

## Sidnie Olson

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**From:** Brian Dykstra [Brian.Dykstra@humboldt.edu]  
**Sent:** Saturday, January 31, 2009 4:59 PM  
**To:** DEIRcomments  
**Subject:** DEIR Comments

Comments on the DEIR for the proposed Marian Center Project on Eureka's Balloon Tract

From: Brian Dykstra  
Address: POB 5166 Arcata, CA 95518  
Email: bjd24@humboldt.edu

Zoning of the project area is changing to 'mixed use' which in this case does not include mention of 'public zoning'. I feel like publicly zoned areas are still important to include in planning.

Why does the Humboldt Baykeeper information on the proposed Marina Center project area describe it as the "Balloon Track".. a 39 acre property" while others have described it as 43 acres? How many acres in the proposed project?

The hazardous materials and other contaminants at the site needs remediation. Why is there no contemporary data in the DEIR concerning the present and known actual levels of dioxins, furans, copper, lead, hydrocarbons, arsenic and other substances? The source(s) of these pollutants have to be geographically located to ensure proper and successful remediation efforts. Why are the sources of some of these toxins still not completely known? Not all exposure pathways are identified in the DEIR. How can the project and lead agency ensure wetlands, ground water, and exposed soils will not be or become contaminated? These data gaps make site remediation less likely to actually mitigate effects on the environment. In Mitigation measures G-1a to G-1e employed mitigation measures are described as to be decided at a future date, and in such a way as to meet the RWQBC... The Regional Water Control Board can have their laws met by mitigation measures, however that does not ensure that other city, state and federal laws will be followed. The intent to follow these laws, and the means of doing so need to be in writing in the DEIR before It could be considered acceptable. Why are solar panel installations omitted from air quality mitigation measures? How can air quality impacts be considered "unavoidable" when affordable mitigation measures exist? The City Council needs to consider their responsibility to all of Humboldt County in meeting PM-10 levels.

It seems the transportation element of the DEIR is lacking. A Federal Highway Safety Administration study shows Broadway in Eureka as a place where many pedestrians are hit by automobiles. Yet unsignalized intersections and incomplete pathways for bicycles are all additions of the project to the area. Waterfront Drive itself is described in the DEIR as 48 feet wide, when in reality in some places it is only 30 feet wide when bottlenecking. People living on Broadway will have a difficult time entering traffic from driveways due to increased traffic. The DEIR traffic studies were done during March and April, a low traffic time of year; and still show unacceptable levels of transportation impacts. What about tourist months of June and July? A beautiful view of the coast should be protected under the Coastal Act. Why can this project destroy that? Tidal and estuarine wetlands, habitat for peregrine falcons and other wildlife needs preservation. Section 30233 of the Coastal Act provides protection for wetlands so protect the remaining estuarine wetlands in the project area please! What needs to be in the area is natural space and public access areas. Why not a park where the Farmer's Markets can be held. This would increase commerce. The plaza in Arcata is always hopping when Saturday mornings come around. Currently the Eureka Farmers Market is a blocked off street. No comparison! Urban decay can be prevented by wise use, not big projects with incomplete plans, inadequate Environmental Assessments, and un-thought out mitigations! The city needs to clean up the toxins of the area anyways. Why not do it and then provide for visitor and local serving recreational use? Remember that one-half a million square feet do not have any businesses lined up for them yet!

January 27, 2009

City of Eureka  
Community Development Dept.  
Att: Sidnie Olson  
531 K Street  
Eureka. CA 95501

**RECEIVED**

JAN 29 2009

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Re: Marina Center EIR

Dear Ms Olson:

Today I received a mailing from the developer titled Marina Center EIR findings. I would like to offer some feedback to this project. Mr. Arkley, the developer, has contributed many wonderful philanthropic things to the City of Eureka to enhance the quality of life here. I believe that the Marina Center Mr. Arkley has conceived would definitely be an improvement over the current Balloon Tract abandonment.

I do question the "new jobs estimate" (minimum wage jobs?) and the estimates of increased travel time sound like a joke,

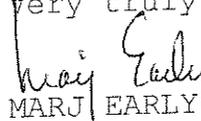
**With all the needs of this community, why can't we do better than Home Depot?** This type of business doesn't belong at the marina. The marina is the last area to be developed and deserves something more beneficial to the community that would be a draw to our tourism sector. I work in a gallery in Ferndale and it is amazing how many travelers from the Bay Area pass through here and linger all year long, not just in the summer months.

I am a local artist and we need an increase in tourism to survive. Perhaps the Chamber of Commerce and Visitors Bureau could develop some creative ideas in conjunction with the developer about what would draw visitors to our marina such as the lovely aquarium located in Newport, Oregon.

**WE ARE A COASTAL COMMUNITY, THIS IS OUR MARINA, LET'S SHOW PEOPLE HOW VALUABLE AND BEAUTIFUL WE ARE. WE WANT EUREKA TO STAY UNIQUE.**

Please don't let Eureka be like every other rubber-stamped-big-box-mini-mall-on-every-corner-two-bit-town.

Very truly yours,

  
MARJ EARLY  
221 Ponderosa Court  
Eureka, CA 95501

**Sidnie Olson**

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**From:** Dan Ehresman [porcupine\_d@yahoo.com]  
**Sent:** Friday, January 30, 2009 4:54 PM  
**To:** DEIRcomments@ci.eureka.gov  
**Cc:** Sidnie Olson  
**Attachments:** Marina Center DEIR comments.doc

Attached you will find my comments on the Marina Center DEIR.  
Thank you.

1/26/09

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

Re: Marina Center Draft Environmental Impact Report

Dear Ms. Olson:

Subsequent to review of the Marina Center Draft Environmental Impact Report (DEIR) I provide the following questions and comments pertaining to the proposed project.

As a frequent visitor to Eureka's waterfront (and as a former homeowner and resident of Eureka) I wish to stress the significance of the Balloon Track as it currently exists and the importance of mindful development. Given the proximity to Humboldt Bay, the onsite occurrence of environmentally sensitive habitat (i.e. wetlands), and the fact that the site itself is within the coastal zone, it would be fitting that the project be designed ecologically. The DEIR is fundamentally lacking in this regard.

### **Aesthetics and Biological Resources**

First off, I can attest to the beneficial impact of the Balloon Track site as an undeveloped property. I have spent many a day walking and biking along waterfront drive and have spent a good deal of time watching shorebirds, songbirds and raptors on the project site itself. The DEIR fails to provide meaningful analysis of biological resources. For example, the DEIR sites record of a peregrine falcon utilizing the project area but neglects any meaningful analysis of the similar habitat types in the area. Also, project proponents seem to rely on a single cursory investigation rather than detailed multi-season surveys by qualified professionals. The sole biological survey referenced occurred in the summer while the DEIR admits that wildlife use during the winter is more extensive. It casts some light as to why the avian and amphibian lists seem particularly lacking. (e.g. The site contains habitat suitable for the Northern Red-legged frog [a species of special concern], yet there is no evidence of any wet-season surveys)

The DEIR sidesteps concerns pertaining to aesthetic impacts. Plan proponents play down the significance of open space and grasslands and erroneously assert that parking lots, big-box stores and strip malls are a visual improvement. In fact, the loss of grassland habitat is not even discussed in the report and, therefore, no mitigation has been considered. The plan as proposed would indeed "Substantially degrade the existing visual character or quality of the site and its surroundings." The DEIR failed to consider alternatives such as living roofs (which would also minimize stormwater runoff) and planted swales and rainwater gardens in the parking areas (which would also not only minimize runoff, but allow for groundwater recharge while providing natural filtration of stormwater).

The DEIR seeks the incorporation of architecture that seems disjointed and contrary to the style of the closest public hubs of Old Town and downtown. The project relies on the cookie-cutter modernity of strip malls and big box stores and disregards the historic Victorian architecture unique to the area. Incorporating buildings reflecting our past with more of a focus on locally acquired materials would be visually appealing and serve as a link to Old Town and downtown

while benefiting Humboldt's economy and minimizing the carbon footprint through utilization of locally available resources.

### **Transportation, Air Quality and Greenhouse Gases**

As written, the proposed project would significantly contribute to particulate emissions. The DEIR makes no reasonable effort to minimize this clearly significant impact nor does it adequately address the cumulatively significant impact of Greenhouse Gas emissions. Further, the DEIR does not account for loss of Carbon storage in the removal of the majority of vegetation on the project site.

The DEIR does not account for manufacture or transport of merchandise and building materials in relation to CO2 emissions. Building materials utilized in construction of the proposed project as well as goods sold at Home Depot, Best Buy and most other big-box stores do not focus on locally produced materials. The DEIR fails to consider the "true cost" of these materials. What are the resulting emissions due to how far they are being shipped? Do the manufacturers and transporters minimize their reliance on fossil fuels and utilize alternative sources of energy? How ecologically and socially responsible are the manufacturers? Were local alternatives considered? Pursuant to common sense and state law, we must move towards reducing CO2 emissions. The project fails in this regard.

