Suite 'G'  
Eureka, CA, 95501

**Sidnie Olson**

**From:** Patrick Riggs [riggs@foggy.net]  
Friday, March 31, 2006 8:37 PM  
Sidnie Olson  
marina center email list



Balloon Tract ATT00471.bxt (66  
Final.3-06.doc (...  
B)

Dear Ms. Olson,

I am writing to ask to be placed on your email list with respect to this proposal.

I also want to voice my strong objection to an interested party (in this case Security National) having any say whatsoever in who is hired to perform the EIR. How on earth can the city hope to maintain any sense of integrity or objectivity on this issue by allowing such obviously collusive interaction? The EIR must be prepared by a neutral party and similarly paid. Otherwise one clearly has the fox guarding the hen house, which even my third grade students realize is extremely poor policy.

Finally, I have attached a copy of the resolution recently passed on a unanimous vote by the Humboldt County Democratic Central Committee. It is for a full clean up of the property before any zoning changes can be contemplated and for full public decision making in creating a Master Plan for using this land.

Thank You,

Patrick Riggs  
Chair, Humboldt County Democratic Central Committee

**Sidnie Olson**

**From:** Diane Beck [dbeck@northcoast.com]  
**Sent:** Friday, May 05, 2006 4:25 PM  
**To:** Sidnie Olson  
**Subject:** Marina Center Project scoping comments (Sierra Club)

Please see attached.

Humboldt County Democratic Central Committee  
RESOLUTION ON "BALLOON TRACT" LAND USE:  
*(Final, March, 2006)*

WHEREAS the elected representatives of Humboldt County have the obligation and responsibility to protect the water, land and air so that current and future generations can live healthy and productive lives in Humboldt County; and

WHEREAS the community has the right to require that all commercial property owners clean up pollution they created or assumed responsibility for, such that the water, land and air are returned to the condition they were in prior to their industrial use; and

WHEREAS the property currently known as the "Balloon Tract" in Eureka, California is the largest remaining undeveloped waterfront acreage in Eureka and is contiguous with the newly revitalized downtown making this area important public space; and

WHEREAS the public has the right to have full input in order to determine the best use of the "Balloon Tract" property for the greatest good of the community before any land use decision is made;

THEREFORE, BE IT RESOLVED that the Humboldt County Democratic Central Committee (HCDCC) supports a total cleanup of the "Balloon Tract" property, which restores it to its pre-industrial-use condition, as a prerequisite for any rezoning; and

BE IT FURTHER RESOLVED that the HCDCC supports full public participation in all land use planning, deliberations and decisions for the future uses of the "Balloon Tract" property, in effect creating a publicly driven Master Plan for the property; and

BE IT FURTHER RESOLVED that the HCDCC directs its officers to communicate this resolution to all appropriate commercial, political, and media entities.

*Sierra Club*  
*North Group, Redwood Chapter*  
*P.O. Box 238, Arcata, California 95518*

May 5, 2006

To: Sidnie Olson, Community Development Department  
From: Diane Beck, Conservation Co-Chair, Sierra Club, Redwood Chapter, North Group  
Re: Marina Center Project EIR Scoping Comments

The following comments on the City of Eureka's General Plan amendment and rezoning for this project are on behalf of the North Group, Redwood Chapter, Sierra Club, with nearly 1,400 members in northwestern California. Our members are greatly interested in the intelligent use of resources in ways that encourage smart growth and good community decisions for the benefit of all.

It is difficult to speak to the particular issues when our members are basically opposed to Big Box development, especially on the last large undeveloped tract of land on Eureka's waterfront. Although nearly 300 of our members are residents of Eureka, the town is also the county seat and the largest town in the county, and as such is important to most of our members.

**Rezoning.**--To rezone this 38-acre tract of land adjacent to the bay out of "public" so that it may be privately developed without much of any real public process is rebelling of back-room dealing, and the Eureka City Councilmembers should be ashamed. Public awareness and interest in this land is and has been obvious at the very least since Wal-Mart's proposal in the late 1990s.

**Public process.**--The development of interest to many residents has involved projects of public benefit like a park, aquarium, marine research facilities, etc. It is far too soon to push ahead on a significant proposal--a Big Box proposal at that--that requires a zoning change without ever having seriously considered the wishes of the residents of Eureka and the wider community.

The CEQA document should analyze a broad range of land-use alternatives for the Balloon Tract, not merely a no-action alternative.

**Pollution.**--The Balloon Tract is highly polluted with heavy metals and hydrocarbons. Union Pacific could not be happier than to sell it to an entity that would merely pave over most of the toxic wasteland and forget about it. But that is no solution--or a solution only for an out-of-sight-out-of-mind simpleton. With the Marina Center Project, those cancer-causing toxics will continue to be allowed to leach into Humboldt Bay into the distant future. The city should have been and be working with the North Coast Region Water Quality Control Board and Union Pacific to clean up the poisonous mess. The bay is an enormously important estuarine resource for the whole community, and keeping it clean benefits all of us.

What is the nature of the toxic stew that is leaching into Humboldt Bay and that this Project threatens merely to seal over? A wide range of clean-up alternatives must be considered.

**The economic effects of the Project on downtown and other city businesses.**--The Marina Center Project is way out of scale for Eureka's downtown and threatens to overwhelm it. After the unfortunate crash of many businesses with the coming of the Bayshore Mall, the downtown--with much effort and dedication--is continuously growing into an extremely attractive destination

of small shops and services.

The City of Eureka's own commissioned study, "Economic Impacts Assessment for New Retail Development" (August 1999), shines a light on the subject: "The best scenario for existing retail sales outlets would be a 'no-build scenario' with no new competition from either a discount general merchandise store or home improvement center, and increasing retail sales due to increases in population and per capita disposable income. However, the retail environment in the county, particularly for general merchandise stores and other stores selling similar items, is already fiercely competitive. As shown by the data on individual outlets for Bayshore Mall, Downtown, and Henderson Center, there is already a great deal of turnover."

What will be the economic effects of Big Box development on downtown and other existing businesses in the county? Compare and contrast the economic study that will be made by Security National to the City of Eureka's 1999 study. A wide range of alternatives must be developed in the CEQA document.

**Transportation patterns and infrastructure** must be thoroughly studied. How will traffic problems around Broadway and Washington through Fourth streets be mitigated? The proposed Waterfront Drive Extension through Palco Marsh should **not** be included in any calculations. It is very unlikely that that ill-conceived project will ever be approved and built through those wetlands.

**The railroad.**--As with the Waterfront Drive Extension proposal, this project seems to have disregarded the railroad--or the public's hope to one day have a functioning railway system along the bay.

How will the railroad right-of-way affect the Marina Center project?

The North Group, Redwood Chapter, Sierra Club appreciates the opportunity to comment on this significant proposal.

Yours sincerely,

Diane Fairchild Beck  
Conservation Co-Chair  
3200 Greenwood Heights Drive  
Kneeland, CA 95549  
445-2690  
dfbeck@northcoast.com

David A. Ammerman ✓  
P.O. Box 303  
Cuttan, CA 95534

8 February 2006

City of Eureka  
Community Development Dept. - Planning  
531 K Street  
Eureka, CA 95502-1146

Re: Development of Balloon Tract

Dear City Planners:

I am an 11-year resident of Cutten and Humboldt County, but I am a regular rider of City and County transit buses, I work on Woodley Island and I frequently patronize stores, restaurants, movie theaters and other businesses within the city limits of Eureka. I'm reacting to the increasing number of newspaper articles I've read in the Eureka Times Standard, North Coast Journal, Eureka Reporter and other sources regarding development of the long neglected Balloon Tract, an eyesore and continuing public nuisance (with the exception of some wetland and slough habitat) still in existence on this property. I personally am glad that somebody, including the Arkley's have taken the initiative to make some proposals and for the City in moving forward with review of the proposed "Marina Center".

First, Union Pacific should take responsibility for cleaning up the site. They have cooperated to a certain extent with monitoring of the site and allowing investigation of the site for the extent of hazardous or toxic materials contamination. On the other hand, if potential developers or buyers of this site are willing to invest in the clean up process, then there should be no barriers placed for them to do so provided it is done properly and thoroughly.

Second, and the reason I'm writing this letter, is that I would like to see a public transportation component mixed within the "Marina Center" proposal or any other proposal that is being considered. In order for the Balloon Tract development to be really successful, there needs to be a link between there, Old Town and other areas of the City. While ample private car parking should be necessary, I believe people should be encouraged to take public transit to these areas. Specifically, I would like to see an intermodal bus terminal (something like the City of Redding's) built within the Tract. This terminal would serve City Transit, County bus transit, possibly even Greyhound, Amtrak, casino buses and City Cab. Right now all of these services are scattered and it is hard for people who depend on public transit, including out of towners, to find the right pick up point for a given mode of transportation. Each mode of transportation at an intermodal facility would be assigned a pick up point within the Tract, clearly marked. That way there is no doubt for a transit rider where to expect a bus or cab of any stripe.

Such an intermodal facility probably should have adequate restroom facilities, phone banks and ever present security. Proximity to a coffee shop or restaurant would also enhance the Tract. Loast Coast Brewery has considered moving to a larger facility. The Tract location might be a prime location for such a move. The current Brewery location is very convenient, being adjacent to the 3<sup>rd</sup> and H bus hub. If they move to the tract, they might lose what advantage they have now unless there is a strong public transportation link and adequate car parking. This goes the same for other businesses that might build or relocate there. Another example is the Co-op Store which is moving farther down Broadway to a larger building. While their current store is undersized, it is in a very convenient location. I probably would be less likely to patronize the new Coop location because of its distance from the Central Business District which I interpret to be a rough line from C Street north to around L Street.

I think most people are in agreement that the Balloon Tract is neglected and needs some kind of commercial or public development. At this point, there is considerable differences of opinion on what to develop there. I hope a consensus among the public can be forged. This site will need continuing public disclosure of plans, the CEQA and even NEPA process (wetlands, sloughs, etc.), and public feedback.

A final thought, if car traffic is going to enter the tract directly from the southbound lanes of Broadway (probably would be less likely from the northbound lanes), this is a potential bottleneck. I would expect Balloon Tract traffic to be rerouted by signage, etc. to Waterfront Drive. This makes it even more important that the public be encouraged to take public transit to the Balloon Tract. Currently, no transit serves that area on either Broadway or Waterfront Drive, with the possible exception of Koster Avenue and Washington Avenue (not going to be adequate).

I would appreciate your taking my comments into consideration as they are now and I am looking forward to future comment periods as the process develops for this site

Sincerely,



David A. Ammerman

Copy Furnished:

Mr. Randy Gans  
Security National Properties  
P.O. Box 1028  
Eureka, CA 95502

**RECEIVED**

FEB 13 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

**Sidnie Olson**

**From:** Maggie Banducci [maggiebay@cox.net]  
**Sent:** Friday, May 05, 2006 12:07 PM  
**To:** Sidnie Olson  
**Subject:** waterfront development

Dear Ms. Olson,

Thank you for reading my comments regarding the above project.

I'm excited to see more opportunity for people to enjoy Eureka's beautiful waterfront.

I am also very concerned about the necessary and thorough clean-up of the toxic contamination from years of railroad use.

I have lived in Humboldt County for just under 30 years. My husband and I co-founded 2 local businesses that provided good jobs (Yakima and Fire & Light), and have raised our 2 children here. I care about this place.

Therefore, it disturbs me greatly to think of giving our waterfront over to the cookie-cutter, "Big Box Mall" approach. As I view the architectural model, it lacks local character and originality.

I wonder if we've fully explored the economic impact of such a development upon existing businesses and employment.

I'd love to see a thoughtful approach to stimulating economic, recreational, historical development in a way that provides a true "sense of place" for all who use the space. However, at this point, because the Arkleys are the only ones with enough money to pull off a development of that size, is that reason enough for Eureka to become "Arkleyville"?

That would be a disappointment to a lot of us.

Respectfully submitted,

Maggie Banducci

**Sidnie Olson**

**From:** Kathy Bhardwaj [kbhardtrn@humboldt1.com]  
**Sent:** Friday, May 05, 2006 8:35 AM  
**To:** Sidnie Olson  
**Subject:** Balloon Track Big Box Proposal

May 5, 2006  
Re: Balloon Track Proposal.

Dear Ms. Olson,

I am writing because of my concern about the Balloon Track proposal.

1. This proposal does not thoroughly CLEAN UP the underground toxic materials at the Balloon Track; it just CAPS THEM. The filth will remain in the soil, and will continue to LEACH INTO our Bay, as it is doing now. The presence of a retail mall on top of the mess will make it impossible to do anything about it in the future.
2. The LOCATION is not right for a mall. The area will need to be "spot zoned" to accommodate a shopping area. It should be preserved for public use and recreation. We can enhance the attractiveness of our city and build the tourist industry if we develop the area along the Bay properly. A shopping mall with its associated traffic is not what we need there; it should be built in an area with appropriate zoning. A more appropriate use for the Balloon Track would be a park, or a building for public use such as the Adorni Center.
3. A Big Box store is wrong for our area. Humboldt County is a small community that has an extraordinary number of small businesses that sell unique products. For example, there are several independent bookstores. In Santa Barbara, which is a much larger community there is ONE. All the others have all been squeezed out by the big chain stores. This makes for fewer consumer choices, because everyone is selling the same things. We want to keep the diversity and the vibrancy of our local economy; to do that, WE NEED TO KEEP IT LOCAL and keep big box stores out of our area.

I do hope you will consider the above points and help stop this proposal.

Sincerely,

Kathy Bhardwaj  
Trinidad  
677-3984

**RECEIVED**

May 5, 2006

MAY 05 2006

Moss Bittner  
1310 6<sup>th</sup> Street  
Eureka, CA 95501

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Comments on Environmental Impact Report for proposed zoning change to Balloon Track

Dear City Staff and Consulting Professionals,

Please consider the following questions and remarks in the preparation of the Environmental Impact Report related to the change in the Balloon Track properties from Public Use to zoning designations more appropriate to zoning designations more appropriate to the uses proposed by developer Security National.

I assume that these questions fit within the regulatory framework of CEQA, but as an outsider I cannot be sure. They are mostly drawn from a close reading of the Eureka General Plan, and as such I hope they will be considered during the zoning change application process even if they fall outside of the preview of CEQA.

6. Is the 50' right of way that the developers propose reserving for the NCRRA adequate to serve foreseeable railroad operations? At a recent public forum a representative from Security National said that a bike-pedestrian path would be included in the railroad right of way, reducing the de facto right of way to something substantially less than 50'. Future rail operations could include concurrent use by passenger and freight trains. Since the proposed "Marina Center" would be a plausible station stop for local passenger train service, is the proposed right of way sufficient for a through line and an adequate siding for a passenger train to pick up passengers while a freight train passes?
7. Would any element or elements of the proposed development be incompatible with the restoration of rail service?
8. Traffic from the proposed development will be one its principal environmental impacts. It is my belief that project alternatives should look at alternative modes of providing access to the property. This includes, especially, trolley or passenger train service along the existing rail line.
9. One of the major components of the proposed development is new office space. Is there existing underutilized property within the downtown area that already has appropriate zoning for the proposed use?
10. Is there existing underutilized property within the downtown area that already has the appropriate zoning for commercial use of the type proposed at the balloon track?
11. One of the major economic impacts of the project will be a boom-bust cycle imposed by the simultaneous development of 39 or so acres followed by the completion of building. How disruptive will this boom-bust construction cycle be to the local economy?
11. Would a phased approach to building on the parcels moderate the boom-bust cycle referred to in question 10?
12. Security National representatives have stated that Union Pacific will not sell the property without placing a covenant on the deeds that disallows residential or park use. This amounts to a permanent and unalterable zoning change. What would it cost to clean up the property to a level that would allow residential and park uses to go on safely, and without creating liability for Union Pacific? I feel strongly that this should be considered among the project alternatives.
13. Is housing appropriate for the parcels along Broadway? What are the noise and air quality constraints to housing at this location?
14. The Eureka City council will be making its zoning change decision based in part on the economic growth promised by the development. Are the figures that have been provided by the developer realistic? Do they adequately account for loss of business at other locations within the city and county?
15. This project has the potential to use a substantial part of Eureka's unused land. Will an

1. At a recent public forum a traffic consultant for Security National said that the proposed project will produce 15,000 trips per day. Is this an acceptable level of traffic to add to adjacent streets, particularly Broadway, 4<sup>th</sup> and 5<sup>th</sup>?

2. Does the project adequately provide for alternative modes of accessing the facility? Are bus stops, pedestrian and bicycle routes complete so that foot and bicycle traffic can move to the project from other parts of town?

3. Does the proposed project integrate with the city's plan for a transit center between Commercial and A Street?

4. Does the conversion of the Balloon Track have any negative impacts to the viability of the viability of rail service on the North Coast Railroad?

5. The Eureka General Plan policy 3.F.2 states "The city shall work with the North Coast Railroad to determine if feasible locations for switching operations can be located outside the city, allowing the current balloon track area to be used for industrial or commercial development purposes." Has the city found a location for switching operations outside of the city? If not, are the city and the developer responsible for identifying and reserving a switching operations area before a zoning change and redevelopment of the parcels?

adequate inventory of buildable land exist after development is complete?

16. Aesthetic considerations: Eureka city blocks in the downtown area are almost exactly two acres, including street space. The proposed project is equal to 19 city blocks, yet the developer proposes using the services of a single architect to design buildings on the site. Is this inconsistent with the generally diverse character of Eureka, which the developers propose to extend?

17. It is all but certain that a number of national chain retail tenants as a rule use large back-lit plastic signs. To many people these signs are the markers of suburban sprawl, yet they will be on buildings located near down town and old town. Will these signs be visible from residences in Eureka, or in any other way disruptive to the aesthetics of Eureka?

18. As a project alternative consideration, I would like to see discussion of painted, front-lit signs.

Thank you for your consideration,



Moss Bittner

**RECEIVED**

MAY 05 2006  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

**Sidnie Olson**

**From:** Mike Buettner [mike@bitman.com]  
**Sent:** Friday, May 05, 2006 4:24 PM  
**To:** Sidnie Olson  
**Subject:** CEQA scoping comments

Hi Sidnie -

Attached please find my CEQA scoping comments in a MS Word doc.

Thank you for this opportunity.

Sincerely,

Mike Buettner  
Eureka

--  
This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

**Sidnie Olson**

**From:** kathleen cameron [deneb365@yahoo.com]  
**Sent:** Friday, May 05, 2006 7:27 AM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract CEQA Scoping Comments

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

Subject: Balloon Tract CEQA Scoping Comments

Dear Senior Planner Olson,  
I must comment on the sad direction in which I see this project heading. It has been said that we should govern and make critical decisions that effect society with the thought of our grandchildren sitting on our laps. What vision do we see for their future? What legacy do we leave behind? When my own child grows up and has children of his own, what do I say to my grandchildren. "Sorry, I couldn't be bothered." "What you can't see won't hurt you?" This generation has been left a toxic legacy. Are we going to pass it on to our children, their children. Isn't it empowering to consider that right now we have the opportunity to stop it in it's tracks. Slow down, consider alternatives, clean the site properly. Why the race to pass it on to our loved ones in the future. When I'm old and gray I want to add "wise" to that list. Thank you for considering my comments.  
Please consider the following statement:

I am concerned that this project will have significant negative impacts on the 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.

I am resolute in my 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. I am also adamant that the railroad not be "let off the hook" in their responsibility to clean up their mess.

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

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

Balloon Tract CEQA Scoping Comments

Dear Sidnie Olson,

What follows are my scoping comments on the City of Eureka General Plan Amendment and Rezoning requested for the Marina Center project proposed for the Balloon Tract tract.

I am not proficient at the terminology used in making these comments so mine will be straight forward and to the point.

1. First and foremost I would like to see the Balloon Tract tract cleaned up of all hazardous materials. This clean up should be to the level that eliminates danger to the community and allows any sort of future use for as much of the site as possible. There are examples of this sort of clean up on railyards owned by Union Pacific in Sacramento, CA, Salt Lake City, UT, Evanston, WY and others. To facilitate this clean up I would suggest the city use available non-matching funds from the EPA Brownfields Pilot Program.
2. We are losing open space on the waterfront and would like to see what effect removing this parcel from public zoning will mean to the inventory of potential open space parcels on or near the waterfront in Eureka. Open space is important to the character of our community.
3. What effect will the Marina Center have on the local economy? Will it produce living wage jobs or will it further diminish the available land to develop light industrial businesses that could pay living wage? Will the Marina Center cause a business drain on the existing Old Town area?
4. How will using the Balloon Tract tract for commercial purposes impact the ability for Eureka to use infill residential development? If the Balloon Tract tract were used for housing with a higher density wouldn't it help elevate the problem we have with a lack of lower cost housing?

Sincerely,

Mike Buettner  
1216 Hayes Street  
Eureka, CA 95501  
442-1287

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. 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 below.

The EIR must consider a full range of alternatives- not a simplistic two alternative analysis of the current proposal or a "No Action". 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.

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? Thanks for your consideration of these comments. I look forward to accomplishing a development plan for this site that best protects the significant public interests at stake here.

Sincerely,  
Kathleen Cameron  
310 Wells Dr.  
Eureka, CA 95503

Get amazing travel prices for air and hotel in one click on Yahoo! FareChase

**Sidnie Olson**

**From:** dotess@quik.com  
**ant:** Friday, May 05, 2006 5:11 PM  
**i o:** Sidnie Olson

Hello dear planner,

I am writing today in opposition to the Big Box Plan the Arkley's are presenting. I think the land use is for all of us and not just the developers and recommend a sane plan with mixed features that include: public transportation, environmental sanity, utilization of the sun, and a well rounded local business approach. i am not interest in trading our current small business environment for an out of the area development.

Sincerely, Dot Campbell  
Blue Lake, Ca 95525

**Sidnie Olson**

**From:** David Cobb [cobbweb@greens.org]  
**Sent:** Thursday, May 04, 2006 4:43 PM  
**To:** Sidnie Olson  
**Subject:** Public Comment re: Balloon Track

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

Subject: Balloon Track CEQA Scoping Comments  
Dear Ms. Olson,

I am writing to provide my formal public comment regarding the proposal to amend the Eureka General Plan regarding the Balloon Track.

I request that this proposal be rejected for the following reasons:

- 1) In 1999 the citizens of Eureka rejected an effort to amend the zoning rules on this same parcel of land by a whopping 61% to 39% at the ballot box. Any decision that would overturn the express will of the people should be made by a vote of the people of Eureka at the ballot box. The current project proposal is asking our elected officials to overturn the express will of their own constituents. This is a profoundly undemocratic process.
- 2) Big Box development is a poor use of any waterfront property, and especially for waterfront property that is currently zoned specifically for public use.
- 3) The proposed zoning change does not require total environmental clean up. Current owner Union Pacific Corporation is attempting to avoid liability for alleged environmental contamination. I urge the city to hold the owners of Union Pacific corporation responsible for their actions.
- 4) The proposed Big Box complex will have a significantly negative impact on traffic, and likely require massive public subsidies for road widening.

Sincerely,

David Cobb  
1402 M Street  
Eureka, Ca 95501

**Sidnie Olson**

**From:** Gregory Conners [gnc@humboldt1.com]  
**Sent:** Thursday, May 04, 2006 10:07 AM  
**To:** Sidnie Olson  
**Subject:** Scoping Input - Marina Center Proposal

Dear Ms. Olson,

The attached 1995 study from the National Oceanic and Atmospheric Administration to the United States Senate specifically addresses the area in question. This study was funded as a prototype and includes mapping of liquefaction and tsunami zones in Eureka. Please print that attachment and include it with my e-mail as input for the scoping part of this development process.

Is it possible for liquefaction to cause toxics to move into Humboldt Bay even when not followed by a tsunami? If an earthquake causes liquefaction which is then followed by a tsunami, would that result in even more deadly materials entering Humboldt Bay? Would a complete compacting of this site make any difference to these possibilities, rather than a partial compacting under structures only?

Please see that these questions are studied impartially. Humboldt Bay belongs to all of us. The cost of cleanup should not be a factor. In fact, the railroad is a multi-billion dollar corporation that can pay whatever the cost may be to clean up this property. It is my personal belief that cleanup should not be mitigated through a development agreement because of the potential for damage to Humboldt Bay.

Thank you for your good work,

Gregory Conners  
67 Copenhagen Road  
Lola, CA 95551  
(707) 725-3400 W  
(707) 733-5184 H

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

Subject: Balloon Track CEQA Scoping Comments

Dear Ms. Olson,

I am writing to provide my formal public comment regarding the proposal to amend the Eureka General Plan regarding the Balloon Track.

I request that this proposal be rejected for the following reasons:

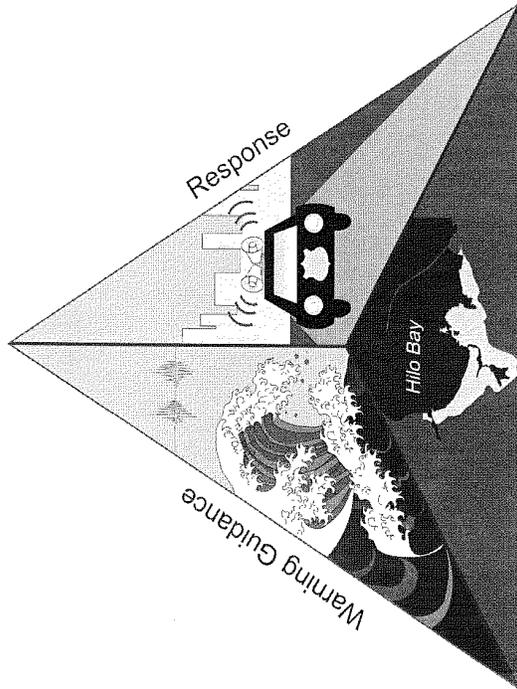
- 1) In 1999 the citizens of Eureka rejected an effort to amend the zoning rules on this same parcel of land by a whopping 61% to 39% at the ballot box. Any decision that would overturn the express will of the people should be made by a vote of the people of Eureka at the ballot box. The current project proposal is asking our elected officials to overturn the express will of their constituents. This is a profoundly undemocratic process.
- 2) Big Box development is a poor use of any waterfront property, and especially for waterfront property that is currently zoned specifically for public use.
- 3) The proposed zoning change does not require total environmental clean up. Current owner Union Pacific Corporation is attempting to avoid liability for alleged environmental contamination. I urge the city to hold the owners of Union Pacific corporation responsible for their actions.
- 4) A mega Big Box complex on this site will have a profoundly negative impact on traffic, and likely require massive public subsidies for road widening.

Sincerely,

David Cobb  
1402 M Street  
Eureka, Ca 95501

# Tsunami Hazard Mitigation

A Report to the Senate Appropriations Committee



Hazard Assessment

Prepared by

National Oceanic and Atmospheric Administration  
Pacific Marine Environmental Laboratory  
Seattle, Washington

March 31, 1995



## Executive Summary



**Senate Concern.** The threat to West Coast communities from destructive tsunamis generated by earthquakes in the Cascadia Subduction Zone.

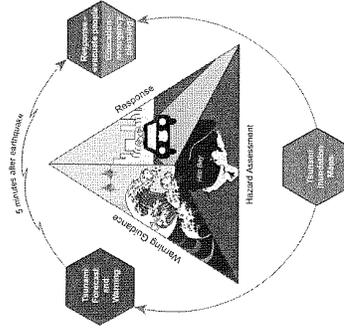
**NOAA Response.** Lead the first coordinated, comprehensive effort by Federal and State agencies, academia, and local communities to

- identify needs of at-risk communities
- inventory existing national resources
- review recent technological advances
- develop specific, practical recommendations



**Tsunami Hazard Mitigation Plan.** Modernize and integrate existing national capabilities by exploiting recent technological advances. Focus on at-risk coastal communities. Provide each with effective

- Tsunami Hazard Assessment
- Tsunami Warning
- Tsunami Educated Response



**First Step.** Create necessary Federal/State partnership to examine each recommendation and oversee implementation of the agreed plan. Broad-based membership should include Federal, State, local and academic participation.

## I. Background

The Senate Committee on Appropriations has expressed its concern about the destructive potential of a major tsunami to U.S. coastal communities and has issued the following directive to the National Oceanic and Atmospheric Administration (NOAA):

“The Committee directs NOAA to prepare a plan for a tsunami warning system that could reduce risk to coastal residents. The plan should evaluate sites for a tsunami warning system that would assist States in the mapping of possible tsunami inundation. The Committee expects such a report no later than March 31, 1995.” (Report on FY95 Budget, July 1994)

In response to this directive, NOAA has developed a plan to reduce the risk of tsunamis to coastal residents on U.S. coastlines. The strategy involves the use of new technologies along with better coordination of existing activities to reduce tsunami risk through an integrated program that focuses on:

- A. Hazard assessment (identify and map tsunami flooding potential)
- B. Real-time tsunami monitoring and warning systems (alert the people)
- C. Public education (population awareness and community response)

Intensive workshops to develop each component have been held with broad-based participation that included tsunami scientists, Federal, State, and local emergency planners and emergency operators. Workshop participants focused on evaluation of new hazard assessment and mitigation technology. NOAA technical reports were published on each workshop. This document summarizes and synthesizes these workshop recommendations into a coherent plan.

## II. The Problem

U.S. coastal communities are threatened by tsunamis that are generated by both **local** earthquakes and **distant** earthquakes. Local tsunamis give residents only a few minutes to seek safety. Tsunamis of distant origins give residents more time to evacuate threatened coastal areas but increase the need for timely and accurate assessment of the tsunami hazard to avoid costly false alarms. Thus, U.S. residents in Alaska can experience a local earthquake and tsunami while residents of Hawaii and the west coast may experience this disaster as a distant tsunami. Similarly, west coast residents can experience a local tsunami that may also have an impact on the distant states of Alaska and Hawaii. Of the two, local tsunamis are more devastating. The challenge is to design a tsunami hazard mitigation program to protect life and property from two very different types of tsunami events.

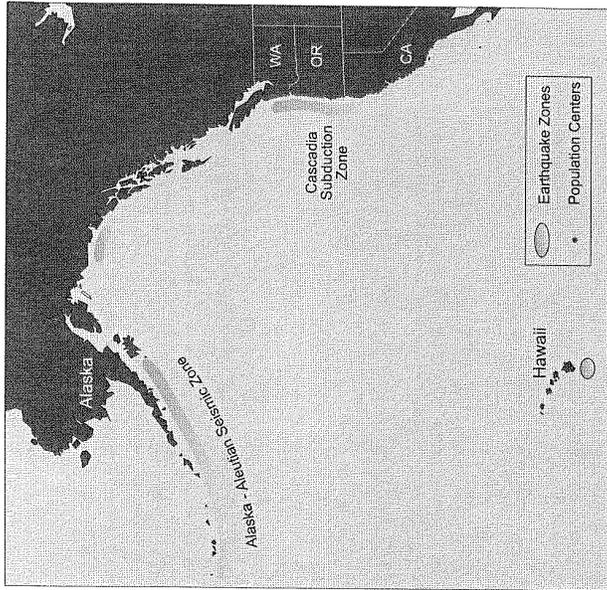


Figure 1. Tsunami hazard for the United States is defined by the earthquake zones capable of generating tsunamis in the Alaska-Aleutian Seismic Zone, the Cascadia Subduction Zone, and Hawaii. The populations at risk from tsunami are identified as population centers.

### 1. The Greatest Threat—Local Tsunamis Generated Off the U.S. Coast

The Cascadia Subduction Zone threatens California, Oregon, and Washington with devastating local tsunamis (Figure 1) that could strike the coast within minutes. There is increasing geological and seismological evidence that earthquakes of Richter scale magnitude 8 and more have previously occurred in this region; at least one segment of the subduction zone may be approaching the end of a seismic cycle culminating in such an earthquake; and, these earthquakes have generated tsunamis that have caused extensive flooding along the coastlines of Washington, Oregon, and California (Heaton and Hartzell, 1987; Weaver and Shedlock, 1992). Recent articles (Waethrich, 1994) indicate that the probability of a Cascadia earthquake occurring is comparable to that of large earthquakes in southern California (i.e., 35% probability of magnitude of 8 or above between 1995–2045). The Alaska and Aleutian Seismic Zone also has been recognized as a region with very high seismic

potential. Respected U.S. seismologists have predicted the occurrence (84% probability between 1988–2008) of a major earthquake with magnitude greater than 7.4 in Alaska (Nishenko and Jacob, 1990). When this earthquake occurs, Alaska's coastlines can be expected to flood within 15 minutes.

A reminder of this threat occurred in April 1992 when a small tsunami was generated at the southern end of the Cascadia Subduction Zone by a large (7.1 M<sub>w</sub>) earthquake near Cape Mendocino, California (González and Bernard, 1992). This tsunami arrived at Eureka, California only 15 minutes after the earthquake origin time. No tsunami warning was issued because the instruments used to determine earthquake magnitude were outdated. During a post-earthquake scientific meeting on the Cape Mendocino earthquake/tsunami, sponsored by the Federal Emergency Management Agency (FEMA), one of the two most urgent recommendations suggested was the production of local tsunami inundation maps for Northern California coastal communities at risk. Tsunami preparedness was deemed to be of such high importance and urgency that the project was funded by FEMA and NOAA to produce tsunami inundation maps for Eureka and Crescent City, California. FEMA also funded an earthquake scenario study of Northern California. The combined study

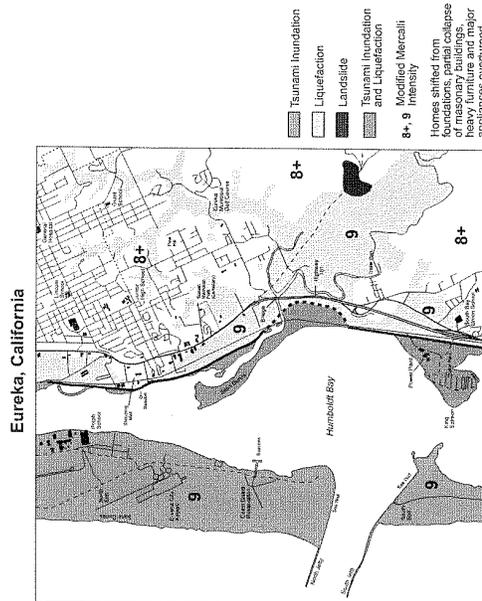
produced the first comprehensive assessment of the nearby earthquake and local tsunami risk to a coastal community (Bernard *et al.*, 1994, and Toppozada *et al.*, 1995). The first-of-a-kind map is illustrated in Figure 2, which clearly shows areas susceptible to tsunami flooding, earthquake shaking intensity, earthquake-induced liquefaction, and earthquake-triggered landslides.

The Eureka tsunami study can be considered the prototype and model for the application of existing technology to local tsunami hazard assessment. These local tsunami hazard maps will be incorporated into the emergency plans of Eureka, California. This process, which starts in March 1995, will provide an opportunity for NOAA, FEMA, the State of California, and local Eureka emergency planners to set the standard for emergency procedures for other coastal communities threatened by local tsunamis.

## 2. The Silent Threat—Tsunamis Generated at a Distance

The U.S. has suffered major damage from tsunamis originating in Chile, Japan, Russia, and Alaska. If an earthquake in Alaska generated a major tsunami, Alaskan shores would be flooded within 15 minutes, while the coasts of Hawaii, Washington, Oregon, and California would be hit within 5 hours after the event. Under present conditions, the Alaskan and Pacific Tsunami Warning Centers (ATWC and PTWC) would issue warnings, based on seismic data alone, covering a limited area as soon as the earthquake is detected, located, and sized. It then would take about an hour for the Centers to receive confirmation from Alaskan coastal tide gauges that a major tsunami had been generated. With confirmation, the ATWC would expand its warning area to include the entire west coast of the United States, and the PTWC might issue a Pacific Basin-wide warning. Even at this time, the Centers would have only a rough idea of the potential size of the tsunami. They would receive no further information until the tsunami reached Midway Island (about 3 hours after the earthquake) or the west coast of the United States (4 to 5 hours after the earthquake). At that point, it would be too late for Washington and Oregon emergency managers to change their plans of operation, and Hawaii emergency managers would have only about an hour and a half to adjust their plans. Recently, the development of a method to detect, in real time, the passage of a tsunami in the open ocean could provide additional lead time to evacuate coastal residents.

For the Alaska earthquake/tsunami scenario, it is important to recognize that only Hawaii possesses a set of evacuation maps for the distant tsunami scenario. These maps were derived from tsunami inundation models and are published in local telephone directories. Once a warning is received in Hawaii, residents are evacuated from potential tsunami inundation areas. The other affected states have no similar maps. Lack of evacuation maps and timely tsunami wave information gives rise to confusion on how to respond to a NOAA tsunami warning. Lack of evacuation maps and timely tsunami wave information certainly contributed to the confusion caused by the October 4, 1994 distant tsunami warning. (See the Tsunami Education Workshop report (Good *et al.*, 1995).)



**Figure 2.** This map identifies areas of tsunami flooding, areas of liquefaction, landslides, and intense ground shaking. If the tsunami is generated by a local, major earthquake near Eureka, then highway 101 probably will be damaged by the liquefied soils to the south. Evacuation then would be feasible only to the north on highway 101. It is important to evacuate to safe areas.

### 3. Conclusions

Local tsunamis are the greatest threat to U.S. coastlines, but distant tsunamis are also a constant threat. Technologies now exist to identify areas at risk from both types of tsunamis and to detect the passage of a tsunami in the deep ocean in real time.

### III. Tsunami Hazard Mitigation Plan

Eventually, tsunamis will strike all U.S. Pacific Ocean coastlines. To mitigate any rapid onset natural disaster, it is critical to accurately assess the nature of the hazard, design an alerting technique, and prepare the at-risk area for appropriate reaction to reduce the impact of the hazard. Applying the conceptual model—hazard assessment, warning, and educated response—to the tsunami hazard is a way to reduce the inevitable impact of tsunamis. One way to think about the application of this model to the tsunami hazard is illustrated in Figure 3. The three interdependent pieces of the conceptual model are shown as a triangle.

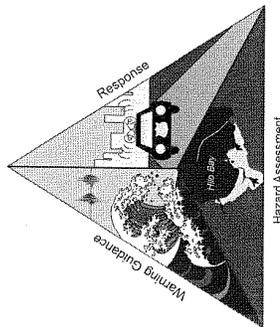


Figure 3. Tsunami Hazard Mitigation Model.

NOAA conducted the first comprehensive evaluation of existing tsunami hazard mitigation technology and user needs through a series of three workshops (hazard assessment, warning, educated response) held from November 1993 to October 1994. (For details about the workshops see Appendix A.) The process of involving Federal, State, and local representatives yielded a rich diversity of ideas and suggestions. The main theme that emerged was that the hazard affects local populations, so the solutions should be developed with input from these people. Below is a summary of the major findings and recommendations from each workshop. These major recommendations form the basis of the NOAA plan to mitigate the U.S. tsunami hazard. Agencies involved in the mitigation plan at the Federal level include NOAA, United States Geological Survey (USGS),

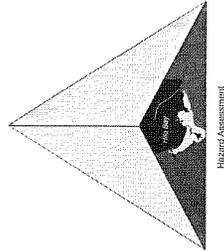
FEMA, and the Army Corps of Engineers. At the State and local level, emergency planning and operations are involved as well as universities.

### A. Tsunami Hazard Assessment

The base of the triangle in Figure 3 and the first element for designing appropriate warning and education systems is **hazard assessment**. For each coastal community, an assessment of the tsunami hazard must be carried out to identify at-risk populations and areas. For some communities, data from earlier tsunamis provide an empirical method for identifying hazardous areas. For most communities, however, little or no data exist. For these areas, tsunami inundation numerical models can provide estimates of areas that could be flooded in the event of a local or distant earthquake. The accuracy of this technology is appropriate to design the other two elements of the model—warning and educated response systems. Our first workshop found that existing technologies are adequate to produce tsunami inundation maps for emergency preparedness and documented several technical methods (Bernard and González, 1994). Participants were of the strong opinion that the production of these maps should be guided by local experts who had detailed knowledge of that geographical area. The participants also wanted these maps to be as accurate as possible, so they felt that the models should be tested and validated with observed data.