Project proponents state, "It is not possible to know at this time whether the project tenants would have longer or shorter commutes relative to their existing homes; whether they would walk, bike, and use public transportation more or less than under existing circumstances; and whether their overall driving habits would result in higher or lower tailpipe emissions." (DEIR, pg. 130, paragraph 3) While this may be true, such speculation may be avoided by incorporating appropriate design that seeks to minimize automobile traffic and use (i.e. design pedestrian/bicycle/mass transit friendly rather than personal automobile focused) For example live/work facilities rather than big-box retail would significantly reduce vehicular traffic and emissions. The DEIR acknowledges this fact stating, "...if a person moves from one location where the land use pattern requires substantial vehicle use for day-to-day activities (commuting, shopping, etc.) to a new development that promotes shorter and fewer vehicle trips, more walking, and overall less energy usage, the new development might reduce, rather than increase global GHG emissions." The DEIR fails to consider techniques to minimize automobile dependency and use and thus fails to meaningfully address the associated emissions and congestion issues.

### **Hazards and Hazardous Materials**

The DEIR fails to appropriately assess and disclose the extent and distribution of all contaminants that potentially occur onsite. This information should be available for public review and comment as it is a significant matter pertaining to environmental health.

### **Cultural Resources**

The record indicates the likely presence of Wiyot villages within the project area. The DEIR provides insufficient analysis of the site for such historically significant resources. Full disclosure of monitoring activities and subsequent findings should be provided prior to project approval to allow for meaningful public review and comment.

## **Hydrology and Water Quality**

The DEIR fails to fully address the issue of stormwater runoff. There was no consideration given of alternatives to the impermeable surfaces of roofs and parking lots. The project fails to assess rainwater gardens, permeable pavement, and roof rainwater harvest methodologies (such as trees, ecoroofs and roof gardens) as feasible solutions to minimize stormwater impacts and allow for groundwater recharge.

The DEIR does not specify proposed stormwater treatment methodology for meaningful analysis of potential impacts due to increased levels of likely contaminants. Nor does it provide sufficient detail pertaining to grass swales (biofilters) such as location and size.

Contrary to the project proponents' uncorroborated claims in the DEIR, the project appears likely to "...interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level" thus constituting a significant effect pursuant to CEQA, appendix G. The DEIR discloses that there is a perched zone aquifer that is not tidally influenced (DEIR pg. 214, para. 5) underlying the project site and that the majority of rainfall "generally ponds and slowly infiltrates into the subsurface" (DEIR pg. 217 para 3, see also pg. 246 para. 2). In reviewing aerial photographs of Eureka it is clear that the project area represents a substantial percentage of pervious surface area and, though there is no disclosure of the sources of recharge for the aquifer, it seems likely the Balloon track site represents a significant recharge zone. Increasing the amount of impermeable surface by 29 acres in an area where little, if any, permeable surfaces are located is a significant change and will likely result in drastically minimizing the amount of freshwater in the perched zone aquifer.

The plan proposes converting the majority of the plan area into impervious surfaces (29 acres). What is the impact on groundwater recharge? During high flow events, how effective will stormwater treatment be, and how will the storm drain system be able to withstand such a significant volume of water? What would the impact be of having a significant discharge event during a high tide?

Also, in this time of uncertain weather patterns, and given that even now we are seeing increased 10 year flood events at intervals shorter than historic events, what would be the effect on the project site and the surrounding areas during a 100 year flood event. What would be the effect on the site given the projected two foot rise of sea level? These concerns were unaddressed.

## **Responsible Development?**

The impact of big-box stores on surrounding businesses and resulting urban decay was inadequately addressed. The DEIR pays lip service to "smart growth", "open space" and "walkable communities". The Marina Center project as proposed would clearly serve to separate the site from the very walkable and enjoyable Old Town. "Smart Growth" considers ways to integrate various uses, the proposed project would act to segregate. It is contrary to build over one thousand parking spaces and claim it is to support a "walkable" landscape. It would be a meaningful step for such a large, visible development to step away from the status-quo of big-box chains to more diverse, locally owned and operated business, mixed-use residential, restored wetland and park. Construction utilizing passive solar design utilizing locally sourced materials would further the sustainability of the project. Waste recycling including utilization of greywater for irrigation uses would substantially reduce water use during the dry season. The list goes on for reasonable, cost effective methods to minimize the environmental impact of the project.

I hope that the above concerns prove helpful in furthering the process and I thank you for your time in reviewing these comments.

Sincerely,

Daniel J. Ehresman  
PO Box 626  
Eureka, CA 95502

## Sidnie Olson

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**From:** Janet Eidsness [jpeidsness@yahoo.com]  
**Sent:** Thursday, January 22, 2009 10:39 AM  
**To:** DEIRcomments  
**Cc:** Janet Eidsness  
**Subject:** DEIR Marine Center comments from Eidsness (cultural resources)

**Attachments:** Eidsness FNL comments DEIR Marina Center.doc



Eidsness FNL  
omments DEIR Mar.

Please see attached comments dated January 20, 2009, from Janet P. Eidsness.

Confirm receipt requested. Thanks.

Janet P. Eidsness, M.A., Registered Professional Archaeologist Consultant in Heritage Resources Management

**MAIN OFFICE/RESIDENCE:**

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Janet P. Eidsness, M.A., RPA  
Consultant in Heritage Resources Management  
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(530) 629-3153 voice, (530) 629-2854 fax  
jpeidsness@yahoo.com (email)

January 20, 2009

Sidnie L. Olson, AICP, Principal Planner  
City of Eureka Community Development Department  
531 K Street  
Eureka, CA 95501-1165

Related via email to DEIRcomments@ci.eureka.ca.gov

Re: Comments on Draft EIR for Marina Center in Eureka (Cultural Resources)

Dear Ms. Olson:

I have reviewed the subject DEIR and offer the following comments focused on Chapter IV.E, Cultural Resources. Please note that I have met with my colleagues, Mr. Roscoe and Mr. Rohde, to review and discuss the technical cultural resources report prepared by Roscoe & Associates for CUE VI, LLC (May 2006), which is the basis for the environmental analysis presented in the DEIR.

1. Research conducted by Roscoe & Associates to-date, as described in the DEIR and their confidential technical report, is incomplete and fails to demonstrate the City, as the lead agency, has made a "good faith effort" to locate the presence (or absence) of "unique archaeological resources" or archaeological resources that meet the criteria as "historical resources" for purposes of CEQA (per §15064.5). Cultural resource findings reported to-date must be considered preliminary. Additional on-site, research design guided archaeological exploratory efforts need to be completed before Project impacts can be adequately assessed and appropriate mitigation measures advanced (see below). While I understand that Mr. Randy Gans of CUE IV, LLC, agreed verbally with Mr. Roscoe's undocumented recommendation for additional site testing, this has not been accomplished nor is it addressed in the DEIR.
2. The DEIR inappropriately defers identification of any archaeological resources that may qualify as "unique" or "historical resources," to the Project implementation stage, i.e., handling of "inadvertent discoveries" located during construction monitoring by an archaeologist and Wiyot representative in defined "archaeologically sensitive areas" (related comments below).
3. As instructed by Michele Messinger, CEQA expert with the California Office of Historic Preservation (OHP), at the 12/10/07 "CEQA and Historical Resources Workshop" presented at the Bayside Grange and, I believe, attended by City planning staff:

“Discovery of cultural resources during construction ... **without** the appropriate level of identification **should be avoided**” (emphases are Messinger’s; see on-line record of workshop at <http://www.ohp.parks.ca.gov/pages/1054/files/arcataceqa.pdf>).

4. Further, Mitigation Measure E-2a is wholly inadequate, because as Messinger also pointed out at the 12/10/07 workshop: “Archaeological Monitoring as mitigation is typically not a preferred mitigation for archaeological resources; Why?; [because] It may put the resource at risk to project impacts before appropriate archaeological intervention can occur” (Ibid.) Most importantly, Messinger instructed that **“If there is evidence in the record that an archaeological resource may be affected by a project, a mitigation measure applicable to accidental discovery is not appropriate”** (Ibid). I believe these instructions hold true for the proposed Marina Project, given its scale and sensitivity.
5. The incompleteness of the archaeological identification efforts is supported by the DEIR description of the physical conditions and constraints at the project site at the time of Roscoe & Associates’ archaeological surface survey, namely the “entire surface of the study area is paved over, filled and/or developed...” (DEIR IV.E-16).
6. Opportunities were apparently missed during the pre-DEIR information gathering phase for coordinating subsurface archaeological identification efforts with the “numerous site investigation activities” that were designed and conducted to identify and locate hazardous materials and contaminated soils, as described in DEIR IV.G. The DEIR states: “Extensive field programs including soil sampling, groundwater sampling, stormwater sampling, soil borings, trenching, field testing, site inspections, and laboratory analysis have been conducted” (DEIR IV.G-4). Coordinating the on-site hazardous materials assessment with archaeological explorations would have cost-effectively provided timely data (likely positive and negative) pertinent to locating and determining if the two ethnographically named Wiyot villages, and/or other potentially significant prehistoric and historic archaeological deposits, are present in subsurface contexts in the Project area.
7. The DEIR fails to report whether the contaminated soil sampling and trenching activities described in DEIR IV.G were monitored by an experienced archaeologist. I believe it is the City’s responsibility to require due diligence when scheduling and permitting pre-DEIR subsurface exploratory field studies that, given the archaeologically sensitive nature of the Project setting (as reported by Roscoe & Associates), have the potential to inadvertently impact archaeological resources. It is possible that buried archaeological deposits were unknowingly disturbed at the Project site by these unmonitored ground disturbing investigations.
8. Archaeological identification efforts for the Project site may be supplemented and refined by careful review of the apparently extensive record of soil boring logs and data obtained to-date for soil contamination studies (cf. DEIR IV.G). Analysis of these available data and findings as they relate to identifying existing subsurface archaeological deposits, and/or refining the identified horizontal and vertical extents of “archaeologically sensitive areas” were not reported by Roscoe & Associates (2006). Analysis of depths of fill overlaying native ground need to be considered relative to the anticipated depth of soil disturbances from Project construction.
9. Based on careful review of historic data and interpretations about the historic geography of the Project site and vicinity by Roscoe & Associates, I generally concur with their delineation of the two “archaeologically sensitive areas” mapped in their report (Confidential Appendix Map 4) and described as the “geographic areas...” to be

archaeologically monitored in the DEIR – with the important note that DEIR IV.E-18 inadequately describes the boundaries of the 3<sup>rd</sup> sensitive area, by failing to identify “which” project alternative for the proposed garden area Anchor 1 is being referred to (is it the Preferred Project? Reduced Footprint Alternative?). These two mapped areas correspond to the possible locations of two named Wiyot villages identified by the NCIC records search and through review of various ethnographic and historic sources by Roscoe & Associates: Wiyot Village Site 1, CA-HUM-69 (“djerochichichiwil”); and Wiyot Village Site 2 (“Moprakw”). The technical report and DEIR make compelling arguments that these two Wiyot village sites may, in fact, be located in the Project area or its vicinity.