#### Major Finding:

- Technology exists to produce tsunami inundation maps for emergency preparedness.



#### Major Recommendations:

1. Establish a group of scientists to produce tsunami inundation maps for coastal towns in Alaska, California, Hawaii, Oregon, and Washington.
2. Tsunami inundation map production should be guided and implemented by State and local users.
3. Test and validate models with observed data.

## B. Tsunami Warning

The second element of the conceptual model (Figure 3) is the appropriate warning system to alert coastal communities that danger is imminent. Three types of tsunami warning systems exist to alert populations of the occurrence of an earthquake that has high potential to generate a tsunami. The Pacific-wide system warns populations in about 1 hour (>750 km from the source); regional systems warn in about 10 minutes (100–750 km from the source); local systems warn in about 5 minutes (<100 km from the source). Three warning systems exist today. There is one Pacific-wide system—the Pacific Tsunami Warning Center, five well-established regional systems (U.S.–2, Japan, Russia, French Polynesia), and local systems exist in Chile and Japan (Bernard *et al.*, 1986). All three systems use earthquake magnitude as the trigger for warnings and use coastal tide stations as verification that a tsunami exists and as a guide to announce that the danger has passed. Because these systems are activated by earthquake magnitudes, and because not all earthquakes generate tsunamis, there are false alarms.

In the tsunami hazard mitigation model, warning systems are designed according to the local hazard assessment. For the U.S., the earthquake areas shown in Figure 1 subject California, Oregon, Washington, Alaska, and Hawaii to the local tsunami hazard and all coastal areas are exposed to the distant tsunami hazard. The tsunami warning system for the U.S. should provide local and distant tsunami warnings for coastal communities. Our second workshop found that the national effort to detect earthquakes in the states of California, Oregon, Washington, Alaska, and Hawaii consists of seven seismic networks with about 1000 real-time reporting seismometers at a capital cost of \$23 million and annual operating costs of over \$9 million. The participants of the workshop found that this extensive network could be utilized, with some modifications, to provide tsunami warnings within five minutes for any earthquake occurring along U.S. coastlines. Those modifications include 1) the inclusion of more real-time seismometers which can be used to quickly determine the magnitude of a large earthquake (broad-band seismometers); 2) the agreement that these data plus other real-time seismic data should be exchanged among the existing networks; and 3) the implementation of 24-hr/day in-office operations at the two existing tsunami warning centers.

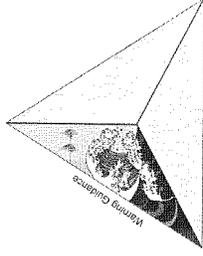
Participants felt that making better use of existing networks was preferred over the siting of a new tsunami warning center. If their recommendations are implemented, there is no need to create another traditional tsunami warning center on the West Coast.

They also found that the existing water level network of 12 real-time tide gauges in Alaska and Hawaii was inadequate to detect local tsunamis for forecasting local tsunami impacts. Participants recommended the modification of coastal gauges to detect large tsunamis. They recognized that the new technology to detect tsunamis near the source offers an improved approach to early detection and forecasting of tsunamis. With this realization, they recommended the installation of deep water tsunami gauges and the use of the resulting data for forecasting tsunami wave heights. Details of the

discussions and recommendations can be found in the tsunami warning workshop report (Kanamori and Blackford, 1995).

### Major Findings:

- Technology exists to issue local tsunami warnings within five minutes for earthquakes occurring along U. S. coastlines.
- Existing water level system is inadequate to track large tsunamis in a timely manner.



### Major Recommendations:

4. Upgrade existing seismic networks to include real-time instruments that provide more accurate earthquake magnitudes.
5. Implement a plan to coordinate the exchange of data among existing seismic networks.
6. Implement 24 hr/day in-office operations at two tsunami warning centers.
7. Install network of deep water tsunami gauges and modify existing coastal network to survive large tsunamis.
8. Develop procedures that incorporate water level data for forecasting local tsunami impacts.

## C. Tsunami Response/Education

The third element of the tsunami mitigation model (Figure 3) is the educated response which is based on hazard assessment and warning systems. The appropriate response to impending danger from a tsunami requires knowledge of areas that could be flooded (tsunami inundation maps) and knowledge of the warning system to know when to evacuate and when it is safe to return. Without both pieces of information the response could be inappropriate and fail to mitigate the impact of the tsunami. Our third workshop found that the residents of Oregon, Washington, and California were unaware of hazard assessment and warning procedures. A FEMA survey of 14 coastal communities' response to the October 4, 1994 NOAA tsunami warning found the information unusable by 30 percent of the communities surveyed and not timely for 71 percent of the affected communities.

Workshop participants recommended the formation of an educational network to exchange existing information and keep abreast of new educational material being developed. Participants, recognizing that lack of tsunami inundation maps was a major obstacle in education of local residents, recommended the production of tsunami inundation maps as soon as possible. Workshop participants were concerned that each state may create different signs for guiding people out of

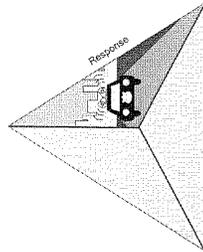
tsunami hazard areas, so they recommended that standardized signs for tsunami hazard zone and evacuation be used in all affected states. They were also concerned that too many “experts” were being used by the media during tsunami warnings, which led to public confusion. Participants recommended that each state establish a tsunami advisor to provide expert guidance to the media, decision makers, and emergency planners. A summary of this workshop can be found in the tsunami education workshop report (Good *et al.*, 1995).

**Major Finding:**

- Tsunami education for local and distant tsunami is deficient for West Coast decision makers and residents.

**Major Recommendations:**

9. Establish an educational network among local, State, and Federal agencies to promote communication and coordinate the exchange of existing and new information and assist in improving tsunami warning messages.
10. Produce preliminary tsunami inundation maps to aid in local educational process.
11. Develop standardized tsunami hazard zone and evacuation signs for use in Alaska, California, Hawaii, Oregon, and Washington.
12. Establish each state’s single-point tsunami expert contact for media, decision makers, and emergency planners.

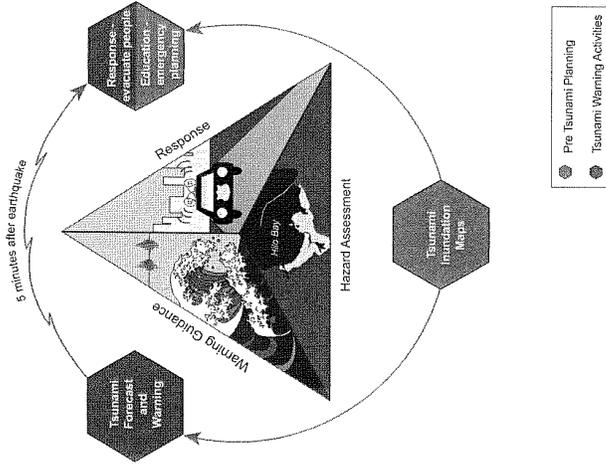


**D. The Plan**

By combining the three elements—hazard assessment, warnings, and response—we have a context for implementing the workshop recommendations. A schematic summary of the plan is illustrated in Figure 4.

The tsunami hazard mitigation plan (Figure 3) uses hazard assessment to design appropriate warning systems and appropriate response by affected populations to reduce the impact of the tsunami. These three components must be highly interactive and well coordinated to mitigate the effects of a tsunami. Thus, a coordinating body of appropriate scientists, emergency managers, emergency planners, and warning center operators, with representations from each affected state, should be created to ensure this coordination.

**NOAA Tsunami Hazard Mitigation Plan**



**Figure 4.** NOAA Tsunami Hazard Mitigation Plan. Each element requires the participation of NOAA, USGS, FEMA, and the states’ emergency agencies and universities.

#### IV. The First Step—A Federal/State Partnership

To implement the plan requires three phases:

1. Coordination
2. Planning
3. Implementation

The coordination phase is essential to form a coherent plan of action with time milestones. The three workshops provide a technical basis for identifying techniques and needs, but they represent only the first step in coordination. The next step is to form a Federal/State partnership to convert these recommendations into an action plan. The Federal side of the partnership should include NOAA, USGS, FEMA, and the Army Corps of Engineers. Since NOAA has Federal responsibility for tsunami warnings, NOAA should be the lead agency. The State side of the partnership should include Alaska, California, Hawaii, Oregon, and Washington. Each state should have a representative that could become the expert for that state (Recommendation #12). Through this process, a plan can evolve in which the Federal role to protect life and property is appropriately applied at the local level. The plan should outline what recommendations can be implemented at various resource levels. We must recognize that each state has a different emergency planning/operational structure and that the Federal government is downsizing. These two facts force us to use our existing resources as wisely and productively as possible.

The planning phase should emerge as soon as possible. The present document contains 12 recommendations that could be the essential elements of the plan. Coordination is required to establish a process to rank the recommendations. Once the ranking of recommendations is agreed upon, then the implementation phase can begin. The process of implementation will be controlled by resources available from all sources—the Federal sector, the State sector, and the private sector.

#### V. Conclusions

The three workshops on tsunami hazard assessment, warning guidance, and educated response have provided a set of recommendations that can reduce the impact of local tsunamis on West Coast residents. The next step is to rank these recommendations through a coordinating group composed of Federal/State partners and formulate a plan of action. The recommendations do not call for the siting of a new warning center, but rather the use of existing seismic networks through focused upgrades of instrumentation, telemetry, and processing. The recommendations provide for inundation mapping for all Pacific coastal communities through a process that involves local governments, including affected coastal residents.

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## Appendix A

### Tsunami Mitigation Workshops

Three workshops were held during a one-year period (November 1993–October 1994) to capture a snapshot of the “state-of-the-art” technology and to identify the needs of users of NOAA’s tsunami warning products. Fifty-six specialists in tsunami science, emergency planning and operations, and educators represented 41 different organizations of local, State, and Federal Governments and Universities. The five affected states of Alaska, California, Hawaii, Oregon, and Washington were represented. The list of participants is given below.

#### TSUNAMI INUNDATION WORKSHOP ATTENDEES

Name	Affiliation
Frank Tsai	FEMA
Karla Heerman	FEMA-Pacific Area Office
Eddie Bernard	NOAA/PMEL
Frank Gonzalez	NOAA/PMEL
Stephen Hammond	NOAA/PMEL
Dennis Sigrist	ITIC/NOAA-NWS
Chip McCreery	NOAA/NWS/PTWC
Bill Mass	NOAA/NWS/PTWC
Michael Blackford	NOAA/NWS/PTWC
Mel Nishihara	State of Hawaii Civil Defense
Brian Yanagi	Hawaii State Civil Defense
Gus Furumoto	Tsunami Advisor, State of Hawaii
Richard McCarthy	California Seismic Safety Comm.
Vasily Titov	University of Southern California
Don Hull	Oregon Department Of Geology
Jim Good	Oregon State University Sea Grant
Philip Liu	Cornell University
George Carrier	Harvard University
George Curtis	JIMAR/University of Hawaii
Dennis Moore	JIMAR/University of Hawaii
Zygmunt Kowalik	University of Alaska, Fairbanks

#### TSUNAMI WARNING WORKSHOP ATTENDEES

Name	Affiliation
Michael Blackford	NOAA/NWS/PTWC
Eddie Bernard	NOAA/PMEL
Frank Gonzalez	NOAA/PMEL
Hugh Milburn	NOAA/PMEL
Thomas Sokolowski	Alaska Tsunami Warning Center

David McGehee	U.S. Army Corps of Engineers
John Filson	USGS
Thomas Heaton	USGS
David Oppenheimer	USGS
Hiroo Kanamori	California Institute of Technology
Stephen Malone	University of Washington
Reinhard Flick	University of California, San Diego
Emile Okal	Northwestern University
Kenji Satake	University of Michigan
Costas Synolakis	University of Southern California

#### TSUNAMI EDUCATION WORKSHOP ATTENDEES

Name	Affiliation
Connie Manson	WA Department of Natural Resources
Susan Larson	WA Emergency Management Division
Lloyd Rayment	B.C. Provincial Emergency Program
George Priest	DOGAMI
Beverly Vogt	DOGAMI
Susan McBride	Humboldt County Coop Extension
Jeri Allemand	Curry City Emergency Services
Dave Mayer	OR Emergency Management
Leslie Ewing	CA Coastal Commission
Sarah Naite	CA Office of Emergency Services
Emily Toby	DLCD
Frank Tsai	FEMA
Eddie Bernard	NOAA/PMEL
Frank Gonzalez	NOAA/PMEL
Thomas Ainsworth	NOAA/NWS Western Region
William Sites	NOAA/NWS
Dennis Sigrist	International Tsunami Information Center
Thomas Sokolowski	AK Tsunami Warning Center
Michael Blackford	NOAA/NWS/PTWC
Bob Goodwin	University of Washington
Bill Steele	University of Washington
Jim Good	Oregon State University
Curt Peterson	Portland State University
Antonio Baptista	Oregon Graduate Institute
Lori Dengler	Humboldt Earthquake Education Center
Vicki Osis	Extension Sea Grant
Robert Malouf	Oregon Sea Grant
Pat Ainsworth	American Red Cross Field Service Office
Sherry Patterson	American Red Cross
Teresa Atwill	Newport, OR
Al Aya	Cannon Beach, OR

**Sidnie Olson**

**From:** Charlene Cutler-Ploss [2beagles@sbcglobal.net]  
**Sent:** Friday, May 05, 2006 1:07 PM  
**To:** Kevin Hamblin; Sidnie Olson  
**Subject:** Marina Center Development CEQA comment

To Whom This May Concern,

I am writing to register my interest in this project.

I have questions and concerns regarding the planned clean up and more extensive clean up options. I also wish to express distress over the exclusion of community input into the development, particularly as it pertains to the property being given its highest possible use within the limits of public use property.

I wish to remain informed and on information lists for this project going forward.

Thank you,

Charlene Cutler-Ploss

B-76

**Sidnie Olson**

**From:** Jean Doran [jeandoran@cox.net]  
**Sent:** Sunday, May 07, 2006 5:56 PM  
**To:** Sidnie Olson

Although I now li  
Jean Doran  
1271 C St.

Arcaata, CA. 95521 I came l e from 50 years in Walnut Creek. Over thr years Walnut Creek has purchased many acres in the surrounding hills which are much used as Open Space. they are turning areas around the Creeks into nature stud y areas toenjoy thed creeks. can we do less? a thorough cleanup of the Balloon Track/ tract would add an asset for the whole of Humboldt county with a few shops and recreational buildings rather than a concentrated commercial complex would benefit everybody tourist and resident alike. Comparison to Cannery row os not apt---the destination spot there is the Monterey aquarium , thanks to Packard.

033

FILED

034

**Sidnie Olson**

**From:** Dan Ehresman [porcupine\_d@yahoo.com]  
**Sent:** Friday, May 05, 2006 11:49 AM  
**To:** Sidnie Olson  
**Subject:** Balloon Track Scoping Comments

Ms. Olson:

As an attachment to this e-mail you will find my Scoping Comments. If there is any difficulty opening the document do not hesitate to contact me at this address or call 269-0649.

Thank you,  
Daniel Ehresman

Do You Yahoo!?  
Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

5/5/06

Sidnie L. Olson  
Community Development Department  
531 K St  
Eureka, CA 95501  
[solson@ci.eureka.ca.gov](mailto:solson@ci.eureka.ca.gov)

Re: Balloon Tract/Marina Center Scoping Comments

Dear Ms. Olson:

As a Eureka homeowner and resident I offer the following comments on the City of Eureka General Plan Amendment and rezoning requested for the proposed development of the Balloon Tract and adjacent areas.

The Environmental Impact Report (EIR) required for this project must fully address the impact the project may have on open space, public space and recreational activities in the Old Town/Waterfront District and in Eureka in general. The EIR must also address the environmental, social and economic impacts to the city of Eureka and Humboldt County and provide a meaningful analysis of project alternatives.

The project proponent's NOP states that Humboldt Bay and its associated wetlands have been reduced by about 50% of its original distribution (other sources state a much higher percentage). The Balloon Tract site was initially wetland and subsequently filled. The project would permanently alter the landscape upon which it is proposed to be built and would constitute an irreversible environmental change. The Coastal Act requires protection and restoration of sensitive wetland and riparian habitat. The EIR must address the proposed project's impact on wetland and riparian habitat currently onsite. It must also address how the project may impact potential future habitat restoration of the subject site.

The city of Eureka has very little open space. The Balloon Tract represents the largest undeveloped tract of land in Eureka. The project as currently proposed would result in a lost opportunity for public use space. The EIR must address the proposed project's impact on open space and public use space within Eureka and specifically in the Old Town/Waterfront district.

The project proponent states that the Marina Center project would "deter current unauthorized use of the property as a temporary encampment area by homeless people" (Marina Center newspaper insert). Where will they be relocated to? What impact will this have on the area(s) they relocate to and the people who currently reside in close proximity to the specified area(s)? The effective displacement of numerous "homeless people" residing in and around the project area must be addressed.

It is also necessary for the EIR to address transportation issues. The likely increase of traffic on the already congested Highway 101 (4<sup>th</sup> St., 5<sup>th</sup> St. and Broadway) in Eureka must be addressed. Also, how would the removal of the "balloon track" impact future projects involving an active railroad? The EIR should address how the proposed project may impact the potential for an active railroad or light rail in the future.

5/5/2006

035

**Sidnie Olson**

**From:** loreen [loreen@asis.com]  
**ant:** Friday, April 14, 2006 10:56 AM  
**cc:** Sidnie Olson  
**Subject:** Balloon Tract Scoping Hearing

The EIR must address the likely and potential impacts due to site disturbance from tidal and seismic activity including tsunamis and earthquakes. It must also consider the potential for liquefaction of the earthen materials on the project site due to the aforementioned disasters.

I strongly believe that the toxic contamination on the project site be cleaned up to the fullest extent feasible and that Union Pacific and the other parties responsible for the contamination be held accountable for their actions. It is not up to the public, or anyone else, to be responsible for the clean-up costs.

The project proponent's NOP discusses threats to the health of those onsite and its neighbors, but what of impacts on people and other biological resources that might be impacted due to further contamination of Humboldt Bay due to contaminants currently in the soils or the potential future contaminants stored on-site? The EIR must provide a complete analysis of the composition and distribution of contamination on the project site. It must also be stated the known and potential risks to human and biological health associated with these toxic materials. Consideration must be given to the potential movement of these materials into ground water and the waters of Humboldt Bay. Cumulative impacts of this toxic waste site must be assessed as one among the many toxic waste sites surrounding Humboldt Bay. The cumulative impacts analysis must also be considered relative to the wide range of alternatives outlined below.

The EIR must consider a meaningful alternatives analysis. Various levels of toxic contamination clean-up should also be addressed. The EIR should also consider a wide range of land use alternatives including the current proposal, a Marina Center Plaza and office buildings without the big box anchor stores option, a public facilities option, an wetland restoration and park option, and a wide variety of other mixes of uses.

I am concerned that this project will have significant negative economic impacts on local communities as well as on small businesses and their employees. The EIR must document and disclose the full range of project economic effects on the regional economy and associated social impacts. 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 of Eureka and Humboldt County. The economic impacts analysis must also be considered relative to the wide range of alternatives outlined above.

Thanks for your consideration of these comments.

Sincerely,  
Daniel J. Ehresman  
1930 A Street  
Eureka, CA 95501

Because I live in Southern Humboldt, it is often difficult for me to get to the meetings regarding this issue. I own the Riverwood Inn and my business depends a lot on tourism. I am very concerned about the proposal for the Balloon Tract, mainly Home Depot. I do realize that the property does need to be developed, but Home Depot should not be part of the plan. Many tourists that I speak with have a poor perception of Eureka. They think fog and stink. For many, their plans only go as far as Ferndale. Eureka is my hometown and I love coming up there to shop on my weekly excursions so I always talk up Eureka to tourists. I tell them about the Morris Graves Museum and the Clark Museum, about the Waterfront and the restaurants and great shops in Old Town. I give them directions to Hilldale Street (where my grandma lived) and explain to them that Eureka has more Victorians then Ferndale and I encourage them to get off the beaten track. I always tell them you can't get lost in Eureka...the streets are ABC and 123. Most of my overnight guests, on my urging, continue their ride through the redwoods to include Eureka. I don't want Eureka to look like every other place. It's special! If anything is going to be built on the Balloon Tract it should be of Victorian design, light and elegant. Shops, Discovery Museum, light industrial. I think of the Evergreen business Park between Redway and Garberville. Although it's not pleasing to the eye, almost every area in there is rented and prospering. There are lots of great crafts people that could fill a coop with products of Humboldt. I also think that the site needs to be completely cleaned, not just capped off. Why allow this festering bloom to remain by the bay, lurking into the ground water? I also own a house in Eureka so I think I will be able to vote on this issue, but even if I didn't, I think this issue should be decided countywide as it will ultimately affect everyone in business in Humboldt, be it Southern or Northern.

Loreen Eliason  
Riverwood Inn  
PO Box 121  
Phillipsville, CA. 95559  
707-943-1766  
www.riverwoodinn.info

**Sidnie Olson**

**From:** loreen [lorean@asis.com]  
**Sent:** Friday, May 05, 2006 3:11 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract

I own and operate the Riverwood Inn on the Avenue of the Giants. I also own a house in Eureka as well as one in Myers Flat. I have two concerns. First, I disagree with bringing in Home Depot to that area, period. I am not against development, but Home Depot is too much. Secondly, I have reservations about "capping" the site. Just last night I saw on the news that there are several sites in the Bay Area that have been "capped" and are now leaching out into the ground water and surrounding areas. Also, construction on these capped sites is hazardous. I believe that the Balloon Tract should be thoroughly scoured clean of toxins before any development is allowed to begin on that site. What's the rush? Are we all under the gun or something? Why not get it right? It's a very valuable piece of property and will find a buyer in the future as well as now. My business relies partially on tourism and I do all my major shopping in Eureka. I may not live in the city, but I feel that I should have a say in what's going on, especially since I plan to retire into the house that I own at 4636 J Street.

**Sidnie Olson**

**From:** Kyedorskid@aol.com  
**Sent:** Tuesday, May 02, 2006 9:58 AM  
**To:** Sidnie Olson  
**Subject:** Marina Center EIR CEQA scoping comments

Please accept these comments as supplement to my comments submitted at the 4/13/06 public scoping meeting for the Marina Center EIR project.

**Energy:** Various federal, state and local planning documents all recognize the problem of rising fossil fuel cost and growing fossil fuel scarcity as the present century progresses. Traditional economic development based on assumptions of abundant nonrenewable energy no longer makes economic or environmental sense in today's "peak oil" world. This is especially true for Eureka due to Humboldt County's "energy isolation". Although the proposed Marina Center may make some symbolic nods to energy conservation issues, I am concerned that the project as a whole, and in its thermodynamic essence, is based on outdated energy assumptions: big box shopping, blacktop parking, automobile dependency and high traffic assumptions, high energy maintenance. If one or two buildings were the sum of the proposed project, all this might be excused as ordinary lack of economic imagination. In the case of the Marina Center proposal, however, 32 acres of prime bayfront property is at issue; here "lack of imagination" can very well amount to a major economic and environmental disaster for Eureka and Humboldt Bay. Suppose the Marina Center is built as proposed and in a decade or two the energy economics on which it is based collapses? The result could be many times worse than the present brownfield left by Union Pacific as a result of the collapse of the railroad economy. If any ERI for the Marina Project is to be considered valid, it **must** include as a major component a deep, extensive and searching examination of these energy issues. Operationally, this would mean ideally a separate energy sub-volume authored by a competent expert in the field of contemporary energy planning.

In making these comments, I recognize that the "peak oil" paradigm on which there are based-while no longer as controversial in its main contention was it was even 5 years ago- is still subject to a wide range of impact interpretations. That a significant long-term increase in the cost of energy recovery, and thus the cost of purchased energy, will be a major factor in the world economy for the foreseeable future seems by now however beyond argument. This fact is recognized in an article ("Running Dry? Does it Matter?" from *The Economist* reprinted in Sunday's THE PRESS DEMOCRAT (4/30/06), which comments "We may be running low on \$20 oil, but for \$60 we have adequate oil supplies for decades to come". This acknowledgement comes from one of the more conservative voices speaking on the issue but the essential peak oil factor is well characterized: not absolute depletion but a curve of ever increasing economic and energy cost for fossil fuel recovery. How will this curve impact any development of the Balloon Tract? In 2010? 2020? 2030? I will be waiting to see how adequately this energy factor is covered in the Marina Center EIR now being crafted.

Patrick Eytchison  
915 California, Eureka, CA 95501  
707-443-7926

5/2/2006

037

5-5-06

Sidnie Olson

From: ali [mailto:all@nattole.org]  
ant: Friday, May 05, 2006 4:47 PM  
o: Sidnie Olson  
Subject: Balloon Tract

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

Subject: Balloon Tract CEQA Scoping Comments  
Dear Senior Planner Olson,

I have recently moved back to Arcata having lived in the small town of Petrolia for the past 19 years. I still serve as Program Coordinator for the Forest Practices Program of the Mattole Restoration Council. In this role I consider myself a bridge person between the timber industry, environmental concerns, and the concerns of residents. I am currently involved in the Buckeye Forest Project, an arm of the Buckeye Conservancy to try and reduce costs for smaller timberland owners. I explain all this as a platform that bridges my working role as an advocate for the residential communities of watersheds as I feel it relates to my concerns to the residential communities here in Humboldt Bay and the development of the Balloon Tract. In this light please accept my scoping comments on this important project.

Primarily I am concerned that the current proposal will have disastrous effects to the economic and physical well being of Humboldt Bay communities. I consider myself a staunch advocate for small business maintenance and development over imported corporate models. Economic controls and visions must remain in the hands of the local citizenry. Small entrepreneurial development must be nurtured and encouraged. Allowing an open door to big box stores is an insult and threat to current local businesses and certainly to the future of small market enterprises. In addition, once we begin to lose our capacity for smaller locally owned businesses, we lose the capacity to govern ourselves. Please keep this wonderful county healthy and alive by promoting smaller economic models. We already have enough underused commercial space. The Balloon Tract does not need to be rezoned commercial and thereby threaten the fabric of our communities.

Secondarily but just as importantly, I am concerned about the impact of possible toxic contamination from this site. A thorough cleanup of all toxic materials should ensue regardless of development. The site is just too close to the receiving waters of Humboldt Bay. I already refuse to eat the oysters that are grown here because of the dioxin levels that remain in Humboldt Bay from unrestrained industrial waste. We cannot continue to cover up these mistakes. They must be properly and effectively dealt with. The EIR should also consider a wide range of landuse 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. And then allow a well-informed citizenry decide.

Thanks for your consideration of these comments. I look forward to accomplishing a development plan for this site that best protects the significant public interests at stake here.

Sincerely,

Ali Freedlund  
Program Coordinator  
Mattole Restoration Council  
1304 Sunset Ave.  
Arcata, CA 95521

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Sidnie L. Olson, Senior Planner  
Community Development Dept.  
531 K St.  
Eureka CA 95501

RECEIVED

MAY 05 2006  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Dear Senior Planner Olson:

Please accept my comments for the remaining request for the Balloon Tract and adjacent areas.

1. The 4th + 5th Street / Broadway intersections cannot handle increased traffic as currently designed. In addition to frustrated drivers I believe this will also impact tourism and the safety of our citizens.
2. Although many other sites in downtown Eureka are "capped", this process does not truly deal with the long-range aspects of contaminated soil, especially soil near our Bay. Capping is a 20th century method of dealing with a problem which will bring about serious environmental health threats in the 21st century.

3. To quote G. Stein, "there's no there there" in the design of the proposed plan of the developers. Visit Phoenix Arizona to see how such "vision" has

Sidnie Olson

From: JUDY GROSMANN [grossmann@sbcglobal.net]  
Sent: Thursday, May 04, 2006 4:31 PM  
To: Sidnie Olson  
Subject: Balloon tract

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

Dear Ms Olson:

Please let us take this opportunity to submit a few comments on the City of Eureka General amendment and rezoning requested for the Big Box Mall project for the Balloon Tract and adjacent areas.

We quite simply do not want to see a big box project built there or anywhere else inside the Eureka City limits. This town is great the way it is and does not need these outside businesses. They will badly damage our economy and hurt our local merchants. Also the question of toxins in the tract would need to be addressed and we have not seen this happen.

This is just simply not a good idea. We our very opposed to this entire project. Please don't let this happen to our city. We do not want to ramble on here. Just please register this as a negative comment against the amendment. Thank you for your time.

Gilbert & Judy Groszmann  
2114 E Street  
Eureka, CA 95501

brought about the destruction of a beautiful place. This structure plan does nothing to enhance and celebrate our city's history.

4. Why not replace all the current local businesses with chain stores?

Let's send all our money out of the county. Actually, I am saying the Swentlund, Pierson, Dunaway, Spacks, Patrick's, and the hundreds of mom and pop operations in this town are the only real solution to the low wages and wage-slave, Chinese-made goods that you find creating an American mono-culture.

5. The siting of the Discovery Museum in the Proposed Project is an insult to families and children. If the developers truly cared about such wonderful places for families and children they would propose cleaning up the Balloon Tract thoroughly and building a first-rate Children's Family Park and Center.

Sincerely,  
Sidnie Olson

**Sidnie Olson**

**From:** MATT GROSZMANN [mgroszmann@sbcglobal.net]  
**Sent:** Friday, May 05, 2006 12:00 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract CEQA Scoping Comments

Hello Senior Planner Olson,

I would like to submit my scoping comments on the City of Eureka General Plan Amendment and Rezoning that has been requested for the Big Box anchored retail development project being proposed for the Balloon Tract property.

As a proud citizen of Eureka, I am deeply concerned about the real impact of this proposed development that will no doubt be felt by all folks in the Eureka area, as well as Humboldt County as a whole. Not only do I have strong concerns about the contamination that exists on the site, but also the economic impact of this style of development on the community at large. Though I am not by any means an expert on these particular issues, I do realize that CEQA requires an Environmental Impact Report for this project. It cannot be stated strongly enough, how ultra important it is that this EIR consider these concerns that I mention, in great detail. Though I certainly do not speak for all citizens when it comes to this project, I have gotten a sense that most people agree that the EIR process for this proposed development needs to be as thorough and transparent as is possible.

As mentioned, clearly, I have substantial concerns about the current toxins on the site. I feel that the EIR must be very thorough when it comes to this. All citizens need to know what the impact of these toxins mean to all things living. That includes the property itself, as well as all surrounding water ways. And since the Balloon Tract is so close to Humboldt Bay, the effects on the ground water below is also paramount. Not only for current 2006, but also for the long term. From this point, I feel strongly that particular attention needs to be payed to what type of cleanup process is best for dealing with the contamination. I am not referring to only those processes that are the most economical, but whichever processes that clean up the site completely. So that there is only a very minimal chance of future health concerns from the contamination. Furthermore, if this means that it is in the best interest of the community to have the current owner facilitate a proper cleanup, then so be it. I have read plenty in the recent past about how the only feasible way to mitigate the current toxins, is to go with what is being proposed by the potential new owners of the property, quite frankly, I find that a little hard to believe in earnest. Though it may be the least costliest way of doing it, it does not mean that it is the most effective in doing a proper thorough cleanup. The EIR, quite simply, must explore all options regardless of the costs.

As far as the type of development being considered for this property, the EIR has to provide for all feasible projects. We the citizenry, should not be given an "either or" scenario. As you probably know, there are some folks that are claiming that either we go with what is being proposed by the potential developers, or the property will sit "as is" indefinitely. I cannot imagine that these are the only options that are available for this property. Again, the EIR should address all potential uses, not just what is being presented currently by the interested developers.

As a former resident of the Bay Area of California, I have some personal experience with the type of Big Box development being proposed. In my previous hometown, I witnessed first hand the rise of large corporate stores in my area and the type of development that goes along with them. It had a

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very dramatic impact on the immediate area as well as out lying communities in the vicinity. And I can tell you, most it was not positive in the long run. Whether it was a loss of retail choices and lowered wages due to big store domination or insane traffic gridlock to the area not to mention plenty of tax payer burden to pave the way for these big retailers, it changed the town forever. So, when I see the same type of development being proposed here in Eureka, I have some very real concerns. On the economical side of the issue, the EIR must do a very comprehensive study on the affects of Big Box retail when it comes to local communities. There appears to be no shortage of in depth studies done around the country on this very subject in the recent past that illustrate this very well. The impact of such things as traffic, utilities infrastructure upgrades/improvements, wage levels, retail revenue reallocation, currency circulation, etc. also need to be addressed. This should be done on the county as a whole, and not just the City of Eureka. Again, these various impacts need to be considered on a variety of potential developments for the Balloon Tract.

Personally, I am not in particular favor of a Big Box development on this site. I really feel that there are better uses of the property that could benefit all who live here, and not just a few. Evidently, a majority of folks in 1999 felt the same way.

Thank you for providing me an opportunity to comment on this subject. I eagerly await an Environmental Impact Report that lays the groundwork for a legitimate development plan for the Balloon Tract property. A plan that works best for the environment and the public as a whole.

Sincerely,

Matt Groszmann  
2024 E Street  
Eureka, Ca. 95501

potential to be a wonderful project if impacts are disclosed and adequate mitigations proposed so that the decision makers can make informed decisions.

Sincerely,  
Xandra Manns  
1255 C Street  
Eureka, CA 95501

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**Sidnie Olson**

**From:** xandra grube [xandra@yaho.com]  
**Sent:** Sunday, May 07, 2006 12:44 AM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract--Marina Center Plan Scoping for EIR

May 5, 2006

RE: Balloon Tract -- Marina Center EIR, scoping

Dear Sidnie,

The following lists impacts and alternatives that I believe should be included in the EIR on the Marina Center development of the Balloon Tract.

Impact #1. The loss of open space and public-zoned land to development, where there is a shortage of city parks for residents, should be analyzed. National and state standards for numbers of acres of neighborhood and community parks recommended per person should be compared to what exists in Eureka and what will exist after development of the Balloon Tract. Consider the use of rooftops for gardens and outdoor open space to mitigate this impact.

Impact #2. The construction of buildings on filled land poses a hazard during an earthquake and should be avoided or mitigated. Please include mitigation measures and explain the rationale for subjecting people to this hazard.

Impact #3. Impervious coverage on the site appears to be excessive, causing impacts in surface runoff and recharging of ground water. Including landscaped boulevard strips and a green plaza rather than concrete expanses would mitigate this impact.

Impact #4. Travel to and from the site has the potential to cause grave traffic congestion in an area already severely impacted. A secondary impact in the form of increased air pollution is also likely to occur. A transportation and transit center would be a great help in mitigation of this impact.

Impact #5. Wildlife currently using the open land and wetlands in the Balloon Tract will be deprived of most of the area they currently inhabit or use. The proposed 100-foot-wide buffer on either side of the slough may mitigate the impact of the loss of foraging and nesting areas for wildfowl and animals. Please discuss this impact and the method of restoring the slough proposed to mitigate the effects on waterfowl, birds, animals and benthic organisms.

Alternative A. Please discuss the alternative of restoring the portion of the Balloon Tract that was wetlands and actual bay in the 1850's to be contiguous to the bay and subject to tidal action.

Alternative B. Please also discuss an alternative for a development that does not rely on fossil fuels, i.e., gasoline and diesel fuels, for transportation and circulation. A plan that looks to the future should prepare for a fuel-constrained economy and alternative means of ingress and egress to the site than the automobile.

Thank you for allowing us to comment in advance of the preparation of the DRAFT EIR. This has the

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**RECEIVED**

APR 13 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Subject: Marina Center CEQA/EIR Scoping Meeting  
Attention: Sidnie Olson, Senior Planner

To Whom it may concern,

I have lived in Humboldt County for 34 years and worked in Eureka for 28 years. My questions regarding the development of the "Balloon Track" property are related to 2 issues, namely the cleanup of the site (and in particular, its geology) and the land use.

**HAZARDOUS MATERIALS & SITE CLEANUP**

- 1) If the Railroad (current owner) is not required to fully cleanup the site now, do successive land owners of the site have less responsibility to cleanup the site, should problems arise in the future from those toxic materials?
- 2) Do the Citizens of Eureka lose legal recourse against the Railroad (current owner) if the City of Eureka does not require a full cleanup of the site at this time, and problems with the toxic materials arise later?
- 3) What rights are the citizens of Eureka forfeiting and what financial costs are they incurring by not demanding a complete cleanup of the site at this time?
- 4) When deciding about the type of cleanup that is to be performed on this site, what long term costs are taken into account? If the zoning is restricted because complete cleanup is not conducted at this time, is this restriction on the property taken into account as a lost value over time (limiting the development potential of this property)?

5) Is the testing that has been done on this site adequate to fully determine the extent of the pollution? What are the tidal influences on the waste sites and the seepage of these toxic materials? How far has this material "migrated"? What is the rate of migration?

6) "Capping" has been suggested as a means to address the toxic materials on this site. The Department of Conservation Special Publication 115 (1995) on a Planning Scenario in Humboldt County for A "Great Earthquake" lists this site as an area with high liquefaction potential generally attributable to surface faulting and ground failure. Has this potential been taken into account when considering "capping" this site?

7) Has "capping" been done to sites in our area that have similar geology? Are they being monitored? Has the monitoring been adequate to determine how successful this would be as a treatment for this site, and for how long?

8) The success of "capping" relies on an impervious layer on the surface. How long will the "capping" last? With our rainfall, and the earthquake potential of our area, how long will the "capping" remain impervious? Who's responsibility is it to monitor the integrity of this cap? Who pays for that monitoring? What are the maintenance costs of a "capped" site versus a completely cleaned site?

- 9) If the "capping" fails, or the partially cleaned site shows later to be putting people or wildlife at risk, who will be responsible for cleanup or compensation at that time?
- 10) The drawings of the Marina Center show trees in the landscape. Tree roots potentially create channels for leaching of materials. How will "capping" affect the overall look of the project by restricting the use of trees and shrubs?

**LAND USE OF THE BALLOON TRACK PROPERTY**

- 1) If the railroad right of way should ever be utilized for local public transport, would the balloon tract be needed?
- 2) If the historic use of the property is not incorporated in the development of a design, what value is lost for Eureka?
- 3) Within the City of Eureka, the Balloon Tract property seems to be a keystone property in tying the "101 Corridor" visually and physically to the water front. What value does that have for Eureka and our tourist economy? Are there any other properties within the city limits that have that same potential?
- 3) Being promoted as a "Victorian Seaport", is retail shopping (as a main component of the Marina Center) the best use of the site?
- 4) Currently, Broadway is often overburdened with traffic during business hours. What additional burdens would be placed on traffic flow through Eureka with a project like the Marina Center? How would it be addressed?
- 5) With the price of gas going up, wouldn't another shopping center merely draw a large part of its income from the local area and thereby weakening existing businesses? How many businesses would be affected?
- 6) What decrease in local "multiplier effects" are likely due to the export profits from large national retailers?
- 7) What percent of failure is there of locally owned businesses when large national retailers move into an economic area that is small and isolated (similar to ours)?

Thank you for your time and consideration.

Sincerely,



David Hagemann  
2020 Monument Road  
Rio Dell, Ca. 95562

**Sidnie Olson**

**From:** harvey [harvey@asis.com]  
**Sent:** Friday, May 05, 2006 1:46 PM  
**To:** Sidnie Olson  
**Subject:** BALLOON TRACT

BALLOON TRACT

May 5, 2005

Sirs and Mesdames:

I have been a resident of Fieldbrook for eleven years. My wife and I raise Boer meat goats on the twenty acres spanning Lindsay Creek that we bought in 1981.

We are committed to good land use planning that will provide for a sustainable and decent society far into the future. For that reason, we participated in the development of the McKinleyville General Plan process and are now supporting a new plan for Fieldbrook. I attend as many meetings concerning the county's new General Plan as I can and often write letters and opinion pieces for the local papers on these subjects.