10. Defining “archaeologically sensitive areas” for the Project area and vicinity must be considered a “work in progress,” with the understanding that new data will contribute to refining vertical and horizontal boundaries based on interpretations of existing and new soils observations. As noted above, there are numerous opportunities for coordinating data acquisition with other fields of inquiry (see Comments 6-8 above).
11. It would be prudent for the City Planning, Public Works and Maintenance staff to “red-line” these areas and take caution when planning, permitting or conducting ground-disturbing activities in these initially defined sensitive areas. Until the sensitive areas are refined based on new information, the general locations mapped both inside and adjacent to the Project by Roscoe & Associates (2006) are tenuous, and any future ground-disturbing activities in the area need to be on alert.
12. It is imperative that all critical efforts to refine the subject “archaeologically sensitive areas” are documented by a professional archaeologist and the reports filed with the City and the North Coastal Information Center (NCIC). The necessity of maintaining the record of refinements is paramount to building a solid record of “fact-related reasonable assumptions, predicated on facts” (not speculation or unsubstantiated opinion) for the current Project CEQA analysis.
13. The City should permit no further Project related subsurface testing for purposes of sampling and identifying hazardous materials and soils, or removing underground storage tanks, without requiring advance coordination with and monitoring by an experienced archaeologist and Wiyot representative. Such a measure is not considered with respect to Mitigation Measure IV.G-1b, addressing the possible need for further site characterization field excavations (DEIR IV.G-20).
14. The reported Native American consultation efforts assert that the two named villages are important to Wiyots today as “significant and highly sensitive cultural resource associated with Wiyot cultural history and identity” (DEIR IV.E-9 & 10). Furthermore, there is a high likelihood that if preserved in intact or disturbed contexts, these two village sites contain multiple Wiyot burials, as supported by the ethnographic literature, memories and oral histories of living descendants, and prior comparative archaeological research findings for the Wiyot ancestral area. The record of Native American Consultation to-date infers that if present, these two Wiyot village sites may qualify as Historical Resources under Criterion A of the California Register of Historical Resources, for their association with the broader patterns of Wiyot history and culture.
15. In addition, if preserved with sufficient integrity of location, materials and workmanship (as defined by the National Register of Historic Places), the two Wiyot village archaeological sites may be eligible for listing on the California (and National) Register under Criterion D, for their potential to yield information important in prehistory. When

evaluating whether an archaeological site is “unique” or a “historical resource” for the purposes of CEQA, it is necessary to formally characterize those elements and qualities that make the resources significant, i.e., “those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources” per CEQA. It is those as-yet undefined “physical characteristics ... that convey a property’s historical significance” that form the basis for analyzing Project impacts and advancing appropriate mitigation measures. This has not been adequately addressed in the DEIR, principally because the resource identification efforts have been insufficient.

16. Mitigation Measure E-2b, addressing inadvertent discovery of Native American skeletal remains during construction, cites measures that are inconsistent with current State law (CEQA Title 14; Chapter 3; Article 5; Section 15064.5; California Health & Safety Code §7050.5; Public Resources Code §5097.58; AB 2641 of 2006, amending PRC §5097.91 and §5097.98, relating to Native American burial grounds; etc.). See the applicable laws posted on the Native American Heritage Commission website at <http://www.nahc.ca.gov/has.html>.
17. I concur in general with Roscoe & Associates’ observation that the mapped archaeologically sensitive areas may also contain buried historic period archaeological deposits of potential significance. Elevated ground above canoe accessible channels of the historic Clarks Slough, tidal salt marshes and bay waters are the preferred settings for human habitation in both prehistory and history. The proximity of the Project to the Old Town Eureka Historic District reinforces the possibility of finding significant historic archaeological deposits (e.g., trash deposits in backfilled privy pits, wells; early settlement foundations) associated with railroad history, and/or with possible early American settlement by poorer folks (e.g., people of color) that lived at the western fringe of the early townsite.
18. Before the EIR analysis for cultural resources can be completed and the EIR finalized, there is a compelling need to test and refine the delimited “archaeologically sensitive areas” and importantly, to determine if the Project site contains significant buried archaeological indicators of the two subject Wiyot villages. Recommended is a more comprehensive program of data analysis, coupled with subsurface geoarchaeological field investigation. The Roscoe & Associates (2006) report provides important historic land use information for crafting the research design needed to guide this important fact-finding resource identification effort. Any archaeological site work must include consultation and coordination with, and invite the participation of, the interested Wiyot affiliated tribes (Wiyot Tribe, Blue Lake Rancheria, Rohnerville Rancheria). Such a program should expand upon the existing sensitivity analysis of Roscoe & Associates, by considering available soils sampling data (Comments #6-8 above), other records (e.g., NWP, Caltrans and other “as-built” historic records for on-site and adjoining developments) and undertaking systematic geomorphological investigations directed by a qualified geoarchaeologist that has demonstrated success in such inquiries. (Presently, the preeminent geoarchaeologists in California are Jack Meyer with Sonoma State University and Jeff Rosendall with Far Western Anthropological Research Group). The goals of the testing program should include: subsurface testing to locate, identify the horizontal and vertical extents, characterize the types of constituents, and evaluate the significance of extant buried archaeological deposits. By taking into account current conditions, while reconstructing the historic geography of the Project site (and

inferentially, adjacent areas), certain landform locations may be identified and targeted as being most likely to contain buried evidence of prehistoric and early historic human land use. By testing and refining the archaeological sensitivity map crafted by Roscoe & Associates, this site identification program will provide a record of sound, “substantial evidence” needed to determine, through CEQA re-analysis, if the Project (including reasonable alternatives) has the potential to significantly impact “unique” or other significant “historical resources.” If testing results confirm the presence of one or more significant archaeological deposits at the Project site, CEQA re-analysis of Project impacts may lead to presenting meaningful and appropriate, enforceable mitigation measures designed to avoid or minimize Project impacts on unique or historical resources to a less-than-significant-level. The DEIR fails to make a compelling argument that the proposed cultural resources mitigation measures will accomplish this objective.

19. I wholeheartedly support the comments on the subject DEIR made by the Wiyot Tribe. Further, I want to recognize and echo the Eureka *Times-Standard* Editorial dated 12/17/08 that encourages the Project Applicants to work with the Wiyot Tribe (as well as other interested tribes having Wiyot descendent members) “... in clearly identifying where the sites are prior to construction, and then working to make sure they are treated with the proper respect when and if construction does proceed” (quoted from editorial titled “Proceed cautiously with Wiyot sites on the Balloon Tract.”)
20. It is unreasonable to conclude that Mitigation Measures E-2a and E-2b will adequately reduce Project impacts on unique archaeological resources, archaeological resources that may qualify as historical resources under CEQA, or Native American burials, if such are identified during construction by an experienced archaeological monitor or Wiyot monitor, or by construction personnel that are unlikely to have adequate archaeological experience or training. As emphasized by Messinger in the CEQA-Historical Resources workshop (Comment #4 above), monitoring is not a reasonable measure for discovering, evaluating the significance and protecting or treating anticipated archaeological sites found during construction. DEIR Mitigation Measure E-2a asserts that if a significant discovery is made during construction, the unwritten “protection plans” will involve, at a minimum, one or some combination of: archaeological data recovery; project redesign to avoid and preserve in-place; site capping; and deeding the discovered site as a permanent conservation easement. Experience statewide with CEQA and inadvertent archaeological discoveries has demonstrated that data recovery as the mitigation option is usually preferred by the Applicant, because Project redesign (sometimes coupled with site capping) usually entails reducing the Project’s size and objectives, and creates delays in permitting and reassessing the environmental consequences. When Native American burials are involved, the data recovery option (i.e., archaeologists digging up burials) is typically very culturally hurtful to and extremely sensitive for the affiliated tribes. While dedicated Conservation Easements are an important tool for protecting known historical resources and may now be held by Tribes (per Senate Bill 18), such easements require Owner cooperation and approval, and coupled with a post-review discovery scenario, dedicating one or more Conservation Easements (with their respective management plans) is also likely to entail some level of Project redesign, delay and additional costs (low incentives for Applicants).
21. Having deferred the identification of unique or qualifying historical resources to a post-review construction discovery scenario (Measures E-2a, E-2b), the DEIR has failed to meet the requirements of CEQA §15064.5(b)(5): “A lead agency shall identify

potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. ‘The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.’”