I am vitally concerned with plans for the Balloon Tract, particularly the bait-and-switch proposal the Arkley's have now advanced to make a Home Depot the centerpiece of their development plan. As everyone realizes, the Balloon Tract is the focus of Eureka's historic waterfront area. It is crucial for the economic and cultural future of the city and the entire Humboldt Bay region. To have it dominated by a warehouse-style structure, whatever its paste-on facade, and a vast, characterless parking lot, would be a travesty of wise public policy.

For this reason, I strongly believe that the wider public—which will clearly be affected by the kind of development that occurs on the Balloon Tract—must be involved in planning for it. It is entirely improper and a violation of public trust for the property simply to be handed over to a private developer, particularly one as politically influential and widely invested in the local economy as Rob Arkley is. The Balloon Tract must be subject to broader public policy in light of the entire community's long run vital interests.

Chuck Harvey  
220 Buckman Trail Lane (Fieldbrook)  
McKinleyville, CA 95519  
(707-839-2249) harvey@asis.com

**Sidnie Olson**

**From:** Maggy & Charlie Herbelin [herbelin@hidepool.com]  
**Sent:** Friday, May 05, 2006 10:39 AM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract comments



Cover letter.doc  
(32 KB)



Comments for  
Notice of Prepara...



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Attached are my comments for consideration.  
Thanks for all you do,  
Maggy Herbelin

Sidnie,

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

[solson@ci.eureka.ca.gov](mailto:solson@ci.eureka.ca.gov)

Subject: Balloon Tract CEQA Scoping Comments

Dear Senior Planner Olson,

Please accept my scoping comments on the City of Eureka Plan Amendment and the associated Rezoning request for the Big Box Mall project proposed for the Balloon Tract and adjacent areas.

The EIR must consider a full range of alternatives-not a simplistic two alternative analysis of the current proposal or a "No Action." Alternatives should consider levels of clean up and alternate ownership and use possibilities.

Thanks for your consideration of these comments. I look forward to seeing a development that will truly express the interests of our local citizens.

Sincerely,

Margaret Herbelin

Comments for Notice of Preparation EIR Marina Center Mixed Use Project

1. Would the project protect the Public Trust Doctrine underlying fee title of former tidelands? Courts have said the Trust lands will always be Trust lands and can not be overlaid.
2. Would the project meet the "highest and best use" of Coastal Dependant lands? Coastal Dependant zoning is meant to benefit the state as a whole. How would the project benefit the state as a whole?
3. Would the project meet the standards of the Water Quality Control Basin Plans? The Stream and Wetlands System Protection Policy goals include:
  - To restore habitat and protect aquatic species and wildlife
  - To restore the associated recreational opportunities, green spaces and neighborhood amenities that water resources provideThe Policy recognizes that it is necessary to protect and restore the physical characteristics of stream and wetlands systems-stream channels, wetlands, riparian areas, and floodplains-including their connectivity and natural hydrologic regimes, to achieve water quality standards and protect beneficial uses.
4. Would the project demand Union Pacific to do a full clean up to the EPA standards? Union Pacific is doing this in several other locations through out the United States. Humboldt Bay is 303d listed for impairment. These properties have tidal influence allowing toxic substances contained in the soils to enter the bay.
5. Would the project do a full analysis of the economic impacts of additional Big Box retail on the existing local businesses? Especially addressing the removal of earnings from the community. Does the community have sufficient retail businesses currently? How much buying power does a community of our size have?
6. Would the project preserve open space for public use in perpetuity? Currently some of the parcels are zoned for public use, should these parcels be maintained for the public? These public parcels should provide access to Public Trust wetlands and sloughs for enjoyment and a healthy community.
7. Would the project protect the NRCA right of way? With increasing fuel prices, the future of public transportation should include rail.
8. Would the project meet the communities' desires for development? These 30 acres are some of the few remaining within the city that can be used to draw people to come to enjoy our unique environment and fishing port. Would a Seafood Culinary Institute and Conference Center be good for the community?
9. Would the project need to develop all of the properties at one time? Would parcel by parcel development allow for more thoughtful uses to be considered?

**Sidnie Olson**

**From:** Tom Hinz [tomhinz@starband.net]

**Sent:** Friday, May 05, 2006 12:55 PM

**To:** soison@ci.eureka.ca.gov.

**Subject:** scoping comments

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

Subject: Balloon Tract CEQA Scoping Comments

Dear Senior Planner Olson,

Please accept my 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.

I am concerned that this project will have significant negative impacts on the 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.

I am resolute in my 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. I am also adamant that the railroad not be "let off the hook" in their responsibility to clean up their mess.

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.

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 below.

The EIR must consider a full range of alternatives- not a simplistic two alternative analysis of the current proposal or a "No Action". 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

- 10. Would the project provide housing at all income levels? Affordable housing and integrated neighborhoods provide for a healthy and safe community.
- 11. Would the project adversely affect the City of Eureka's tax revenue sources by having all the properties held in one corporate holding rather than in private ownership? Union Pacific, a large corporation, has kept the property from being a benefit to the community for many years because they could afford to allow the property to sit idle rather than being made available for local private or public use. Would this happen again if the property is held by a corporation as rentals rather than having several private owners? Private properties change ownership more frequently and maintain current tax base values.
- 12. Would the project protect the existing wetlands on the site? The US Army Corps of Engineers current policy calls for "no loss of wetlands," several areas of the project contain wetlands that need to be accurately identified, preserved, enhanced and protected.
- 13. Would the project create addition storm water runoff by adding large areas of paved surfaces, reducing riparian and other open space areas, and adding toxic substances to the runoff? The City of Eureka has not finished their storm water runoff disposal plan to meet state requirements. Humboldt Bay is a fisheries nursery and should be protected and enhanced for the economic benefits of fisheries. Studies are needed to understand the importance of the Bay for young of year fish. No further impacts should be permitted until the ecological needs of all species that depend on the bay habitat have been evaluated.

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.

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? Thanks for your consideration of these comments. I look forward to accomplishing a development plan for this site that best protects the significant public interests at stake here.

Sincerely,

Tom Hinz  
5928 Stover Road  
Blue Lake, CA 95525  
tomhinz@starband.net

**Sidnie Olson**

**From:** Paula Kant [paulak@saber.net]  
**Sent:** Wednesday, April 05, 2006 7:38 AM  
**To:** Sidnie Olson  
**Subject:** baloon comment.

Dear Sidnie,  
I am new to the area. I have lived in many different areas, miami, san diego to name a couple and I am totally amazed that anyone would put a HOME DEPOT on PRIME waterfront property. I understand the blighted nature of the tract as it is, but a HOME DEPOT? omigosh-that is a hoot-with all the open space around on the east side you all are going to put a home depot there? you've got to be kidding...i just laugh-how foolish. keep it zoned for public use, make the railroad people clean up their mess and use it for something that will make the most of it's water views in future...a home depot? that can go inland on another piece of land.

4/5/2006

**Sidnie Olson**

**From:** Tracy Katelman [tracy@sohum.net]  
**Sent:** Friday, May 05, 2006 7:49 PM  
**To:** Sidnie Olson  
**Subject:** Scoping Questions re Balloon Tract

tracy@sohum.net

Check out my new website: [www.forevergreenforestry.com](http://www.forevergreenforestry.com)

Dear Sidnie,

Thanks for the opportunity to provide input into the Scoping for the Balloon Tract project. I am not opposed to development of this site. I am opposed to capping the site -- in place of a full toxic clean up - and placement of a big box store on the site. I believe strongly that both of these actions will provide long-term negative effects as defined by CEQA to Eureka--and the entire County--for many years to come.

Below are some of the questions I want answered as part of this review process:

1. Which local businesses will be adversely affected by the development of new big box stores at the Marina Center, specifically Home Depot and Best Buy? How many existing jobs will be lost because of this development? What programs or plans does the City have in place to mitigate these job losses? What is the amount of sales tax that will be lost from these existing businesses closing down?
2. What regional economic documentation is there to support a Home Depot in Eureka if a Lowes or other home improvement store goes into Fortuna? What is the expected impact from both of these developments (cumulative impact) to existing home improvement businesses?
3. If UP and SN are successful in only capping the on-site toxins (as opposed to removing them), what will the City do to mitigate future pollution from the site? How much is this anticipated to cost? How will the City pay for this ongoing mitigation to the Bay?
4. How is this development appropriate for this valuable waterfront location?
5. Why is it necessary to have a huge parking lot located so close to the waterfront? What other options are available for parking for the development?
5. How will this development affect the already congested traffic flows of South Broadway?

Thank you for this opportunity to comment. I look forward to receiving the answers to these questions.

Tracy Katelman  
Eureka Resident and Business Owner

**Tracy Katelman**  
ForeverGreen Forestry  
POB 1276, Eureka, CA 95502-1276  
207 G Street #115, Old Town Eureka  
707-443-2400  
707-443-5597 FAX  
707-645-6579 Mobile

**Sidnie Olson**

**From:** k lane [kristinlane2@yahoo.com]  
**Sent:** Friday, May 05, 2006 4:19 PM  
**To:** Sidnie Olson  
**Subject:** Marina Center

Dear Senior Planner Olson,

Please accept my 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.

I am soon to be a home owner in Eureka, and am an expectant parent. As an expectant parent I would like to see positive change in Eureka. My family is concerned that Eureka has less open space for recreation (local community forest or marsh).

Further, I find the ideas of a balloon track development an example of our concerns- not an attractive potential for this land.

After reading the scope of the EIR and CEQA for the marina center, I was discouraged and outraged by the potential effects of rezoning this land, not to mention it ignores the clean up of this land for public u

The rezoning for commercial purposes will have significant negative impacts on the community rather than positive in the long term. The long term effect of low paying jobs devastates the community economy, and will reduce the livelihood of many small businesses that have flourished

in Eureka. Let's not mimic the rest of America by continuing to add big box development. Instead this land could be open to the public for use such as a park for recreation, weddings, festivals, etc. (After the clean up was enforced.) Eureka doesn't have a park on the waterfront for recreation and further this land would be best preserved for wildlife. It would be a shame to have a mostly busi make Eureka my home, if there were more open land for the community.

Think outside the box at alternatives to use of this land for the citizens of Eureka Please assure the citizen of Eureka and Humboldt County that the railroad will be ac

Sincerely,

Kristin Lane  
841 Bayside Dr. #3

Arcata, CA 9551

**Sidnie Olson**

**From:** kl11@humboldt.edu  
**Sent:** Friday, May 05, 2006 4:22 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract CEQA Scoping Comments

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

Dear Senior Planner Olson,

Please accept my 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.

I am worried about the negative impacts that the toxic contamination of the site will have on the future of the city, Humboldt Bay, and the people that use the area. I believe that the only way to proceed with any project is to clean this area to the best of our ability, using all the techniques that are available. We must not pave over the site and leave this cleaning to be finished by our children and grandchildren. We need to know what is there, where it goes and what will happen to it when it is disturbed by any construction that may be done there. Attention should also be focused on placing some responsibility for the mess on the railroad and how they might contribute to the cleanup.

I believe that serious consideration must be given to alternative uses for the property and the economic impacts of each. We must not focus only on the "big box" proposal. There are many cities in this country that have faced the problem of what to do with abandoned rail yards. What kinds of uses have they made of them.

I am especially worried about the effects of the proposed Big Box Mall on the local economies. What will be the effect, for instance, on our local businesses that are duplicated in the "big boxes"? Will money recycle in the community as it does now when we patronize our small businesses or will it simply leave the north coast?

The effects of rezoning are not clear to me. About 7 years ago, voters rejected a zoning change because it would have let Wal-Mart build there.

How will this zoning change be different and not overturn the will of the people?

Finally, we should not be in a rush to choose an alternative. We only have one Balloon Tract and once made the decision will affect the city and county for a long time.

Sincerely,

Kenneth L. Lang  
2203 H Street  
Eureka, CA 95501

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**Sidnie Olson**

**From:** Marilyn Lang [heishe@yahoo.com]  
**Sent:** Friday, May 05, 2006 4:55 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract CEQA Scoping Comments

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

Subject: Balloon Tract CEQA Scoping Comments

Dear Senior Planner Olson,

I would like to submit my personal 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.

I feel strongly that this project will have a significant negative impact on the people of Eureka and Humboldt County for a number of reasons, chief among them, the health risks posed by toxic contamination and the economic impact of the proposed project on our community.

Toxic Contamination

The toxic contamination situation poses a serious danger to the health of our community. It must be cleaned up to the fullest extent possible given today's state-of-the-art technical knowledge. This should include 1) a comprehensive appraisal of the composition and distribution of all toxic materials on the site, 2) a full and comprehensive study and report on all known and potential risks, as well as

cumulative risks from these toxins to human health, water quality, sport and commercial fisheries, oyster mariculture, as well as other resources such as wildlife and plants. 3) consideration of the known and potential movement of toxins into ground water and/or the receiving waters of Humboldt Bay at present and across a longer term time scale.

The toxicity should not be paved over. It should not be left to future generations to deal with and cleanup should not be charged to the people of Humboldt County, but must rest with the railroad which is responsible for its creation.

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Besides the current Big Box Mail proposal, the EIR should consider a wide range of other land use alternatives. Our community is known for its concern for the environment and for its creativity. These principles should guide all planning. Options such as, but not limited to no retail at all on the site, public facilities use, light industrial use or a mix of these which would be suitable on the waterfront should be given careful consideration.

#### Economic Impact

The EIR should be charged to provide a comprehensive study, documentation and disclosure of the full range of the proposed project's economic effects on the region's economy. Much is known about the impact of big box retail on local economies similar in size and type to Eureka and Humboldt County. What can these communities' experiences tell us about potential changes to area wage levels, probable reallocation of retail spending, changes in employment levels, loss of profits from the area as monies go to big box corporate offices in other areas, costs to local government for infrastructure, indirect subsidies through increased public costs for social services, etc. What will be the economic effect be county-wide for local communities, small business owners and their employees?

I am very concerned that our community not take the short view. We have the opportunity to learn from the experiences of other communities, many, in my humble view, which caved to the pressure of hard-sell developers and have become part of one large national expanse of malls and big box mediocrity. Our community's chief assets are our environment and our creativity. We should capitalize on these and create something uniquely suited to the needs of our citizens.

I worry further that a zoning change will open the way for the Wal-Mart style development which was resoundingly rejected by voters in 1999. It seems to me that the voters have spoken repeatedly on this matter. One reason my family has chosen to live in this area is because of the strong community feeling that is here and which so many communities across this nation lack. I do not believe that rich and powerful developers should have more say in the future course we take than do the citizens who live, work and raise their families here. I am personally insulted by the ram-rod political rhetoric from those whose main interest, in my view, is their own profit.

Thank you for your consideration of these comments.

Sincerely,

Marilyn Lang  
2203 H St.  
Eureka, CA 95501  
heishe@yahoo.com

Do You Yahoo?!

**Sidnie Olson**

**From:** sue leskiw [sueleskiw@cox.net]  
**Sent:** Friday, May 05, 2006 11:59 AM  
**To:** Sidnie Olson  
**Subject:** Scoping Comments on Balloon Tract CEQA

May 5, 2006

Dear Ms. Olson:

I regret that work deadlines do not permit me to comment in depth or detail, but I would like to relay two major concerns about the Marina Center project site.

1. **Traffic circulation.** I do not want construction of this project to serve as a justification for completing the ill-conceived Waterfront Drive Extension south of the site. On behalf of Redwood Region Audubon Society and several other groups, I have commented extensively on reasons why constructing a road through the Eureka (aka Palco) Marsh and behind the Bayshore Mall is inappropriate. The Coastal Commission and regulatory agencies have agreed and relayed those concerns to the City of Eureka, only to be ignored. This project remains on the drawing board and increased traffic on Broadway resulting from construction of the Marina Center project should not be used to push for construction of Waterfront Drive Extension.

2. **Cleanup of toxic materials.** The unwillingness of the current owner to remove toxic materials from the site should not be used as a justification for limiting use of the property (e.g., nonresidential, no park). Why should the railroad not have to deal with the results of its operations over the years? Capping (aka paving over) is not a solution to stop these materials from migrating through soil and water.

I appreciate the opportunity to share my concerns and hope they will be reflected in the decision-making process.

Sue Leskiw  
5440 Cummings Rd  
Eureka, CA 95503  
sueleskiw@cox.net

**Sidnie Olson**

**From:** Donna Lin [linpress@humboldt1.com]  
**Sent:** Thursday, May 04, 2006 5:25 PM  
**To:** Sidnie Olson  
**Cc:** mcp  
**Subject:** Balloon Tract opinion

Re: Balloon Tract  
May 4, 2006

Dear Mr. Olson,  
I live in Trinidad and do most of my shopping in Eureka. I have lived in Humboldt county for 9 years having moved here from Weston, Massachusetts. Weston and neighboring Natick consisted of 12 miles of thickly settled stores and malls flanking Route 9. It is the most disgusting, visually ugly, community devoid stretch I've ever known. There were two Home Depots. They are large and unattractive. Humboldt county is a breath of fresh air. I have loved our move here. Please build the shop buildings and fill them with local businesses. Please build the apartments and fill them with residents who love it here. Please do not build a Home Depot for it stoops to conquer. Persons is empty most of the time. There are more check out clerks than customers. We do not need the homogenous look of all across America. Home Depot is not needed. Perhaps a Trader Joe's might be considered. Possibly a Crate and Barrel - a small one. There are only 126,000 people in this entire county. Too many stores make the area ugly - you know that. We already have too many, very empty, very unnecessary stores. Home Depot will also be empty. I will never shop there you can be sure. Motelation is a crime against the unwilling. Please go away.

It is good of you to receive comments from the public before any decisions are made. It will be very good of you to actually consider the content and act on the comments received. The balloon tract could use the attention but a Home Depot is inappropriate and unwelcome. Build bonds with residents here. Please do not come and take and push and shove your way onto our properties.

Thank you  
Sincerely

Donna Lin  
Trinidad  
677-9010

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**Sidnie Olson**

**From:** scott.menzies@realizingcommunity.org  
**Sent:** Friday, May 05, 2006 9:37 AM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract

Good Day Senior Planner Olson,

I am writing to express my concern that about the Big Box development planned for the Balloon Tract.

My greatest concern is the social impact of such a project, insofar as it will provide no place for the community to become stronger - only weaker. I doubt this is part of the Environmental Impact Report required by the California Environmental Quality Act, I would encourage this issue to be considered.

Likely more in the realm of the EIR, I am extremely concerned about how the toxins in the ground can travel away from the area. I don't believe capping it will truly keep these toxins under control. They need to be cleaned up entirely, and I would like to see the EIR clearly investigate what not cleaning them up will do. I am worried about leakage as well as what might happen in earthquakes, which can facilitate the movement of underground materials, especially in watery areas.

Having an understanding of the negative economic impacts of such developments, I would like to see the economics of this development also thoroughly investigated.

I do not believe such a development will help Eureka socially, economically, or environmentally, and want to ensure that this EIR looks at all these details very closely, as much as is possible within the EIR capabilities. All options should be left open for this land to be developed, for it to be most socially and economically beneficial to Eureka. In order to have all those options the tract must be environmentally sound, which means it must be cleaned up completely, not just capped. Please ensure that the EIR looks at all of these components and presents an honest assessment of the impacts this development will have in all the above areas.

Thank you,  
Scott Menzies  
Graduate Student - Environment and Community Program, HSU

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**Sidnie Olson**

**From:** Morton, Lance [LMorton@co.humboldt.ca.us]  
**Sent:** Friday, May 05, 2006 4:18 PM  
**To:** Sidnie Olson  
**Subject:** INPUT ON EIR

Ms. Olson - I am writing to provide you with "scoping" comments on the City of Eureka General Plan Amendment and rezoning requested for the Marina Complex proposed for the Balloon Track. My comments/questions are as follows:

1. What studies have been done (here and in other communities facing the same issues), or will be done to determine likely Home Depot impact on local retailers?
2. What will the prevailing wages and benefit packages be for those employed by Home Depot?
3. How many of the Home Depot employees will be full versus part time?
4. How will the tax base be changed by Home Depot being added to the project (i.e., additions to the tax base versus the losses expected because of deflation of local retail revenue)?
5. How long would "capping" the property prevent toxic run-off into the bay? Where else has this mitigation effort been implemented? Outcomes? What are the cost/benefits of other methods of eliminating the toxic waste on the property?
6. What are the legal challenges to holding the rail road industry accountable for cleaning up the balloon track? Has the City initiated a legal challenge?
7. What will the transportation impact be on main thoroughfares in Eureka be. Will the City need to reroute traffic, establish more one way roads? What will increased traffic do to local accident and insulate rates be?
8. Does Home Depot have a minority hiring plan? If yes, what is it?
9. How can the City force the developers to reveal prospective profit margins to determine if a "big box" is necessary to make the project profitable. Without this information, how can City residents balance the downsides/upside of including a big box versus using the land for local businesses?
10. How can City residents insure that no government funds will be used for the developer to make the project feasible? If tax payer dollars are to be used, e.g., to offset infrastructure costs, road improvements, increased water, energy, waste capacity, etc., how will they be able to determine if they are willing to do this?

I see advantages and disadvantages to such a project. I just want to make sure that Eureka residents know exactly what the costs/benefits and options are regarding the project so we can make an informed decision. Best way to get buy in from the largest number of residents once a decision has been made. Transparency is key.

Thanks for taking this in. Lance G. Morton

**Sidnie Olson**

**From:** ruih3@humboldt1.com  
**Sent:** Friday, May 05, 2006 1:14 PM  
**To:** Sidnie Olson  
**Subject:** balloon tract

The Arkeleys are out to buy Eureka without Eureka's consent. Listening to the man in charge of transportation this morning on KMUD with a big box the traffic will be more of a nightmare than it is now and definitely not a people friendly place. It's hard enough to cross 4th or 5th street. And the air quality will be even worse than it is now. So NO to the Arkeleys.

Sincerely,  
Ruth Mountaingrove, Arcata, CA

Kevin McKenny

May 5, 2006

Kevin McKenny

PO Box 115  
Cutter, CA 95534

Sidnie Olson  
Eureka City Planning Department

Pursuant to your request for comments on the environmental document for The Marina Center, I offer the following for inclusion into the impact issues.

Being involved in small business entities in Eureka, I feel the development of Home Depot will affect many local livelihoods. With that said, I think an environmental assessment of the economic impacts should be done regarding Home Depot.

The next issue is parking and circulation. The project utilizes a combination of warehouse and retail areas to come up with a parking space allotment. This amount is lower than comparable retail only requirements met by the existing businesses. That said, the standard practice of Home Depot is to fill the parking lot with merchandise for sale. This is never addressed by them at the environmental stage. The traffic analysis numbers are directly related to sales areas given. Home Depots general practice of adding merchandise to the parking lot is never divulged. When questioned about this during the EIR process they placate the public and regulators with words only to do what they want later. See Reno, Nevada's permit violations for these tactics. The fact is that this throws off the traffic element of your review. How can you mitigate for that? The circulation in the parking lot can be blocked with merchandise, which sends traffic in the wrong direction. This also skews the aesthetics aspect of the environmental analysis with chain link fence surrounding plant and hard scape products for sale. This adds a tremendous amount of retail sale space to the proposed 115,000 sf plus 25,000 sf nurseries, totaling of 140,000 sf of sales area without the parking lot added in. All projected impacts are skewed by this common practice by Home Depot because the city can not enforce planning violations after the store opens up.

The developers, while proposing a worthwhile development of this site, may not be aware of these issues. Their final development with Home Depot as a part will not reflect the environmental work done to justify the project. This can adversely affect their solid reputation of redeveloping the Eureka downtown. In my opinion, the Home Depot aspect is out of scale with the rest of the project and needs added scrutiny in the EIR process.

Thank you for your consideration regarding this matter,

**Sidnie Olson**

**From:** Melvin McKinney [mmckinney@humboldt1.com]  
**Sent:** Thursday, May 04, 2006 3:02 PM  
**To:** Sidnie Olson  
**Subject:** Notice of Preparation EIR Marina Center Mixed use Project Comments.

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

1. Would the project expose the public to toxic materials through the open water ditch for storm water runoff to be emptied in to the bay.
2. Would the project conflict with the Eureka General Plan or any LCP or ordinance protecting biological resources? Example Gen. Plan. P 6.A.6- 6 A 7 and 6. A 8.
3. Would the project comply with State and Federal laws to have a full clean up of the site from toxic materials.
4. Would the project impact the 150 foot Rail Way rite of way and how would that be solved if the NCRA would not sell the property.?
5. Would the project be allowed to be rezoned before the environmental clean up is completed.
6. Would the project interfere with the Public Trust Titles on the NCRA. rail road properties in the project.
7. What is the relative criteria for determining the safe environmental clean up levels versus technically feasible clean up levels.
8. What effects does tidal action have on the seepage of toxic materials from the project site to the bay.
9. What are the likely and potential effects of liquefaction due to seismic activity on the movement of toxic materials both laterally and vertically in the ground from this project.
10. Would the project allow NCRA to retain the full right of way for the rail road all the way through the Marina Center project?
11. Would the project expose the city to a long and protracted legal challenge for the taking of NCRA. rail road Trust Property?
12. Would the project cause an economic impact to the community by having Big Box retail on this project?
13. Would this project do a study to address the job base effect on the existing business within a 20 mile radius of the city and how it will effect local business if a Home Depot and Best Buy is established on this project?
14. Would this project develop a Economic Impact Assessment for new retail development on this

project?

15. Would the project develop a study on Brown Field Clean UP using EPA services?

16. Would the project identify and survey all wetlands and comply with the Coastal Act on set back standards in their respective zones?

17. Would the project install pollution separators and filters on the storm water drain ages to the Bay

18. Would the project preserve open space and put to a vote of the city any Big Box proposals for this project?

19. Would the project create a hazard to the public or environment through routine transport, use, storage or disposal of hazardous materials?

20. Would the project cause a safety hazard to the traffic flo pattern on Hy way 101 from traffic entering and leaving this project on 101?  
Melvin McKinney

**Sidnie Olson**

**From:** Carol McFarland [cmcfarland@cox.net]  
**Sent:** Thursday, April 13, 2006 10:21 PM  
**To:** Sidnie Olson  
**Subject:** Scoping meeting

----- Forwarded Message

**From:** CREGmail <cregmail@cox.net>  
**Date:** Thu, 13 Apr 2006 18:56:47 -0700  
**To:** Carol McFarland <cmcfarland@cox.net>  
**Subject:** Re: Re:

Should we assume you have sent this email to: solson@ci.eureka.ca.gov ?  
If so, thank you and if not, please do!

On Apr 13, 2006, at 4:19 PM, Carol McFarland wrote:

We are categorically opposed to this project as it now stands. We are mostly concerned about contaminants and we do not wish to see this project as another "big box", convention center, mall-type installation.

~~~~~  
Carol McFarland and Don Nielsen  
1983 Foster Avenue  
Arcata, CA 95521-9503  
USA

email: cmcfarland@cox.net  
Telephone: 707.822.0726

-----  
on 4/12/06 10:19 PM, CREGmail at cregmail@cox.net wrote:

*While this is the only public hearing that will be held to collect Scoping input, written comments will be accepted until Friday, May 5, 2006.*

**Arkeley Big Box Mall Proposal for Balloon Tract Gets First Environmental Review Hearing**

Today -- Thursday, April 13, 2006 from 4:00 to 7:00 pm, a Public Scoping Hearing will be held at the Eureka City Council Chambers, 531 'K' St., Eureka, CA.

This session is for the purpose of receiving public comment on the scope, focus and content of the Environmental Impact Report (EIR) for the proposed project under the California Environmental Quality Act (CEQA).

This is a crucial opportunity to have your concerns and questions entered into the official record of the issues the public wants addressed in the EIR.

While this is the only public hearing that will be held to collect Scoping

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input, written comments will be accepted until Friday, May 5, 2006. "Comments on the range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures" can be submitted to Sidnie L. Olson, Senior Planner, Community Development Department at the address listed above or by e-mail to: solson@ci.eureka.ca.gov

Check the CREG website at [www.SaveEurekaWaterfront.org](http://www.SaveEurekaWaterfront.org) <<http://www.SaveEurekaWaterfront.org>> for information on the CEQA environmental review process as well as sample questions for scoping.

These sample questions barely scratch the surface of the potential pool of questions that need to be asked. The broad spectrum of knowledge, experience and history of the residents of Eureka and Humboldt County at large is the ultimate insurance for achieving a comprehensive and complete review of all the potential and likely impacts associated with developing of this contaminated site. This is also an opportunity for generating creative ideas for eliminating or mitigating those impacts. The CEQA process is also the first and best initial opportunity to propose a wide range of alternatives to the unilateral imposition of the proposed BIG BOX MALL and its exploitation economics model.

We look forward to seeing a large turnout for this critical exercising of our democratic process. We urge you to prepare written comment as well in advance of the May 5th deadline. Thanks for your support and we'll see you there!

CREG

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Citizens for Real Economic Growth  
post office box 738  
Eureka, CA. 95502  
[www.SaveEurekaWaterfront.org](http://www.SaveEurekaWaterfront.org)  
<<http://www.SaveEurekaWaterfront.org>>  
cregmail@cox.net

**Sidnie Olson**

**From:** Carol McFarland [cmcfarland@cox.net]  
**Sent:** Thursday, May 04, 2006 11:04 PM  
**To:** Sidnie Olson  
**Subject:** The Balloon Tract EIR

My comments are based on the fact that I am rooted in this community as a fourth generation Humboldt who ancestors homesteaded and operated businesses here.

I was born in Eureka in 1939, attended local schools (including HSU), and worked as a newspaper reporter on the Humboldt Standard from age 14 to 20. I lived elsewhere for 31 years, but returned 16 years ago to complete my career as a professor at HSU. My mother was born at Bayshore and my father was born in Eureka; my maternal grandparents founded the Big Four Inn restaurant at Trinidad and my paternal great-grandparents homesteaded on Table Bluff where my great-grandfather built the unique round barn. In addition, my parents operated The Club DeLuxe (near Ten Window Williams' jewelry store), a popular restaurant for many years.

From a historical standpoint I can't help noticing that Rob's dad chopped down the trees leaving vast tracts of ravaged wilderness. And now it seems that Rob is willing to chop down the remainder of our heritage -- to continue the Arkley tradition of wrecking what is left of our natural beauty.

Over the years when I visited home, I witnessed the ugly changes which were transforming my home town: The Eureka Mall, the mall at the North end of Eureka, the McKinleyville Mall, and worst of all -- the Bayshore Mall. It wasn't hard to figure out that besides being ugly, Bayshore Mall was the last straw for many of our local merchants, and it was apparent to all that those malls killed our historic downtown with all of its potential to support home-town store keepers and the next generation of Humboldt entrepreneurs.

So why build another "state of the art" mall for out-of-area investors which eventually looks like every other shopping center eyeshore when we can build a park, create an open space, or honor our heritage with something other than chain stores and investment opportunities for people who care only about paving over open spaces with big box stores and motels?

Case in point: Ernie Pierson was a wonderful man who built attractive, sturdy houses (including one for my parents). When Ernie built the Eureka Mall and the McKinleyville Mall everyone said he was a visionary and some merchants moved there from downtown. Where are they now? Today those malls house the big boxes which can afford to come and go. However, local merchants can't compete with them and eventually cease operation.

Although I live in Arcata, I do my best to shop both here and in Eureka with local merchants -- my neighbors. In spite of their well-publicized plan to capture our interest in their project, I don't think we need what the Arkleys are proposing: More big box stores and chain shops and motels with headquarters and executives operating from distant states or countries.

Please reject the Arkley plan and focus on keeping what is so beautiful and characteristic of our community. The Arkley project will simply make Eureka look like all the other tourist towns and further rob this area of its most sought-after qualities: natural beauty, clean air and water, and small town charm.

~~~~~  
Carol Kirby McFarland  
183 Foster Ave.  
Arcata, CA 95521-9503  
707.822.0726

-----  
Richard Salzman  
Community Coordinator  
Citizens for Real Economic Growth  
post office box 738  
Eureka, CA. 95502  
www.SaveEurekaWaterfront.org  
cregmail@cox.net

----- End of Forwarded Message

**Sidnie Olson**

**From:** Andrew McFarland [mcf@humboldt1.com]  
**Sent:** Tuesday, May 02, 2006 11:33 PM  
**To:** Sidnie Olson  
**Subject:** Scope statements

Hi, I would like to offer some suggestions for the scope portion of the balloon tract proposal. A local Broadway business was found to have pollution affecting the water table. In talking to the engineers on the site about the pollution "plume", I found that they could not map the plume because the water table was affected by the tides and it constantly moved. The site was completely "capped" and yet the pollution was still active due to tidal influence and a very high water table. The property was further away from the bay than the balloon tract and about the same elevation.

Growth is important but at what cost. The city of Eureka has developed several waterfront areas that are sitting unused, waiting for development. There are no guarantees that the financing on this project will remain intact and we could be left with a "halverson" situation. The parties that are responsible for this property should clean it and return it to a safe, usable parcel. We have areas in our county that have been developed for big box stores, why change zoning to accommodate a project that incorporates ideas that the people voted against just a few years ago.

Ⓚ Last I would like to address the small business owner. Your friends and neighbors that have spent their lives supporting Eureka, paying their fair share, donating time and materials to the community. How many small business owners will go under when the 240million dollar sales figures from the box store is realized. The mall decimated the businesses in the downtown area. Long time businesses such as Bistrins, Arther Johnsons, Daly's shriveled and died. The downtown area became a ghost town. We have spent years and millions of dollars rejuvenating the downtown area. What do you think is going to happen to all the small businesses when a large box store opens. We will have one rich developer, one rich conglomerate and a lot of empty stores in the downtown area again.

Andrew McFarland  
4707 Old Stagecoach Ln.  
Eureka, Ca. 95503

**PWM INC.**

P.O. Box 1032 2039 Williams Street, Eureka, CA. 95502 Phone: (707) 442-8420 Fax: (707) 442-8499

April 25, 2006

Ms.. Sidnie Olson  
Senior Planner, City of Eureka  
531 K Street  
Eureka, California 95501

Re: Balloon Tract Development

Dear Ms. Olson

Enclosed are photographs and correspondence regarding drainage problems on and near Washington Street that have existed since many of the properties in that area have been filled and developed.

The Clark Slough drainage channel at Koster and Washington Street carries storm water to the tide gates near Waterfront Drive. During high tides and heavy storm run-off, the tide gates close and water backs up into the area now occupied by Schmidbauer Lumber, the Balloon Tract and Washington Street. These properties and Washington Street act as a holding basin until such time as the tide changes and the tide gates begin to open.

In the past, the City of Eureka removed vegetation in the Clark Slough channel to increase flows to Humboldt Bay. Since that time, the vegetation has returned and the ability for the water to move rapidly through the channel has decreased. Even with a free flowing channel the same problem has occurred.

Another method of storing water, pumping or ??? may be a solution to this problem. If we can provide further information or be of assistance, please advise.

Respectfully

PWM Inc.  
  
Thomas J. McMurray Jr.  
President

TJM/tjm  
enclosures

**RECEIVED**

APR 27 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

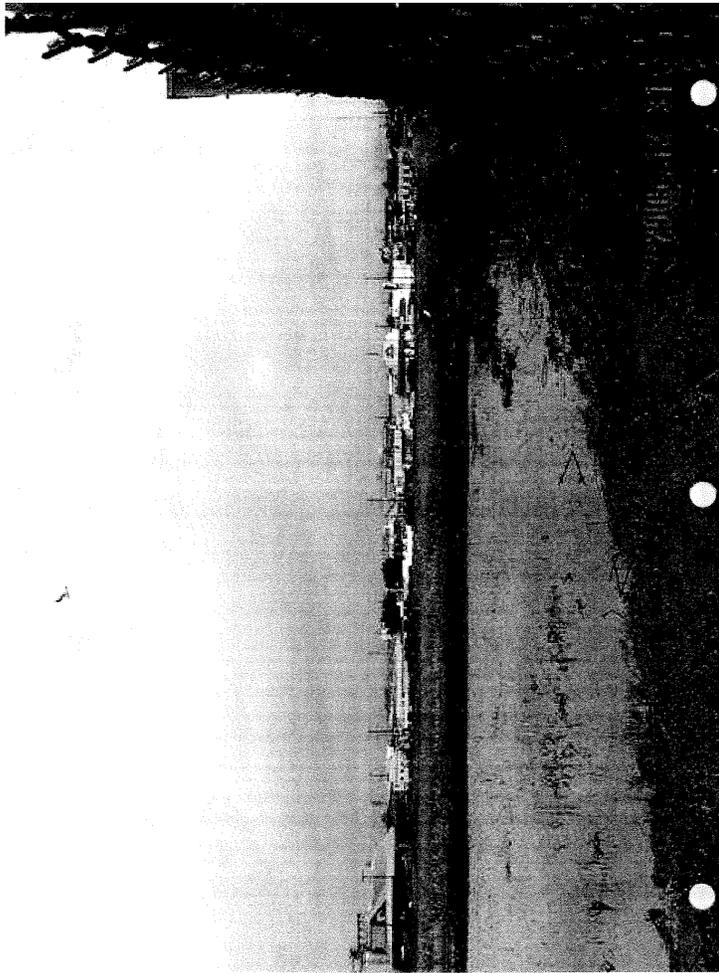
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COMMUNICATIONS  
Tower Development & Site Management

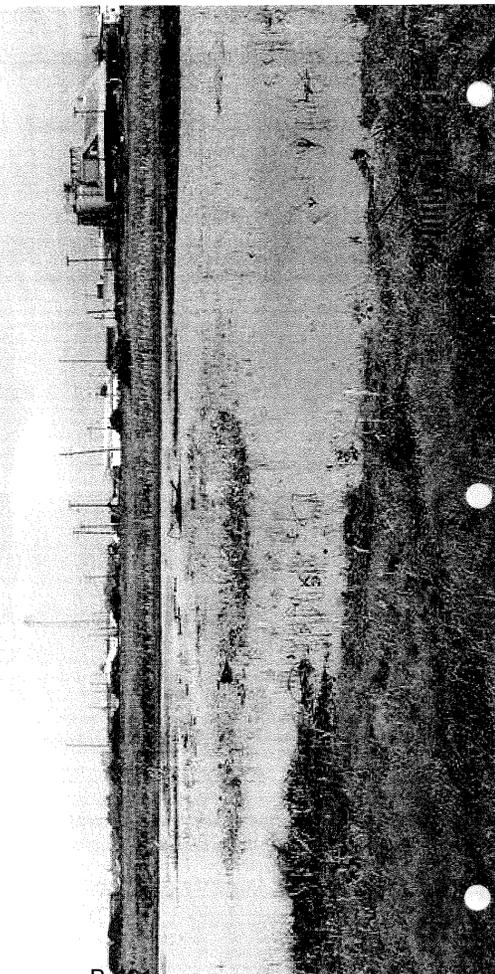
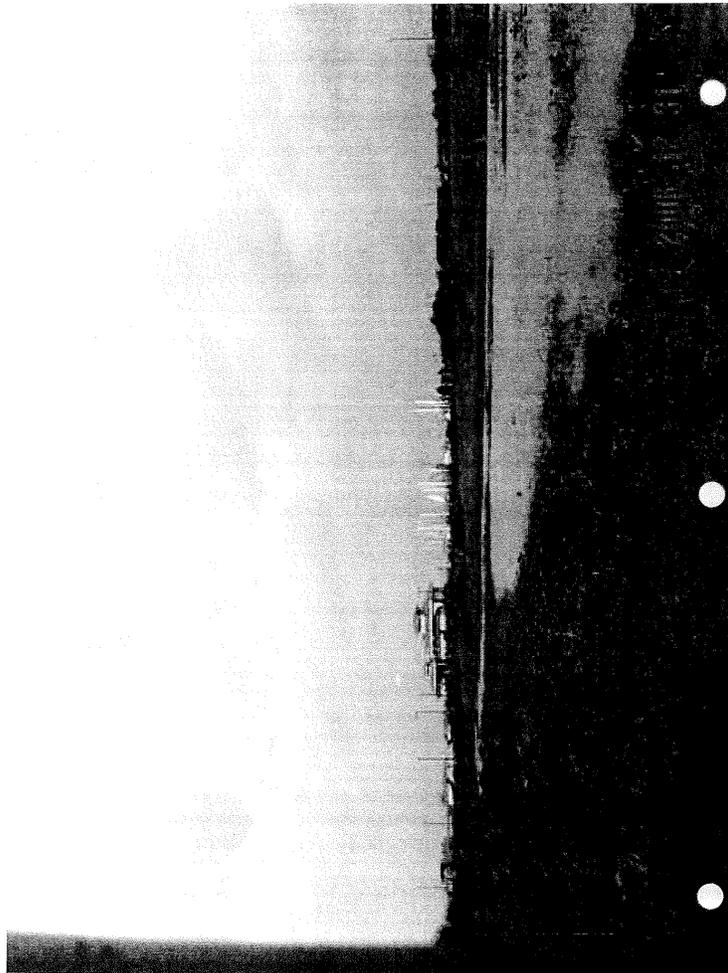
REAL ESTATE  
Consulting, Development and Management

CONSTRUCTION  
Materials & Project Management

062



B-100



B-101



**Sidnie Olson**

**From:** kellokwh [kellokwh@yahoo.com]  
**Sent:** Thursday, May 04, 2006 9:43 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Track

06.05.04

Most of the people who live in Eureka are grateful that they live in one of the few remaining unspoiled places. That we are a relatively unspoiled place is also a boon to tourism, and the dollars the tourists bring are a big help to our economy.