22. The DEIR Chapter IV.G, Hazards and Hazardous Materials, does not address the potential for adverse changes on significant cultural resources that may reasonably be expected from implementation of the as-yet undefined Site-Specific Remediation Plan that will require approval by the Regional Water Quality Control Board (RWQCB). As noted above, opportunities to combine objectives of archaeological identification and hazardous soil condition characterizations have been missed; unknown archaeological impacts may have already occurred. Coordination by the City and Applicant with the RWQCB before finalizing the EIR is strongly recommended. Conditions for avoiding impacts to significant archaeological resources from on-site hazardous materials remediation efforts need to be addressed in the final EIR.
23. As the lead agency for CEQA, the City’s failure to convene a “pre-consultation meeting” with the local office of the US Army Corps of Engineers (USACOE), pursuant to the Project’s required permitting under Section 404 of the Clean Water Act (CWA), is a glaring omission in the DEIR. CWA Section 404 permits administered by the USACOE constitute federal undertakings subject to compliance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). Section 106 guidelines are recognized as the “best practices” in historic preservation project review. I dare say that the DEIR Cultural Resources chapter is wholly inadequate with respect to Section 106 guidelines, including the incomplete characterization of the cultural resources setting, inadequate efforts to identify buried or otherwise obscured cultural sites, failure to evaluate significance of extant sites per California and National Register of Historic Places criteria, failure to explicitly assess direct, indirect and cumulative impacts of the Project alternatives on significant cultural resources, and failure to advance mitigation measures that will reduce such impacts to a less-than-significant level. Notably, any Agreements conditioning approval of the CWA Section 404 permit from the USACOE will trump and supersede those presented in the DEIR, if found inadequate for purposes of Section 106 compliance. If and, more likely, when, the USACOE imposes new cultural resources management protection measures consistent with Section 106 on the Project’s CWA 404 permit, amendment of the EIR will likely be required, imposing additional burden on the Applicants, the City as lead agency for CEQA, other consulting parties such as the Wiyots, and the interested public.
24. The recent EIR/EIS for the Wiyot Tribe’s Tulawat (Indian Island) Restoration Project, which the City served as the lead agency for CEQA, offers a good example of the appropriate scheduling and Section 106 coordination needed before an EIR is drafted. Notably, the outcome of the Section 106 process is an enforceable Agreement document (Memorandum of Agreement or Programmatic Agreement) that clearly identifies signatory and concurring parties, and sets forth clear procedures for protecting significant cultural places, including site-specific Historic Property Treatment Plans (HPTPs), provisions for handling discoveries of Native American remains (e.g., a Burial Protection Plan agreed upon in advance of project implementation by the Most Likely Descendent identified by the Native American Heritage Commission), for handling “Post-Review Discoveries,” confidentiality, reporting, curation, objections, termination procedures, duration, etc.

On this historic day honoring the Inauguration of our Forty-Fourth President, I believe your mission, as the lead agency, and my mission, as a member of the interested public, is to make informed decisions about the environmental consequences of the proposed Project based on substantial evidence and fair argument. I have shared with you my concerns and suggestions, which are drawn from my 30 years working as a professional in cultural resources management, mostly within this great state of California and in the North Coast Region.

Thank you for the opportunity to comment.

Sincerely,

Janet P. Eidsness, M.A.  
Registered Professional Archaeologist

Cc: Humboldt Heritage Professionals Network (HHPN)

January 15, 2009

City of Eureka  
Community Development Dept.  
531 K Street  
Eureka, Calif. 95501

RECEIVED

JAN 20 2009

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Attention: Sidnie L. Olson  
AICP, Principal Planner

I am submitting what I believe to be a very successful plan for the development of the "Balloon" tract.

We now have shopping centers in Garberville, Fortuna, Ferndale, Loleta, Eureka, Arcata, Blue Lake, McKinleyville, Willow Creek, Weaverville, etc. and, also, the mail order outlets. Do we need more??

The success of our local theaters, the Jazz Festival, Fairs, rodeos, etc., demonstrates the local support in this area.

With Del Norte, Mendocino, Shasta, Trinity, Mendocino, etc. Counties around Humboldt, the financial base is substantial. Why not tap into this source of revenue by having a facility to accommodate the performances of the rockers, etc. etc. and all of the service and accommodations needed?! The sky's the limit!

Sincerely,  
Carolyn M. Eisner

**Sidnie Olson**

---

**From:** Loreen Eliason/Riverwood Inn [loreen@asis.com]  
**Sent:** Saturday, January 31, 2009 2:51 PM  
**To:** EDEIRcomment@ci.eureka.ca.gov  
**Subject:** Marina Center

I own and operate the Riverwood Inn in Southern Humboldt as well as own a house in Eureka. I was born in Eureka and have lived here all my life. The Marina Center is a bad idea for our community. WE already have one building at the foot of F Street that can't even be rented out. The Marina Center project is going to be another dead end. We do not need Home Depot, although I did hear that now they want to anchor it with a Kohl's Department Store. That was supposed to go into Mervyn's but is now probably taking the place of Home Depot. This will cause a hardship on the existing local business in Old Town, just as Home Depot will cause hardship for Pall the hardware and home furnishing businesses in the Eureka area.

I say No to the huge scope of this project. Traffic, pollution, etc. And "low income housing"? What a joke.

RECEIVED

DEC 22 2008

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

## Balloon Tract EIR Concerns

My main concern about the Marina Project proposed for the "Balloon Tract" in Eureka is as follows:

It will add too much additional commercial space that either mimics or duplicates existing retail in the city and would only dilute the economic stability for existing businesses.

- It will create an additional glut of commercial and office vacancies in a city that is already experiencing decaying brown fields.
- Add very little to bring a new direction and revenue source, such as tourism or education to the city and existing businesses.
- It is a very poor use of an exceptionally sited property in regards to its location near the bay, marina, Warfinger complex, old town and a major thoroughfare used by tourists and visitors. The old economic model of Humboldt County, forestry and fishing are waning and the options to replace them are very few, among them are education and tourism which have the ability to bring new money and jobs into the areas.
- For the greatest public benefit and good I feel that a collaboration of Security National, the state, the city, county, public and private agencies could achieve a project that is well worthwhile and sustainable into the future.
- Humboldt State University wants to expand enrollment and has out grown their oceanographic facilities in Trinidad. I propose part of the proposed marina project be a joint effort of Security National, HSU, state department of fish and game and local wildlife rescue recovery agencies establish a marine studies and recovery facility.

A teaching oceanographic aquarium on this site would:

- Expand HSU's oceanographic curriculum's student population and could offer student housing in Eureka to relieve the Arcata shortage of student housing.
- Offer a greater marine studies program that dovetails with the mission of the University and offer opportunities to allow HSU aquarium and oceanographic studies and facilities to team with State / Volunteer wildlife rescue / recovery agencies.
- Present the ability to utilize existing neighboring facilities such as Warfinger, Adornie Center and Arkley center for seminars and conferences.
- Bring a new revenue source and pride into the community.

I hardly think that tourists are going to pull off the 101 to stop and wonder around a home depot or similar type commercial venue. I do feel that they would pull off to walk through and visit a seaport village and "working aquarium" run by HSU and wildlife groups.

Once people pull off the road to visit a tourist / educational aquarium and discover other things such as the Children's Discovery Museum, an Imax theater, old town shops, boutiques, restaurants they will opt to stay longer and bring new "outside" dollars to area hotels, restaurants and shops, an opportunity not afforded by building a home depot type commercial development.

Currently there is very little for tourists (especially with children) to do in poor weather or after they've seen the big trees, expanding tourism and education would fill gaps in our economy and bring in new outside money.

Concerned Eureka Residents

W.R. "Bill" Engels  
Ellen Engels  
1537 R St., Eureka

**Sidnie Olson**

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**From:** richard evans [richardzenia@yahoo.com]  
**Sent:** Thursday, January 29, 2009 1:10 PM  
**To:** DEIRcomments  
**Subject:** Comments

The area of Eureka, currently under consideration for development, is obviously the most important and largest parcel of undeveloped land in the city of Eureka; as such, its development will play a major role in the future economic health and social desirability of the city.

I urge the City Council and boards to exhaustively consider any and all proposals that address the issues of LAND USE and URBAN DECAY, emphatically and directly address the legal requirements of this DEIR, and facilitate ongoing input and comments by the public.

Let us learn from our mistakes and no longer tolerate short sighted, counterproductive development that fails to acknowledge the enormous changes, already upon us, to our economic systems and social needs. But let us know that good planning and listening will create a vibrant Eureka that we can work in and be proud of.