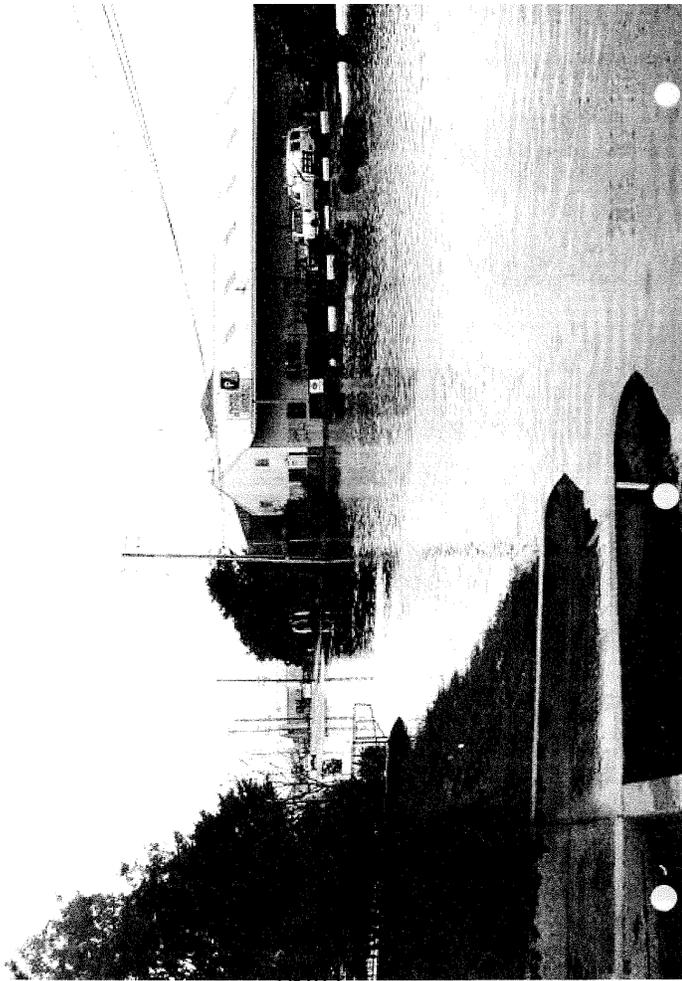
Part of our unspoiled bounty is a beautiful bay, and the largest parcel on the bay is zoned 'public'. This parcel is currently despoiled by toxic waste, but the cleanup is a straightforward process which has to be paid for by those who left the waste, not by the citizens of Eureka. The site needs to be cleaned both for aesthetic reasons, and because the toxins could potentially make our whole area uninhabitable (aquifer, bay, etc.). The majority of the public for which this land is zoned want it restored and used as a part of the master plan to beautify this unspoiled place.

That's what the public wants. Unfortunately one very rich man wants something else. He sees an opportunity to add some more money to his already overflowing coffers, and, strange fellow that he is, he doesn't care that the land is zoned for public use. He doesn't care that our whole area could be compromised if this parcel is not properly cleaned. He doesn't care if there is a big-business retail center blighting the center of our bay, making it no different than all the other already spoiled places. This man does not care if he ruins the very place where he lives if it makes him some more money.

In all of the upcoming proceedings, let us make absolutely certain that the interests of the majority of the people who live here are served. This place belongs to all of us — it does not belong to just one strange rich man. It is the duty of every one of us who live here to scrupulously defend our home against all types of predators.

Sincerely,

Kelly OConner



**Sidnie Olson**

**From:** kelokwh [kelokwh@yahoo.com]  
**nt:** Thursday, May 04, 2006 9:38 PM  
**o:** Sidnie Olson  
**Subject:** Baloon Track - CEQA Scoping

06.05.04

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

Subject: Balloon Tract CEQA Scoping Comments

Dear Senior Planner Olson,

Please accept my scoping comments on the City of Eureka General Plan Amendment and the associated Rezoning requested for the Big Box Mail project proposed for the Balloon Tract and adjacent areas.

I am concerned that this project will have significant negative impacts on the 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.

I am resolute in my 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. I am also adamant that the railroad not be "let off the hook" in their responsibility to clean up their mess.

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 toxite effects from these materials.

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 below.

The EIR must consider a full range of alternatives — not a simplistic two alternative analysis of the current proposal or a "No Action". 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.

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 of 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?

Thanks for your consideration of these comments. I look forward to accomplishing a development plan for this site that best protects the significant public interests at stake here.

Sincerely,

Kelly OConner  
4646 Greenwood Hts.  
Kneeland, California 95549

**Sidnie Olson**

**From:** Chet ogan [chet\_ogani@yahoo.com]  
**nt:** Thursday, May 04, 2006 11:32 PM  
**o:** Sidnie Olson  
**Subject:** Marina Center EIR scoping

Dear Sidnie:

As Conservation Chair for Redwood Region Audubon Society we have some concerns.

First as much of the brownfield sites as possible should be cleaned up. This will open more retail and residential possibilities for diverse use of the property.

I spoke at length with Terry Huffman representing the company who will be doing the restoration and onsite mitigation of Clark Slough. Currently Clark Slough through the project area is confined to a channel. Before the shoreline was diked and fill was brought onto the site, Clark Slough was navigable to within a few blocks of Eureka Inn. I have seen a photograph of a two masted boat with Eureka Inn in the background; this boat was probably in Clark Slough. Of course restoration the original condition is not being

considered. I discussed the possibility of creating meanders in the portion of Clark Slough north of Washington Ave. and west of Waterfront Drive. This portion of the proposed site is currently used by Schmidbauer for temporary log storage. The restoration of this portion of Clark Slough should consider that tides will influence water flow. The slough currently carries street runoff which main contain petroleum byproducts and carbon from vehicle exhaust. Stormwater retention basin could be created on this site. Properly constructed this stormwater retention basin could be pleasantly appealing to the eye while still functioning to remove most of the petroleum pollutants before they enter the bay. Since the site does not allow enough space for a meandering stream, a broad "C" or "S" curve could be fit in this space, planted with native coastal wetland species such as alkali bulrush, Jaumea, needlegrass, saltgrass, and pickleweed. Chilean cordgrass should be discouraged. The site should be monitored for 5 years.

This area should be built to allow an area for water to safely accumulate if heavy storm runoff occurs on a very high tide.

An opportunity exists now to allow some traffic relief a portion of Broadway between 7th street and Del Norte. Currently according to the transportation consultant Mr. Kruger most of the traffic into the

project would be either directed onto Broadway or Waterfront Drive. Broadway already has has congestion problems between 4th Street and Wabash. The current culvert carrying the water from Clark Slough crosses directly under Washington opposite Koster Avenue. By rebuilding and angling the culvert currently carrying the water of Clark Slough slightly to the west, Koster Avenue could be extended into the project area where the slough alignment is currently along the fence next to the Westfall property. This will open an alternate exit from the Marina center along Koster Avenue. Koster Avenue meets Broadway at Del Norte St., south of the intersection with Wabash which may help relieve traffic at this intersection. Currently the block of Koster nearest Del Norte St. is a one-way mitigation for Costco. traffic studies may show that this one-way portion may best be changed back to a two-way street that can accommodate traffic to Costco and allow for traffic relief along Broadway.

Chet Ogan  
Conservation Chair  
Redwood Region Audubon Society  
442-9353

**Sidnie Olson**

**From:** Jessica Olesh [jessyolesh@yahoo.com]  
**Sent:** Friday, May 05, 2006 2:59 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Tract Scoping

Dear Senior Planner Olson,

Please accept my scoping comments on the City of Eureka General Plan Amendment and the associated Rezoning requested for the Big Box Mall project proposed for the Balloon Tract and adjacent areas.

I am concerned that this project will have significant negative impacts on the 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.

I am resolute in my 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. I am also adamant that the railroad not be "let off the hook" in their responsibility to clean up their mess.

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.

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 below.

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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?

Thanks for your consideration of these comments. I look forward to accomplishing a development plan for this site that best protects the significant public interests at stake here.

Sincerely,

Jessica Olesh  
6089 Beechwood Dr.  
Eureka, CA 95503

Blab-away for as little as 1¢/min. Make PC-to-Phone Calls using Yahoo! Messenger with Voice.

April 12, 2006

Thomas H. Peters  
221 Dollison St.  
Eureka, CA 95501  
445-1666  
tpete@reninet.com

Sidnie Olson  
Eureka Community Development Dept.  
531 K St.  
Eureka, CA 95501

Re: CEQA comments on the zoning change of the Balloon Track

I have several comments on the proposed zoning change of the Balloon Track and a number of questions.

Most importantly, I believe that 'Retail' is an inappropriate use of the last significant piece of public use zoned land in the city. Eureka will soon be losing several of its 'Public Event' areas with development of the Halverson property and the area near the Wharfinger building. Eureka has gone through a long public planning process with the intent of determining the best use for the Balloon Track. All of this work and all of the public participation appear to have been for nothing since Security National made its proposal. The purpose of all that work was not to seek a developer, regardless of the project offered. It was to find the best use to serve the public interest. While this concern may be outside the CEQA mandates, the type of development certainly is germane to my concerns.

1. My most obvious concern is traffic. Proposals I have seen from Security National would require crossing Broadway at several points, installing more stoplights, and channeling more traffic onto Waterfront Drive. Broadway is considered an 'impacted highway' by CalTrans, which means it is at or above maximum traffic flow right now. This project can only make that much worse without a major redesign of the whole thoroughfare at considerable expense to the city. Of more concern to me personally is the increase in traffic on Waterfront Drive. The Marina area has marginal amounts of parking already. During the summer months the boat ramp gets a great deal of use. The trailer parking area fills quickly and rigs end up parking as far away as C St. on one end and the Wharfinger lot on the other. There is a LOT of congestion at these times. More traffic would cause only more congestion and problems. To the extent that 'project' users park on Waterfront, it would become unusable by boaters and marina occupants. At the south end of Waterfront, big rig truckers stage their trailers and often park overnight because Eureka no longer has an official truck stop. Additional traffic would make this use of the road very difficult with no real alternative for the truckers. Large retail development will bring large increases in traffic to all the streets around the project. Through traffic might

easily channel into OldTown on First Street, impacting the business activity there. Note that this does not represent more shoppers in Old Town, just more through traffic. While it is true that other public uses for the site could increase traffic, it would be more on an event driven basis, not constant.

I would ask that mitigation for traffic down to, at most, current levels be part of the CEQA process. Any increase over current levels could render Broadway impassable and use of Waterfront as an alternative will severely impact current uses.

2. As a fisherman, I want to add my voice to those asking for COMPLETE disclosure of the pollution that exists now, how it would be cleaned up, and how any remaining pollutants would be expected to behave in the future. I want to know what future monitoring would take place and what would happen if problems were found. In other words, what would happen if pollutants were found to be leaking into the bay from under Security National's proposed CAP ten years from now. Would they be made to tear it all up?

Even though Union Pacific has supposedly cleaned the sight to some standard use (as a vacant lot?), can they legally sell it for a higher use without cleaning it to the new standard standard?

3. A large retail development would 'pull' traffic from all over the city to that area. What effect would it have on traffic in other parts of town? Would different streets become thoroughfares?

4. The esthetic impact could be enormous, depending on what was built. Are there any safeguards to try to maintain the 'Victorian Seaport' theme that Eureka has worked so hard to promote? The sketches I have seen suggest a completely inappropriate modern shopping center design that would look better in southern California than here. It could only have a detrimental effect on the OldTown area and would seriously detract from the esthetic appeal of our area. Such a large project would also completely block views of the bay and the public enjoyment of those views.

5. Eureka suffers from a lack of light industrial property. This is the type of business that creates wealth in a community. If the Balloon Track becomes 'retail', all opportunity for new light industrial businesses inside the city is lost. (I believe the project allows for ONE such business) The long term impact could include fewer good paying industrial jobs, less money circulating in the community, and possible competition with other communities for limited retail dollars. The public would lose its only opportunity to create recreational and public event space. As Eureka grows, that recreational and public space will only become more important.

6. I am concerned that citizens of Eureka would end up paying a great of money to develop the water, sewer, and road infrastructure a large retail project would require. Those costs must be disclosed up front. I, for one, do not want to pay to support extractive retail development

Who will pay for infrastructure improvements?

**Sidnie Olson**

**From:** ipete [ipete@reninet.com]  
**Sent:** Thursday, April 13, 2006 7:19 PM  
**To:** Sidnie Olson  
**Subject:** Bailloon CEQA

Yes, I'll probably end up being a real nuisance before this is over. I'll try to stick to the program but it does make me mad when one rich bully tries to take over the whole sandbox.

Back to CEQA. Question: What effect would it have on the Marina Project's presumed 'drawing area' (vital to it's survival) if gas goes to \$4/gallon as predicted? Would the project still be viable or would we have an unusable white elephant on our hands?

What would be the consequences if Fortuna turns it into a big box war with a big development of its own?

Does the City have any alternatives to use as 'public space'? Where? How about 'public event' space similar to Arcata's Plaza?

Many studies show that this kind of project has a negative impact on the local economy and city services. Will this be considered?

Traffic? Traffic? Traffic? CalTrans already rates Broadway as WAY over capacity. Waterfront Drive is too small and would only feed all that traffic onto First Street which is in terrible shape already. Heavy use of Waterfront would also displace current users like marina tenants, the fish plant, boat ramp users, and truckers.

The site is a perfect example of land subject to liquification. How likely is it that we will see an event of sufficient magnitude to cause that to happen? And how could design resist that 'sinking feeling'?

Has 'Capping' ever been tested on this scale? Has it been tested in an earthquake? Consider that in the BIG quake of 1700, some parts of the bay front rose or sank as much as 10 feet! In 1992 some 15 miles of shoreline north of Petrolia rose FOUR FEET! What effect would that have if the epicenter was closer?

Is the magnitude of this project reasonable for a community this size? How much demand will it put on our electric grid? How much demand will it add to our sewer plant? Water is probably not a problem. How many policemen and firemen will the city have to add to adequately protect the site? Is present ambulance service adequate? Will the city have to expand its bus service just for the site? Will the noise and lights of late night businesses and trucks servicing the businesses be a nuisance or a hazard to surrounding residents and other pre-existing businesses? How will the increased truck traffic needed to bring products to all those businesses affect the city roads? How will they effect Highway 101, in terms of wear and tear, and in terms of additional traffic? What will happen to all the GARBAGE such a project will produce, either directly on site or indirectly from packaging and such, thrown away at home? What about the litter that always seems to result from such developments? Look at the area around Bayshore Mall to see what I mean. Will there be a loss of air quality from the increased traffic levels in that area? What about from increased truck traffic and its diesel exhaust? What about the increased diesel exhaust during the construction phase? Prevailing wind would take it across major residential areas.

!!! stop now to catch my breath. I get the feeling that Arkley is trying to plant a 5000# gonilla in our living room and is just now asking us why we wouldn't like it.

On with the show.

Thanks. Tom Peters 221 Dollison St. Eureka, CA 95501 445-1666

4/14/2006

7. Part of the proposal would rezone to allow residential use in an area surrounded by a fish plant, railroad tracks, and other light industrial users. Is this appropriate?

8. The land is mostly 'fill' and probably subject to 'liquification' in the event of an earthquake. What would be done to mitigate for this? How could it be done? Would you want to write the 'earthquake insurance' for the project?

9. I am not familiar with what wetlands might exist on the sight. I would ask what wetland restoration should or could be done there?

10. I want to know about the problems a huge area of buildings and pavement create from storm water runoff, both in terms of quantity and from potential pollution (anti-freeze, gas, oil, tire wear, etc.). Can these be sufficiently mitigated given the parcels proximity to the bay and the quantities of water we've experienced this year?

11. I want to know why the public planning process was dropped for this parcel without consulting the public. No part of that process that I'm aware of ever proposed that area be used for Big Box retail.

Taken overall, the impact of rezoning this parcel for retail would have on the city would be enormous. It would change traffic patterns. It would redirect money flow and tax revenues. It would impact stormwater and pollutant flow into the bay. It would block a major view of the bay. It would impact recreational users of the waterfront (marina, boatramp, Wharfinger building). It would severely overcrowd use of Waterfront Drive and J<sup>st</sup> Street. It would add to already huge traffic problems on Highway 101 (4<sup>th</sup> and 5<sup>th</sup> Streets). And it would detract from the esthetic appeal of our 'Victorian' theme town which is crucial to our tourist industry.

These are some of the concerns that I would like addressed by CEQA and the subsequent EIR.

I will undoubtedly write more as more questions occur to me.

Tom Peters

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To Sidnie Olson, Senior Planner  
City of Eureka

MAY 04 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

May 2, 2006

**Sidnie Olson**  
From: ipete@reninet.com  
Sent: Thursday, May 04, 2006 6:35 PM  
To: Sidnie Olson  
Subject: CEQA Balloon Track comments

I hope the following points will be answered in the EIR Scoping document concerning Security National's Marina Center:

- How much retail, small office and restaurant square footage is currently in use, how much vacant in Old Town? Downtown? How much will be offered in the proposal? Will this new "hot spot" attract most of these establishments, with lower rents at first, far economic displacement or "musical chairs"? What was the economic displacement from Downtown when the Bay Shore Mall opened?
- What has been the economic growth in Old Town and Downtown annually over the past 20 years? What are the future projections? Will this growth support this non-contiguous project?
- Who will pay the infrastructure needs for the proposed development? (Roads, access roads, intersections, sewer + water extensions, electric and electronic extensions) What are the projected costs to whom?
- What are the current 20 year projections for "101" traffic? How will these be impacted by the project? What will be the consequences from these changes on the fabric of Downtown Eureka?
- Will store fronts and restaurants open to the bay or to each other on an interior parking lot? Will the parking be screened from the waterfront?
- Is true economic development from the production of value-added goods? Where does a Home Depot fit this model?

- Doesn't Eureka really need affordable and mixed income housing, not the retail, etc., economic displacement of the marina?

I have submitted many of my concerns with this project. I remain strongly troubled by the inclusion of a big box store presenting goods and services already present in large quantities in Humboldt County. The Home Depot generally expects to get at least 50% of the market which would severely impact local businesses. Surely there are big box stores selling things not readily available in the community such as quality upscale clothes for professional men and women, perhaps a Macy's or such.

Having seen Security National's presentation of 'traffic impacts', a number of problems remain that need study. They recommended co-ordinating signals on the 4th St. end of Broadway but made no mention of the south end where the 'expedited' traffic would back up worse than it does now. They made no mention of changes in traffic in other areas of the city. Specifically, Pine Hill and the F St. access could be heavily impacted as people seek to avoid congestion on Broadway. It already happens now and would get worse. Other impacts to traffic on other local streets is likely but unaddressed.