Thank You  
Richard W. Evans  
1117 A Street  
Eureka, CA 95501

(707) 442-1208  
cell (707) 616-1040  
richardzenia@yahoo.com

January 24, 2009

To: City of Eureka  
Community Development Dept.  
Attn: Sidnie L. Olson, AICP, Principal Planner

**RECEIVED**  
JAN 26 2009  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

From: Patrick and Elizabeth Eytchison  
915 California Street  
Eureka, California 95501

Subject: Comments on *Marina Center Mixed Use Development Project* Draft EIR;  
**Air Quality Section** (pages IV.C-1 –IV.C-23)

The core weakness of this document is its failure to address in sufficient detail the possible impact of increased traffic generated by the Marina Center on the air quality of nearby residential neighborhoods, particularly the Clark District (identified in the document, in passing, on page IV.C-1). This is significant because the EIR's Traffic Section (IV.O) estimates an additional 15,665 daily vehicle trip on area roads as a result of the project, and a minimum 33% increase in traffic at study intersections by 2025. It is estimated that this additional traffic will generate nearly 19,000 metric tons of CO<sub>2</sub> annually (EIR IV.C-20). One specific lack in the draft EIR is that a matched estimation of *carbon monoxide* emissions generated by Marina Center traffic is apparently missing from the document.

Automobile and truck traffic poses a well documented health risk to exposed humans. Auto emissions are a primary source of hazardous air pollution; diesel emissions are recognized as especially significant as a cancer risk factor—however non-diesel gas emissions may also pose a cancer risk. Other illnesses associated with traffic emissions are asthma, bronchitis, headache, fatigue, impaired mental functioning, damage to blood and heart functioning. Traffic also generates air-suspended road dust.

Adjacent to Highway 101, the Co-op, and the Marina Center, the residents of the Clark District will be particularly vulnerable to traffic-generated air pollution. This needs to be studied in detail—a lack in the draft EIR. In addition to auto

emissions, Clark District residents are exposed to emissions from the Fairhaven Power Plant, the local pulp mill, a convenience store with multiple gas pumps and at least one auto-body shop emitting paint fumes. Should plans for railroad and/or commercial harbor development bear fruit, further negative impacts on Clark District air quality can be anticipated. These multiple factors of cumulative impact are not considered in the Air Quality section, although the document's Traffic section specifically considers other anticipated future developments in estimating traffic growth.

The Air Quality section is deficient in failing to consider the effect of coastal *temperature inversion*: a well known Humboldt Bay weather phenomenon which has the effect of weakening vertical dispersion of pollutants (see page IV.C-1, Climate and Meteorology).

The (air quality) Health Risk Assessment (HRA) for the Marina Center project, paid for by Security National and carried out by Winzler & Kelly in 2006, considers only two hazard scenarios: air pollutants generated by construction, and diesel emissions emitted by idling delivery trucks after the Marina Center is completed. This HRA is not complete because it fails to consider the overall impact of all increased traffic and auto emissions generated by the Center.

#### REGULATED LIMITS

*PM10 Attainment Plan*: The North Coast Air Basin (which includes Humboldt County) has a nonattainment status with respect to PM10 air pollution. The Air Quality section acknowledges that even with its suggested Measures of Mitigation (C-2a and C-2b) the Marina Center will have a "significant and unavoidable" negative effect on the NCUAQMD's PM10 Attainment Plan. The draft EIR's Air Quality section In my opinion presents an obvious weakness in this area in that the proposed Measures of Mitigation do not include alternate development projects for the Balloon Tract property which would result in a significant *reduction in traffic per se*.

*Greenhouse Gas Emissions*: Although, due to the factor of scale, GHG emissions

from Marina Center traffic are not significant, given the overall seriousness of the problem of global climate warming, and California's commitment to mitigation in this area, any project for commercial development should be planned to keep these GHG emissions within the lowest possible limits. Judged by this criteria, Mitigation Measures C-2a and C-2b (as in the case of PM10 Attainment) seem weak as they do not include alternate projects which would significantly reduce rather than increase future traffic.

Summary : The Draft EIR's Air Quality section is lacking in the following specific areas:

- (1) The Climate and Meteorological component does not include an assessment of the effect temperature inversion phenomenon has on pollution dispersion.
- (2) The Section does not include an adequate (detailed) assessment of the impact of increased traffic emissions, and related traffic particulate matter, on Clark District residents (particularly in the context of other existing, of future planned and anticipatable, toxic emission sources).
- (3) The Health Risk Assessment appended to the Section fails to consider the impact of *overall* traffic emissions, beyond diesel emissions from idling delivery trucks only, particularly on the residents of the Clark District.
- (4) Although an estimation of increased CO2 emissions generated by Marina Center generated traffic is given, there is no matching estimate for CO emissions.
- (5) The Mitigation Measures offered (C-2a and C-2b) are less than adequate: no proposals for mitigation through *alternate projects* which would significantly *reduce* traffic trips are offered.

January 28, 2009

Sidnie L. Olson, Principal Planner  
City of Eureka Community Development Department  
531 K Street  
Eureka CA 95501-1165

RECEIVED

FEB 02 2009

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

I am writing regarding the Marina Center DEIR. First I want to say I have a great deal of admiration for the Arkleys and what they have done for our community. Also, I do not envy the position you are in at this time in this process. You will most likely be inundated with letters such as mine. The Marina Center has been designed, aesthetically, to be a showplace for Eureka but what are the costs? I don't mean monetary costs.

We have a situation in Eureka where traffic very often creeps slowly down the section of Broadway where the Center will be built. In order to cross Broadway a pedestrian must walk for blocks to find a signal or crosswalk to get from one side of the street to the other. I can't even imagine the impact to bicyclists trying to navigate Broadway. It is a nightmare right now. It will only be made worse by this project. Waterfront Drive is not a viable alternative for the traffic flow which will be created by the Marina Center. How do you think this will work? The impact to Harris Street and other cross streets on Broadway have not been adequately dealt with. How will the city address this almost certain bottleneck? Why has no public transit service been proposed within this project?

We are now faced with two of our largest "chain" stores, Mervyns and Gottshalks, closing their doors. If Home Depot is to be built within the Marina Center project, we can almost certainly predict the closing of long time local building supply businesses, already existing in Eureka. These locally owned businesses have been great supporters of the local community. How will the city deal with the impact of Home Depot on Shafers, Piersons, etc.? We have too many businesses that have closed their doors already in the downtown area, as the result of the malls that were built in Eureka. Small locally owned businesses have been replaced with large chain stores that are now feeling the effects of economic challenges. Putting governmental offices and social service agencies in place of these businesses is not the answer.

The Boardwalk, thanks to the Arkley family, is a wonderful addition to Old Town in Eureka but the restaurant that was to open there has not happened. The last time I looked all the condos built on the Boardwalk have not been sold. The Marina Center proposes building more residential housing, will they sit empty? Are you creating "Urban Blight?"

I feel that the Health Risk Assessment (HRA) for this project is totally out of date and needs to be done over to meet current standards for diesel emissions both during the building and for the future. Testing for Dioxins and Arsenic is imperative, especially if wetland remediation is to be done. Is there going to be a significant threat to the health of Eureka citizens during the transportation of hazardous materials in the building process, how will this be addressed? Currently these issues are not adequately explained?

The possibility that there could be a Wiyot Village under this property needs to be addressed before construction begins. What will be your requirements for site identification?

It appears to me that capping of the property, to contain possible contaminants in the soil, will only cause a slow seepage of unknown materials, under the capping. The seepage will lead right into Humboldt Bay. I would hope that there would be major cleanup of the Balloon Track before it is paved over. What will be your requirements?

There are many questions that need to be answered. The Project proposals have glossed over too many strategic subjects. What provisions have been made for the citizens of Eureka for recreational enjoyment of this precious piece of coastal property?

A handwritten signature in cursive script that reads "Marilyn Field". The signature is written in black ink and is positioned above the typed name and address.

Marilyn Field  
2868 D Street  
Eureka, CA 95501

[jmfield@pacbell.net](mailto:jmfield@pacbell.net)

**Sidnie Olson**

---

**From:** David Fix & Jude Power [foglark@att.net]  
**Sent:** Saturday, January 31, 2009 10:52 PM  
**To:** DEIRcomments  
**Subject:** Marina Center

Dear Sidnie Olson,

This is to register my opposition to the Marine Center as it is currently proposed. What Ozark spiral arm of which galaxy are these planners and promoters living in? What are they smoking?

Anyone who can tie an overhand knot in their shoelaces can foresee that, within eighteen months, a Home Depot hypermarket at that site will drain the blood from Pierson's--a respected store whose employees are topnotch. I can foresee callow Eureka kids working at a Home Depot who wouldn't begin to know a crescent wrench from a crescent roll, and who think there's a product called Duck Tape.

Second, as economic hard times become worse and stay bad--as we must recognize they almost surely will--this site will attract increasing ranks of the desperate homeless, meth addicts, smash-and-dash specialists, unsupervised juveniles, gang members, and prostitutes. The verges of the property, especially along the bayfront, will become a seedy, urine- and feces-stinking No Stroll Zone the day the place opens, with fencelines and bushes flagged with windblown white plastic bags--and it will remain that way, because EPD will have insufficient money and manpower to adequately police it or clean it up.

Third, the artist's portraiture of the site depicts a site that is architecturally vacant. We expect something better, not Santa Rosa Norte.

Fourth, there are ANY number of better uses for this site: a convention center, a managed interpretive wetland and riparian corridor, a greenbelt, a native tree arboretum, or simply precious open space.

If this project is given the go-ahead, I will be among the first to shriek with laughter when the civic "leaders" of Eureka and Humboldt County who supported it are voted out of office.

Eureka and Humboldt County can do a whole lot better than this. Let's go back to the drawing board, this time with living breathing human beings, not quarterly profits, foremost in mind.

Thank you for considering my opinion.

David Fix  
Biologist, writer  
Humboldt resident since 1992  
822-3613

# Letter of Observation

Kyle Fleck

Dear Times-Standard Newspaper and workers of the EIR,

I and 2 other student's at Eureka High School are quite concerned with the latest news about the Balloon Track Project and its productivity. We feel that the addition of the Home Depot as well the other complexes that are planned to be installed there are un-needed and is simply pointless. We aren't against the project itself, as the revenue estimates and job's available are very good to hear, its just that Eureka and cities surrounding it, already have all these facilities. And, to our understanding, there is already a Home Depot in Crescent City, so why have one here in Eureka? We suppose for the convenience, but we still feel strongly that the construction of the area seems that it will only enrage people, rather than sooth concerns.

Maybe we are talking to the wrong people to voice our thoughts on this on going project, but we are in the process of undergoing a local issue project, and the "Home Depot vs. Home Town" seemed to jump out at us when we saw the 1<sup>st</sup> edition of the EIR.

But, to conclude this message of awareness, we feel that regardless of our opinions expressed, the project will most likely go on. We simply wanted to say that this construction at the Balloon Track seems un-orthodox and just another fancy addition to the Eureka Community.

Thank Very Much for reading this letter, we hope you will write back with some comments!

Sincerely,

Kyle Fleck, and his two friends.

**Sidnie Olson**

---

**From:** ali [ali@mattole.org]  
**Sent:** Friday, January 30, 2009 5:43 PM  
**To:** DEIRcomments  
**Subject:** my comments

January 30, 2009

City of Eureka  
Community Development Department  
Attn: Sidnie L. Olson, AICP Principal Planner  
531 K Street  
Eureka, CA 95501  
DEIRcomments@ci.eureka.ca.gov

RE: Marina Center Mixed Use Development Project

To Whom it May Concern,  
The Draft EIR for the Marina project lacks reassuring reasons to move forward with this project at this time. For example:

Mitigation measures to be approved by Regional Board in the future?  
Staff of the Regional Board have already begun a project with the CA Coastal Conservancy know as Humboldt Bay Ecosystem Management. I doubt that the Marina project as it stands would fit their goals for wetland recovery. The Marina project does include almost 12 acres of wetland restoration but says nothing of how it will remove the contaminants on site or how much the project will lead to further contamination.

Threat to already existing businesses  
This project will bring in outside chain stores that threaten the already burdened business sector of Eureka. If the main thrust was to revitalize business why not resuscitate some of the closed businesses in downtown? I would hate for the downtown area to become even more ghostly. I am sure the business sector, also, will tell you as much. So many businesses were negatively affected with the opening of the Bayshore Mall, which according to the Journal, is also financially unstable at this time.

Traffic and Air Quality Impacts  
According to Humboldt BayKeeper, this project will seriously increase traffic and air quality impacts while the EIR lacks sufficient mitigation measures. Please do not add to our already impacted quality of life!

Alternatives  
There was a lack of alternatives addressed in the EIR. Because the site is right next to the lumber yard, why not have a value-added industry that actually manufactures furniture instead of bringing in some outside products. What about an alternative energy industry? What about small homes manufacturing industry? What about short sail shipping? There are plenty of more appropriate types of light industry than the proposed shopping area. We simply do not need another shopping area, especially at this time.

Thank-you for addressing my concerns with the EIR,  
Ali Freedlund  
1304 Sunset Ave.  
Arcata, CA 95521  
ali@mattole.org

## Sidnie Olson

---

**From:** edge@humboldt1.com  
**Sent:** Tuesday, December 30, 2008 9:48 PM  
**To:** DEIRcomments  
**Subject:** Comment

Hi. I'd like to add my 2 cents. This project doesn't fit. It's too big and the architecture doesn't match the beauty of Eureka, especially the old town buildings. Businesses are closing regularly now, how would our population be able to support such a development when we can't keep our current businesses from folding? I'd much prefer to see some improvements to our existing town then this "anywhere USA" type of extravagant development. And I'd especially hate to see a Home Depot go into that location! Edge Gerring, Loleta

Tom Sill

**Sidnie Olson**

---

**From:** Angela Brezden [abrezden@belsherandbecker.com]  
**Sent:** Friday, January 30, 2009 1:07 PM  
**To:** solson@ci.eureka.ca.gov  
**Cc:** DEIRcomments  
**Subject:** Emailing: F-G letter to City of Eureka (1-30-09)  
**Attachments:** F-G letter to City of Eureka (1-30-09).pdf

Angela M. Brezden  
Secretary to John W. Belsher, Esq.  
BELSHER & BECKER  
412 Marsh Street  
San Luis Obispo, California 93401  
Telephone: (805) 542-9900  
Facsimile: (805) 542-9949

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# FORSTER-GILL, INC.

P.O. Box 14459  
San Luis Obispo, CA 93406  
(805) 541-6387

January 30, 2009

VIA E-MAIL

City of Eureka  
Department of Community Development  
531 K Street Eureka, CA 95501-1146

**RE:** Marina Center EIR Comments

City of Eureka Department of Community Development:

Thank you for the opportunity to review the City of Eureka's Marina Center EIR.

Forster-Gill, Inc. has no position with respect to merits of the project itself. However, its impact on sewer capacity is of concern to Forster-Gill, as it has the Ridgewood Village project in process with the County of Humboldt and as the City previously issued a will-serve letter to Forster-Gill indicating it had capacity in the "Greater Eureka Area, Elk River Waste Water Treatment Plant Plant ("Elk River WWTP" or "WWTP") sufficient to serve the Ridgewood Village project. As information in the Marina Center Draft EIR casts doubt on the City's commitment and assurances, Forster-Gill, Inc. respectfully submit the following comments.

## I. COMMENT/OVERVIEW

### The City's changing NPDES Application

The City has amended its NPDES permit for average dry weather flow to the Elk River WWTP such that the EIR analyzes project and cumulative project impacts on wastewater flow based on incorrect assumptions.

September 23, 2008 - The City of Eureka applied to California Regional Water Quality Control Board (RWQCB) for a NPDES permit for the Elk River WWTP for average dry weather flow (ADWF) of 6.0 million gallons per day (mgd).

December 1, 2008 - The City of Eureka released the draft Marina Center EIR. The EIR stated the following at IV.Q-1 -

gallons per day. Accordingly, the extrapolation of excess capacity at the Plant appears to be overstated. It is our view that the meters being relied upon need to be calibrated and the Pound lift station flow numbers included.

Third, the City fails to include a complete list of reasonably foreseeable future projects in determining WWTP capacity. The January 27, 2009 letter considers future flows from Marina Center, Bayshore Inn expansion and Lundbar Hills, Unit 6. Omitted from consideration are the other future projects listed in the Marina EIR, at Table V-1. Also omitted from consideration is flow from the Ridgewood Village project, for which the City issued a Conditional Will-Serve, by letter from Assistant City Manager Mike Knight, dated August 6, 2007.

Fourth, the City fails to analyze wet weather flow, even though the Marina EIR lists the WWTP at 100% wet weather capacity. City staff apparently believes that wet weather flow is not affected by additional projects as the plant capacity is determined by how much material can flow through the pipes, not by the amounts flowing from projects or "I and I". If this is the case, it should be explained in the EIR.

#### City failure to abide by State and Federal grant assurances

In accepting the federal and State grants for design and construction of the "Greater Eureka Area Wastewater Project", the City of Eureka made several assurances to provide for regional growth, one of which was that the City of Eureka would have the plant operating at 5.96 mgd by the year 2001. See 1980 Facilities Plan, incorporated into the federal and State applications for construction of the plant, at page II-5, attached hereto. The City has failed to achieve this goal and now appears unwilling to do so, despite having a report from Brown and Caldwell listing the actions necessary to reach 6 mgd.

The funding is available to implement these assurances. There are several million dollars in the City's Sewer Enterprise Fund or loaned out by that fund to the City's Redevelopment Agency or other City entities/funds. The "final revenue program" submitted by the City in 1982 along with "enacted rate ordinances" led to the securing of these millions of dollars, as part of a "plan" to reach 6.03 mgd ADWF. See attached letter to City Manager Donald Dodge, dated January 15, 1982.

#### Wet Weather Flow/Mitigation

The draft EIR states that the WWTP operates at 100% of capacity for peak wet weather flow. This is in large measure due to "I and I" problems in the City. The City has a plan developed for correction of "I and I". We understand that it may be due to be implemented on a yearly basis beginning soon. This mitigation appears technically and financially workable. It needs to be analyzed in the EIR and incorporated into the project as a feasible mitigation measure.

### Summary of Observations

The timing and effect of the City's reversal of its applied for capacity at Elk River Regional WWTP should be examined in the EIR, if not by the Grand Jury. The City's permit application at 6.0 mgd was cited in the Marina Center EIR to reach a finding of adequate WWTP capacity and no environmental impacts relating to wastewater capacity. Three days after public release of the Draft EIR, the City submitted a modification of the NPDES application back to 5.24 mgd. The City's maintenance of its NPDES permit at 5.24 mgd will perpetuate and exacerbate an infringement of HCSD's rights under the 1982 contract, which infringement could have other environmental ramifications. This City action, as well as the last minute finding of capacity owing to a hypothecated error in a WWTP metering device, may be part of other City efforts to thwart the Ridgewood Village project, including the adoption of a reserve strip across Lundblade Drive to block access to Lundblade Drive from Forster-Gill's property. Forster-Gill hopes that this pattern of backdoor attacks on the Ridgewood Village project does not continue and that all parties can work together in the future for the benefit of the region.