Waterfront Drive remains a problem. SN projected an increase of 50 cars/hour but this appears far too low. Many people would use Waterfront to travel from Costco or Bayshore Mall to the Project to avoid going onto Broadway. The south end is heavily used by big trucks to stage or rest overnight and is narrow and often congested already. The area by the marina will soon have traffic from the proposed motel complex. It already has traffic from the Wharfinger, the marina users, the boatramp users, the fish company employees, and customers of businesses and offices at the end of Commercial St. Greatly increased use would cause many problems. If traffic continues into Old Town on First St., perhaps to connect to 5th via H St, the congestion would be terrible. Add the possibility of future train traffic down First and it becomes downright dangerous. SN estimated their project would add 15,000 'trips' to the traffic load. I question those figures, particularly on other city streets. I would recommend at least asking the opinion of Cal Trans which has studied Broadway intensively.

As to procedure, apparently we will get 45 days to study and comment on a preliminary EIR that, according to SN, will be almost 2" thick. It may come as a surprise to some, but we have lives and jobs which take up much of our time. Finding time to do a credible job may represent a Herculean task and is not reasonable. No one pays us for that time spent, either. I hereby request additional time for comment so we can do the job it deserves.

Thanks for taking my comments.

Thomas H. Peters  
221 Doolittle St.  
Eureka, CA 95501  
445-1666  
tpete@reninet.com

*Thank you for your attention,*

*Sincerely,*

*Lana Pillow*

*2808 Q St*

*Eureka, CA 95501*

*709-443-3209*

**Sidnie Olson**

**From:** Morgan Randall [morganrandall@sbcglobal.net]  
**Sent:** Wednesday, May 03, 2006 10:04 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Track- CEQA-EIR Scoping Meeting

Attention Sidnie Olson, Senior Planner City of Eureka

To Whom it may concern:

I have lived in the Eureka area now for 32 years, and have worked in the City of Eureka for 27 years. My questions in regard to the potential development of the "Balloon Track" property will be related to the issues of Hazardous Material Cleanup/ Responsibility and Land Use.

**HAZARDOUS MATERIALS AND CLEANUP**

- 1) If the current owner of the property, Union Pacific, is not held accountable for the full cleanup of the property, who becomes the "owner" of the toxic material for the full future of the property? Can the ownership of this Hazardous Area be passed on to other people or Corporate Holdings related to the original transaction? Will the people of Eureka have less legal options or incur any future costs by not insisting that the current owner, Union Pacific, fully cleanup the toxic area they made?
- 2) What happens if the "owner" in the future no longer exists, bankruptcy etc., who then assumes the ownership of the Hazardous Material? Can there be a fund set aside at the time of transfer of ownership of this Hazardous Area, to insure money is held to cover future cleanup and related costs of dealing with the Toxic Materials that are being left in the ground soil and water table? What type of potential adverse effects could there be in 5, 20 even 50 years down the road? At that point where does the money come from to cleanup or cover all the potential costs associated with the Toxic Materials?
- 3) Who will determine the level of testing for Toxins at this site, and who will pay for this testing? Who will review these standards? Who will monitor these standards in the future to insure no adverse changes begin to happen? What are all of the known toxins at this site? At what levels are these toxins known to be dangerous? What are the legal standards set by the state of California for each of these toxins in soil and ground water?
- 4) Studies have identified this area as being very prone to liquefaction during a large earthquake, Dept. of Conservation 1995. How will this type of scenario be incorporated into setting standards for protecting the future of the bay, local environment, and people of Eureka from the Toxic Waste? If "capping" is used on the site will this liquefaction scenario have to be taken into account?
- 5) Will there be studies to see if "capping" is the only alternative to be done with this type of geology? Are there other areas with this high liquefaction potential along the coast of California that this level of Capping has been allowed? Who will determine if "capping" will be allowed on this Toxic site and who will review that decision? How will it be determined how much capping will be needed to contain this amount of toxic material.

**LAND USE**

- 1) The Balloon Track is the largest single piece of undeveloped property on the bay in the City of Eureka. What will the City and the People of Eureka lose by changing the zoning from Public to Industrial? How do we put a dollar amount on the foregone benefits that other land use options for this piece of property could bring to the city, county and our community beyond this ONE option?
- 2) By changing the zoning from Public to Industrial what legal rights are the Citizens of Eureka losing

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MAY 04 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

concerning the Toxic cleanup of this piece of property?  
Is there any way to mitigate any of the loss in this potential zoning change and how will a value be assessed to this loss?

3) Is this potential zoning change consistent with the current General Plan for Eureka? Why was it zoned to Public? What was the initial intended use for this property when it was zoned Public?

4) Does this potential project take into account any of the history of this piece of property? Is there any loss to future railroad potential by this proposed project?

5) How does this project enhance the views that will be seen from the 101 corridor to the bay. How will this project promote our Victorian Seaport as it relates to our tourist economy. Is this size of retail development consistent with the "Vision" the city council had for our Victorian Seaport?

6) Are there any other areas on bay waters in California that have changed zoning from public to industrial to allow this type of retail development?

7) In 1999 the city had a vote on this same piece of property with the same zoning change. At that time the citizens of Eureka voted not to change the zoning out of public. Why is it that at this time a project can try to go forward with the same zoning changes on the same piece of property that goes directly against the vote of the people?

Sincerely,

Morgan Randall  
880 Elizabeth Barcus Way  
Fortuna, CA 95540  
707-496-1841

B-111

**RECEIVED**

APR 21 2006

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

4-21-06

Dear Eureka City Council member  
Virginia Pass-Jackson

I'm writing to you regarding the proposed Balloon Tract for development by Security National (Arkley). I have a number of concerns on which I oppose Balloon Tract plan. I'm asking you to take my concerns seriously.

1. I oppose Balloon Tract proposal because it calls for only capping off the surface leaving toxic waste buried below. 2. If the project is approved and built and the surface (ground) is capped over what happens to the toxic waste underneath as it continues to leach out into surrounding properties, Slough, marsh and bay? 3. What happens if there is an earthquake in the Balloon Tract area to the toxic waste?

4th. If the proposed plan is approved and developed the added traffic along the local streets will increase by million and trucks. I'm opposed to the added vehicles that will make driving on Broadway, Clark, 14th and other

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Cpg. 2)

Streets much more congested. 5th). What will happen to all the food stores and hardware stores that sell paint brushes, screwdrivers and hammers. Will they have to raise their prices just to stay in business (compete) with any "big box store like Home depot or best buy. And how long will it take for local shoppers to stop going to local business because the products are to high priced. So the shoppers turn to the "Big Box" stores at Balloon Tract for a lower priced item. How many small stores will have to close because they can't compete with the "Big Box" stores?

Finally does the City of Eureka really know what kind of toxic waste are buried at the Balloon Tract Site? I'm asking the City of Eureka to please have proper testing done or require the Security National to have a natural party test Balloon Tract site. And require that those test results are made public. I want a copy of the toxic test results from Balloon Tract.

C.E. to other Eureka City Council members and Mayor, Michael J. Rilla

Michael L Rilla  
2424 17th Street  
Eureka, CA. 95501

Sidnie Olson

From: Jared Rossman [jkr49@asis.com]  
Sent: Friday, May 05, 2006 12:28 PM  
To: Sidnie Olson  
Subject: balloon tract

Dear Senior Planner Olson,  
Please don't let the environmental impact research on developing the "Balloon Tract" be limited to that of the consulting firm hired by the Arkleys and Security National! This is indeed an instance of "the fox guarding the chicken coop."  
This tract needs a complete clean-up, not just a cover-up. It is the last remaining jewel of property along the waterfront eligible for development to benefit the entire community, and it should start as a healthy piece of acreage, as befits our 2006 current knowledge of pollution and public safety.  
In addition, the Eureka public has already, through a democratic voting process, made it abundantly clear that a "big box" development is not what they want for this site. Instead, they want the several alternative, more locally-generated and locally profitable proposals to be fully considered, rather than giving in to "big money" pressures. Please do the right thing, slow down this hurried process, and give this community a development we, and our children, can actually be proud of!  
Thank you, Jared Rossman jkr49@asis.com

**Sidnie Olson**

**From:** C Rowe [crowemediate@yahoo.com]  
**Sent:** Thursday, May 04, 2006 9:38 PM  
**To:** Sidnie Olson  
**Subject:** balloon track

I am strongly opposed to the Depot plan, and I hear nothing but similar overwhelming opposition. I hope someone is listening to this. I come to Eureka almost daily, and do most of my shopping there. The track is a fabulous location that shouldn't be developed into another tacky, crassly developed, trash bowl. Please use some style and creativity. I like the ideas I've heard from everyone: a design for walking/hot just parking., use local businesses, beg for a Trader Joes, a conference center (I've heard this request really hundreds of times) etc.

Please listen. Thank you.  
Carol Rowe  
2244 Graham Road  
Bayside, CA 95524

Yahoo! Messenger with Voice. Make PC-to-Phone Calls to the US (and 30+ countries) for 2¢/min or less.

071

**Sidnie Olson**

**From:** Lynn Ryan [lynn-r@sbcglobal.net]  
**Sent:** Thursday, May 04, 2006 11:52 PM  
**To:** Sidnie Olson  
**Subject:** scoping comments balloon track

**To:** Sidnie L. Olson, Senior Planner  
Community Development Department  
531 "K" Street  
Eureka, CA 95501  
**Subject:** Balloon Tract CEQA Scoping Comments  
Dear Senior Planner Olson and Eureka Community Development Department,

I am a registered nurse currently employed at Mad River Hospital in Arcata. As part of our local health care team, I feel compelled to speak out and support the health of our community regardless of anyone's personal motivation.

These are my scoping comments on the City of Eureka General Plan Amendment and rezoning requested for the Balloon Tract and adjacent areas.

The toxic thus negative impacts for the people of Eureka and Humboldt county due to the contamination situation and the economic impacts on our local communities are my main concerns. The Environmental Impact Report (EIR) should address the issues of toxic stew, hydrology and water quality, air quality, visual and noise pollution to name a few issues.

I have been observing that open space for years, watching for years as the rail locomotives dripped unsafe fluids, recently watching the pathetic paint cans catch the drips and overflow with unsafe fluids, watching rain runoff carry oil to the bay. I recognize the value of the Eureka waterfront and the integral part the balloon tract will play as Eureka increases in value as an eco-friendly recreation destination, as population increases, as land use decisions are made. We need to be accountable to our ecosystem now, and reap the rewards in the future. Let's do the right thing.

Citizens for Real Economic Growth have held valuable workshops during which citizens like myself have brought up a laundry list of points to be addressed in the EIR. I now go on record in support of CREG's comments and questions as if they were my own comments, and they are to be addressed in the EIR.

The toxic contamination be cleaned up to the fullest extent of technical feasibility and not be left for future generations to deal with. The various railroad companies of yore all mixed into the current railroad company are responsible for cleaning up the mess. Industry must be held accountable for their impact on the planet, and

072

this is our local problem. No matter what other counties, states or countries are doing about their own local old railroad yard "balloon tracks" or brownfields, in this county I am resident, present and responsible for the health of my home ecosystem.

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.

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 below.

The EIR must consider a full range of alternatives- not a simplistic two alternative analysis of the current proposal or a "No Action". Alternatives should consider several levels of toxic contamination an-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.

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?

Thanks for your consideration of these comments. I look forward to accomplishing a development plan for this site that best protects the significant public interests at stake in my home ecosystem, home economic system, my place of residence for which I personally feel responsible.

Sincerely,  
Lynn Ryan RN  
1693 J. St.  
Arcata, CA 95521

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

MAY 08 2005

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Subject: Balloon Tract CEQA Scoping Comments

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of my home ecosystem.

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public interests at stake in my home ecosystem, home economic system, my  
place of residence for which I personally feel responsible.

Sincerely,  
Lynn Ryan RN  
1693 J. St.  
Arcata, CA 95521



**Sidnie Olson**

**From:** Richard Salzman [salzman@inreach.com]  
**Sent:** Friday, May 05, 2006 7:02 PM  
**To:** Sidnie Olson  
**Subject:** Balloon Track

I want to know about this use vs. other uses for waterfront property. Is this the best use? Will this use lead to  
increased demand on public services? Also, what about water run off? Why can they use a permeable surface  
instead of asphalt and concrete?

--  
Richard Salzman  
PO Box 41  
Trinidad Ca 95570  
707.677-0241

**Sidnie Olson**

**From:** Kaye [kstricklan@humboldt1.com]  
**Sent:** Friday, May 05, 2006 2:16 PM  
**To:** Sidnie Olson  
**Cc:** Melvin McKinney; Oringer, fourstar@northcoast.com; jwoolley@co.humboldt.ca.us; Peter La Vallee  
**Subject:** NOP Marina Center

May 5, 2006

To: Sidnie Olson, Senior Planner

Solson@ci.eureka.ca.gov

Re: Notice of Preparation: Marina Center Mixed -Use Project EIR

My comments are mine, and this much has been discussed and is our consensus at Citizens for Port and Rail Development at our recent meetings.

In regards to the Rail Right-Of-Way; we want to make sure that the rail line is maintained fully, to the legal and operational satisfaction of the Northcoast Railroad Authority (NCRA).

We have been assured that Security National (SN) also plans to maintain the R-O-W.

We are also concerned that sufficient area be maintained on site, and planned for the successful near future operation of the railroad, both for freight and soon we hope for passengers. Including the whole 300+ mile line.

This will need to include the retaining of the old NWP office, and the eventual reconstruction of the old Eureka Railroad Terminal Building for the originally planned Multi-Modal Transit Center.

I have some further concerns:

**Traffic:** the alterations they feel could be necessary for the Marina Center to succeed. I'm wondering how they will happen and how will they be paid for?

**Employment:** I've expressed concern that there be less retail, and it seems from looking at the latest iteration, that that has been reduced somewhat. Our organizations have always strived for 'long term, stable living wage employment opportunities'.

**Resident and Visitor Servicing:** I would like to see it be more open, at this time it seems very cluttered.

I do like the plan to bring the Discovery Museum over, the plans to relocate the Brewery

and more smaller retail shops as well as other local businesses may desire to relocate there. I would hope that it would be local businesses rather than from outside, and I don't personally want to see a 'big box' locate there..

Another long term effort by many folks, is a Convention Center. Is that feasible?

**Transportation:** I hope that there will be much less automobile traffic and much parking space used, and make it very accessible to public transit, pedestrian, bike use. I like the current plan to ease crossing of Broadway, and would have no objections to Fourth St. being continued thru to WF Drive.

**Housing:** Needs to be very carefully planned and affordable.

I have encouraged our folks to keep open minds on this project, and to follow the process all the way thru. I/we will have lots more to say once the DEIR is available. In our discussions with folks from SN, I've wanted to make it clear to them that my mind is open. I feel some that is proposed is good and some is not.

Thanks, and put me on your notice list.

Kaye Strickland, Chair  
Port and Rail Support Groups  
kstricklan@humboldt1.com

443-6105

**Sidnie Olson**

**From:** diane sutherland [to\_digs@pacbell.net]  
**Sent:** Sunday, May 07, 2006 9:58 AM  
**To:** Sidnie Olson

please accept my comments regarding the proposed development of the balloon tract  
thank you,  
-diane sutherland.

May 5, 2006

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

Dear Sidnie L. Olson:

**SUBJECT: BALLOON TRACT CEQA COMMENTS**

Please accept my comments regarding the proposed development of the land referred to as the Balloon Tract and adjacent areas. I am concerned that the project will have negative impacts on the people of Eureka the surrounding areas due to the toxic contamination of site not being properly remediated.

In general, I am in support of the business aspects of the plan. I am not opposed to having "Big Box" retailers allowed to practice business in the Eureka area, but I think that more should be done to clean up the site before it is developed. I think that "big box" retailers can provide some sorely needed competition in the market of Humboldt County. I hope you will thoroughly examine the economic effects of the proposal, as required by the EIR, but I am not opposed to the development based on the my feelings of it's effects on business.

I am however opposed to the plan based on my perceptions of the environmental issues. In my opinion, capping a polluted site by building on top of it is not an acceptable way to remediate pollution. This site is particularly close to the Humboldt Bay and to the 101 highway making the environmental cleanup particularly sensitive, and making it very visible to the public in terms of proximity to town. This project could very well define the direction in which Eureka and Humboldt County's business and environmental policy will run for decades to come. I urge you to pay particular attention to the portions of the CEQA scoping factors that regard: (1) aesthetics - I believe the proposed structure could better fit with Eureka's architectural heritage; (2) Wetlands and (3) Hazards and Hazardous Materials - I believe the proposed capping of the pollutants is not an acceptable way of mitigating the problem. Please pay close attention to items 1, 2, 6, 15, 16 and 21 under the Hazards and Hazardous Materials, and to items 1 and 2 under Geology & Soils. This property is located in an extremely seismically active area, and is subject to tsunami (seiche) waves and again, I want to express my concern about building on this site before remediation the pollution. We should not trade a clean environment for business interests - let's clean it up and then build on the site.

Thank you for taking the time to review my comments and adding them to the public record,

Sincerely,

Diane Sutherland

DIANE SUTHERLAND  
3245 WEST END ROAD  
ARCATA CA 95521

075

5/15/2006

**Sidnie Olson**

**From:** Kimberly Tays [kays@cox.net]  
**Sent:** Friday, May 05, 2006 11:33 AM  
**To:** Sidnie Olson  
**Cc:** larry@wildcalifornia.org  
**Subject:** ANOTHER HUMBOLDT COUNTY RESIDENT AGAINST HOME DEPOT

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

This e-mail is written in regards to the proposed project for Eureka's Balloon Tract.

I agree with many residents in Humboldt County that the Balloon Tract needs to be cleaned up, as it is a horrible blight on the landscape. I use to work for Union Pacific in Omaha, and I know that the company has plenty of money to clean up after itself. This seems to be a trait in our country that large, wealthy corporations are allowed to pollute the environment for their own gain and then walk away when they are finished without cleaning up their messes. Union Pacific Railroad must be held responsible for cleaning up the property that they contaminated.

Eureka's Waterfront is prime real estate and should be reclaimed for the enjoyment of the community, at large, whether it be for a park or a mixed-use site for restaurants, shops and recreational uses. I absolutely oppose the location of a Home Depot or any other big box store on this site. I moved here from Southern California--San Diego to be specific--to get away from the mindless overdevelopment that has ruined San Diego and most of Southern California.

One of the reasons I fell in love with Humboldt County is that it still has that special, small-town feel to it. Big box stores do not enhance the feeling of community--in fact, they overwhelm communities with their massive big box structures and parking lots to match. Also, big box stores create more traffic and pollution, because they are designed for the car, not the pedestrian.

The future of Humboldt County depends on important decisions being made by leaders like you. We stand at a very important crossroads. If we are not careful, Humboldt County will be destroyed like so many other communities all over California. Please step outside the big box (pun intended) and put forth a plan for this site that protects the character and quality of life of Humboldt County and is something we can all enjoy and be proud of.

Thank you for considering my comments.

Kimberly Tays  
Trinidad, CA

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Diane R. Venturini  
175 Dana Lane  
Eureka, CA 95503  
April 15, 2006

**RECEIVED**

APR 18 2006  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Sidnie L. Olson  
AICP Senior Planner  
Community Development Dept.  
531 K. St.  
Eureka, CA 95501

To Whom It May Concern:

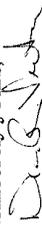
I am writing this letter to comment on the pending development of the "Balloon Tract" property in Eureka. The MOST important part of developing this property is to CLEAN UP the hazardous waste created by the present owner, Union Pacific. This does not mean COVER UP these poisons to leach into our groundwater and bay water in later years.

This PRIME bay front property should be developed with future generations in mind. Very little acreage remains as public use land or park land. We, the Humboldt Co. population have already voiced our opinion regarding the zone change issue with the "Walmart fiasco". Public use DOES NOT mean big box or even little box. To me it means community open space, parks, walking/biking trails, natural space for public access and enjoyment.

As a 19 year resident of Humboldt Co., I have seen my share of BAD decisions made by the city of Eureka. DO NOT give in to the pressures of a few wealthy residents. Listen to the public, the majority of us who are AGAINST the "Marina Center" development.

DO NOT GO FORWARD WITH THE MARINA CENTER in the Balloon Tract site!!! Create something special for my great grandchildren to be proud of!!

Sincerely yours,



Diane R. Venturini

Cc: John Wooley, Supervisor  
Peter LaValle, Mayor

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