### Concluding Comments

In light of the foregoing comments, which should be addressed in a final EIR, the EIR should, at a minimum, specially address the following comments:

1. The impacts of the Marina Center project and other reasonably foreseeable future projects on the capacity for dry weather sewer flows to the ERWWTP has not been evaluated in the context of the 1982 HCSD - City Agreement and a permit capacity of 5.4 mgpd average dry weather sewer flow.
2. The upgrade to 6.0 mgd dry weather wastewater flow appears to be a feasible mitigation to the impacts of the Marina Center project and other pending projects in light of recent Brown & Caldwell reports and the availability of several million dollars in or owed to the City Sewer Enterprise Fund. Moreover, the NPDES application itself shows a plant design of 6.0 mgd average dryweather flow (1981 Hydraulic Profile, Drawing Number G6). The 1980 Facilities Plan attached to the applications for regional plant State and Federal funding referred to a plant design of 5.96 by 2001. Pages II-4 and II-5. Finally, the City's 1982 "final revenue program" for the WWTP (attached) calculated taxation of the population based on average dry weather flow of 6.03 mgd. It therefore appears feasible and, in fact, funded, to expand the WWTP to 6.03 mgd.
3. The recent extrapolated reduction in wastewater flow should be re-examined in light of the absence of estimated flow to the Pound lift station, as well as use of more years than 2007 and 2008 to calculate average dry weather flow capacity at the regional WWTP.
4. The DEIR reports that wet weather wastewater flow capacity is at 100% of permitted capacity during wet weather events. The Marina Project should be

"The Elk River WWTP has a total average dry weather capacity of 6 mgd (however, the current permitted capacity is 5.24 mgd) ..."

"The 5.24-mgd-capacity is anticipated to be updated to 6 mgd or more in the NPDES permit renewal process in 2008/2009 (Gierlich, 2008)"

December 4, 2008 - The City of Eureka modified its application to RWQCB for the NPDES permit for the Elk River WWTP for ADWF back to 5.24 mgd.

The City's flip-flop in its application for wastewater treatment facility flow raises serious concern for the City's ability to service the Marina project and other City and regional projects. A City of Eureka letter dated August 31, 2007 written to Humboldt Community Services District ("HCSD") (see attached) shows that in some years the City of Eureka is over its contracted-for capacity at the WWTP. By using an average of the 6 years it shows that the City of Eureka is at 3.61 mgd and HCSD is at 1.11 mgd. According to the 1982 agreement between the City of Eureka and HCSD the City is entitled to 69.5% of ADWF (as measured at the WWTP in August of each year). HCSD's portion of ADWF is 30.5%. Using the permitted and currently requested capacity of 5.24 mgd the City of Eureka has an allowed flow of 3.64 mgd and HCSD has an allowed flow of 1.60 mgd.

Based on the foregoing, the City of Eureka has only .03 mgd capacity at the Elk River WWTP, based on the average of the 6 years discussed in the above mentioned letter and under its latest application for the NPDES permit. In fact, the City exceeds its allocation under its agreement with HDSD in some years.

#### The City's new calculations

In a January 27, 2009, letter to Steve Davidson, General Manager of HCSD, the City modified its evaluation of total flow to the plant and, hence, its capacity, by extrapolating a 10% misread from a meter at the Plant. The City is requested to include this letter in the record by this reference. By reducing the City's flow by 10% in this manner, the City claims to be within its contractual allotment under the 1982 HCSD/City Agreement. The City apparently plans to measure flow at the plant for a few months to see if its extrapolation is accurate. This analysis, however, raises at least four serious concerns:

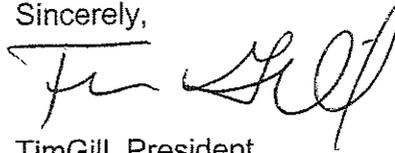
First, the City relies on August of 2007 and 2008 only in its new calculations. These years both had well below historical average rainfall totals for August. Higher rainfall gives a higher allocation at the WWTP to the City, due to I & I concerns with the City's older collection system. We note that previous City calculations, evidenced in its letter of August 31, 2007 (attached hereto) rely on up to six years to determine flow averages.

Second, the City leaves out the Pound lift station from its calculations. This lift station collects wastewater from HCSD and City collection systems not measured by other lift stations, nor accounted for in un-metered pump stations listed in the City's analysis. The flow to this lift station omitted from the City's calculations is estimated at over 100,000

evaluated for cumulative impacts from reasonably foreseeable future projects appear to be a significant contributor to adverse environmental impacts. The City has studied inflow and infiltration ("I and I") throughout its collections system, but has undertaken only limited corrective action, despite having millions of dollars of funds in its Sewer Enterprise Fund. It appears there is a feasible mitigation, which is for the City to expend Sewer Enterprise Funds on reducing "I and I", consistent with its recent Brown & Caldwell plan, so as to reduce wet weather wastewater flow.

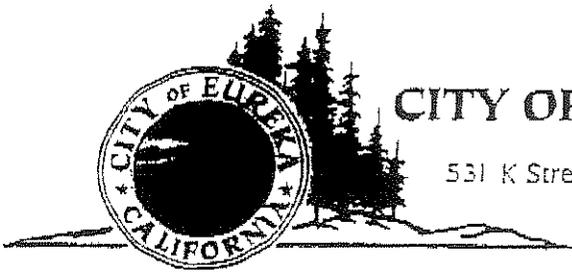
The City of Eureka needs to review its contracts, promises and sewer flows to make sure that it has the capacity to serve its community and the region, consistent with its federal grant applications, its will serve letters and its agreement with HCSD.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Gill", written over a horizontal line.

Tim Gill, President

cc: Kirk Girard, Community Development Director, County of Eureka  
Bonnie Neeley, Board of Supervisors, County of Eureka



**CITY OF EUREKA**

531 K Street • Eureka, California 95501-1146

**CITY MANAGER**

(707) 441-4144  
fax (707) 441-4138

August 31, 2007

Mr. Mark Bryant, General Manager  
Humboldt Community Services District  
P.O. Box 158  
Curten, CA 95534

**RECEIVED**  
SEP 1 2007

HUMBOLDT COMMUNITY  
SERVICES DISTRICT

Subject: HCSD Reserve Capacity Rights

Dear Mr. Bryant:

Thank you for your August 2, 2007 letter regarding capacity rights. Though the vigorous demands and assertions conveyed in your letter are troubling for reasons I will describe below, it remains my hope that we may continue working toward viable solutions by negotiating our differences in the spirit of good faith, as we have done recently, for the benefit of our community.

In brief, as my staff discussed with you on August 10, 2007, the City does not agree with your assertion that the City is utilizing a portion of the District's Reserve Capacity Rights. As such, we do not believe the City is obligated to reduce its flows and/or compensate the District for capacity we are not using as you demand in your letter.

The problem we see with your assertion is that you rely on a 5.0 MGD ADW August flow for the years 2001 through 2006 based on the City's annual report. As staff explained to you, the spread sheet used for the annual report to the Regional Water Quality Control Board rounds up the actual monthly flows to a whole number. The actual August ADWF and capacity share is indicated in the table below:

COMPARISON OF METERED FLOWS TO RESERVE CAPACITIES							
August	WWTP meter Average	HCSD meter Average	Difference i.e. City Flows	City use of Res. Capacity @ 6.03 MGD	HCSD use of Res. Capacity @ 6.03 MGD	City use of Res. Capacity @ 5.24 MGD	HCSD use of Res. Capacity @ 5.24 MGD
2001	5.0	1.16	3.8	92%	63%	105%	73%
2002	4.5	1.03	3.5	83%	56%	95%	64%
2003	4.7	1.11	3.6	86%	60%	99%	69%
2004	4.7	1.17	3.5	84%	64%	97%	73%
2005	4.8	1.15	3.7	87%	63%	100%	72%
2006	4.6	1.04	3.6 3.54	85%	57%	98%	65%

City's 69.5% Reserve Capacity share of 6.03 MGD = 4.19 MGD  
 HCSD's 30.5% Reserve Capacity share of 6.03 MGD = 1.84 MGD  
 City's 69.5% Reserve Capacity share of 5.24 MGD = 3.64 MGD  
 HCSD's 30.5% Reserve Capacity share of 5.24 MGD = 1.60 MGD

Mr. Mark Bryant, General Manager  
Humboldt Community Services District

August 31, 2007  
Page 2

As you can see from the table, the City has not utilized any portion of the District's Reserved Capacity with the exception of 2001 when we experienced unusual flows from one customer, which we remedied immediately. Therefore, based on actual flow data the City believes your assertion is inaccurate.

Moreover, the table includes (for reference only) a column indicating capacity share based on the 6.03 MGD referenced in our 1982 Agreement. As you are aware, the Elk River WWTP is designed for 6.0 MGD ADWF, and the City will petition the Regional Board to increase the permit limitation during the upcoming NPDES permit renewal process. Please be advised that if the petition is granted, the District's Reserved Capacity Share will be increased proportionately.

In addition, there is one serious concern the City expects to address with the District as we continue to work together toward resolving issues and differences. This concern relates to our belief that the District is not providing accurate flow measurements. As pointed out in a letter to Tom Cooke dated April 8, 2005 (copy enclosed), Section 3.3 of the Agreement requires the District to install and maintain meters in good working condition to measure the total flow of sewage, and to calibrate those meters at least once every three years. The City has never been provided with a calibration report.

As part of our Phase 1 Facility Plan flow study, the City discovered that of the six (6) District metered locations, four (4) were found to have potentially suspect reads. Two of the three metered locations that contribute to Hill Street were substantially out of calibration. Even more troubling, staff found a bypass at the Vista and F Street meters with the valve in the open position. District staff indicated the valve is typically left in the open position. So essentially, during peak wet weather flow conditions, critical flow data is not being measured.

Since billing is based on actual flow, adherence to Section 3.3 by the District is critical. Therefore, it is difficult to understand how the District can assert the City is using a portion of the District's Reserved Capacity Right when the District has not been providing accurate flow data as required by the Agreement. This item alone is cause to question your assertion, and points out the need to work together toward finding workable solutions.

There is one issue in your letter, a mistake in billing, with which the City is in agreement. We are very concerned that our billing spreadsheet contained an error, and as a result the District has been overcharged. The City is anxious to resolve this matter, and thus our two Finance Directors (City and District) have both agreed to meet to work through this issue. Please be advised that since the District pointed out the billing error, City Finance staff has looked closely at our past billings to make sure they were accurate in all other areas.

In doing this research, staff found a number of recent years in which the City neglected to bill the District for capital projects toward which the District is responsible to pay a percentage of cost. The City believes that since we are reconciling the billing error for the District's benefit, we need to include reconciliation for the capital projects. Hopefully our finance staff will meet and resolve this matter soon.

Mr. Mark Bryant, General Manager  
Humboldt Community Services District

August 31, 2007  
Page 3

Lastly, I wish to express my disappointment over the direction by your Board to issue a breach of contract and demand letter to your regional partner. In my opinion, a demand letter to a regional partner is the last step in a process after all other avenues have been exhausted.

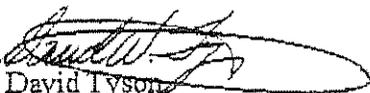
My disappointment stems from knowing that we have had three (3) productive meetings together to consider modifications to the 1982 Agreement, and to my knowledge, the issue of Reserve Capacity Right was not raised in any of those meetings. Further, knowing that you accepted a request by the City (May 11, 2007) to begin these mutual negotiations in good faith in conformance with Section 4.6 of the Agreement, your letter appeared to violate the purpose and spirit of our ongoing meetings.

The City's goal has always been to get both parties together to discuss and resolve any past issues, amend the contract if necessary, and work together to meet future challenges. It is my continued hope that all of our unresolved issues, including those I have raised in this letter, may be resolved mutually in the spirit of negotiating our differences in good faith.

I believe it is counter productive for either party to focus on past discrepancies when we could be working together to meet future challenges. The City has requested good faith negotiations, not only because we believe it is the best way to move forward in resolving each of our concerns, but because it is also our mutual obligation to do so per the 1982 Agreement.

The City of Eureka will be happy to meet and discuss these matters further in any forum you may request. Thank you for your consideration, and please feel free to contact me directly should have any questions or concerns.

Sincerely,



David Tyson  
City Manager

Cc: Assistant City Manager-Operations  
City Attorney

**CITY OF EUREKA**

531 K Street • Eureka, California 95501-1146

CITY MANAGER

(707) 441-1144  
fax: (707) 441-4138

April 8, 2005

Tom Cooke  
General Manager  
Humboldt Community Services District  
P.O. Box 158  
Cuttien, CA 95534**RE: Contractual Capacity**

Dear Tom:

First of all, our agencies have a long history of effectively working together in an effort to provide excellent services to the public and I apologize if any recent communications from the City has affronted our relationship. The purpose of this letter is to further clarify and confirm the City of Eureka's position regarding the concerns you raised during our recent meeting in relation to the Humboldt Community Services District (District) Contractual Capacity, and overall wastewater system capacity as it relates to Project Referral comments from the City to the County of Humboldt.

During our meeting you discussed the position that the District is well below the capacity allocation designated in the 1982 Agreement between the City and the District. The 1982 Agreement assigns a capacity allocation to the District for the "Project", which includes the wastewater treatment facility and the Cross-town Interceptor Project. The capacity share has two limitations; total dry weather flow to the treatment plant and peak wet weather flow based on MGD. The City at this time does not dispute the District is well below the total dry weather flow to the plant, however, staff does not believe we have accurate data to either agree or disagree with the District's position on peak wet weather flow. Further, it is the peak wet weather flow that causes our capacity concern at Hill Street pump station.

In a March 15, 2005 memo from Steve Davidson, District Engineer, he acknowledges the District's peak wet weather capacity limit of 3.55 MGD at the Hill Street pump station as measured from the Hoover Lift Station and Vista and Hemlock metering locations. One concern the City has is how the peak wet weather flow is assessed. The analysis attached to his memo appears to be based on April 2003 data taking total weekly flow and averaging that to MGD. The City believes it is critical to capture the actual peak wet weather flow during a 24 hour event to have an accurate MGD measurement instead of a seven day average. A greater concern is the accuracy of the data collected and as a result the City initiated a flow metering project last year and as a part of that process staff inspected the metered connections between the City and the District in the summer of 2004. Of the six metered locations four were found to have potentially suspect reads.

Two of the three metered locations that contribute to total flows from the District to Hill Street pump station were of concern. The City flow tested the meter at Hemlock and found it was substantially out of calibration. It is my understanding a factory representative for the District has since corrected that issue. Even more troubling, staff found a bypass at the Vista meter with the valve in the open position. District staff indicated the valve is typically left in the open position. So essentially, during peak wet

Page 2

RE Contractual Capacity

weather flows, the critical data we are trying to capture is lost because when the meter becomes surcharged flows bypass the meter. As a result, peak wet weather flows at the Vista meter are not accurate. This same condition existed at the F Street meter location.

Due to the wet weather flow averaging, the bypass at Vista, and the improper calibration at Hemlock, it is City staff's position peak wet weather capacity can not be accurately assessed at this time. Capacity is a critical issue to be resolved and the City and the District are taking immediate actions to address this issue. The City provided the District with data collectors that will allow for peak wet weather data collection on an MGD basis. In addition the City has funded a flow study and added meters at key locations that will help capture the data needed to confirm system capacity and we should be able to have an accurate capacity picture by the end of this year.

Another capacity issue that needs to be addressed is the pipe segments that transport flow to the Hill Street pump station. The Second Slough Interceptor line and "O" Street lift station upgrades are a key link between the District flows from Vista and the Dolbeer connection to the Hill Street pump station. The Second Slough project was constructed after the 1982 Agreement and in as much the capacity of this project is not addressed in the Agreement.

It is important to note that if additional contractual capacity exists at the Hill Street pump station it is limited to the pipe capacity ahead of the lift station. It is our position each subdivision referral needs to address pipe capacity. As you will recall, a "Will Serve" letter was issued for the Robert Morris Subdivision in March 2003. The letter allocates the remaining capacity (50 units) for the Morris subdivision. The limitation in this case is the gravity line downstream of the Hemlock and Dolbeer connection.

The second issue we discussed during our meeting this week was whether or not the City could accommodate additional connections at this time. Within the last couple of years several peak wet weather events have exceeded the 7.59 MGD design capacity at the Hill Street pump station. As a result, the City has been cautious about the capacity issue and how to address adding additional flows to the system, while taking an aggressive approach to resolve the issue in both short-term and long-term.

In the short-term, staff identified two projects that will divert flows from Hill Street and "O" Street pump stations. Design is nearly complete for a \$450,000 new lift station and main upgrade at 3<sup>rd</sup> and Y Street. This project will redirect flows from Hill Street and solve some significant problems that will reduce I & I into the system. The second project estimated at \$250,000, constructs a sewer line extension in the District diverting flows from "O" Street to the Golf Course Lift station. This project will require the Golf Course lift station to be upgraded at a cost of \$150,000 to accommodate additional flows. Both projects are budgeted for construction in 2005/06.

When constructed, it is staff's position the Hill Street pump station will be able to accommodate at a minimum an additional 200 Equivalent Dwelling Units (EDU). However, this is dependant on the connection point and pipe capacity downstream from the connection point. In addition to these two projects the City will be focusing an aggressive I & I reduction program in these basins that will contribute to solving the short-term capacity concerns at the Hill Street pump station.

The City is also focusing efforts long-term both in pursuing funds for the Martin Slough Interceptor project and through additional planning efforts. Budgeted for this year is a Phase I Facilities Plan Study. The Phase I study will focus on evaluating collection system deficiencies. The Study will provide the tool for continued system improvements reducing I & I thereby increasing capacity.

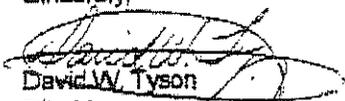
Page 3

RE: Contractual Capacity

Finally, Section 2.11 of the Agreement indicates the need for a subsequent agreement for annual operation and maintenance costs for sewer collection and pumping not included in this Project after the year 2000. Since the Second Slough Interceptor was constructed after the 1982 Agreement I recommend we continue working together on an amendment to the 1982 Agreement to address system changes over the last twenty-three years.

In summary, we are committed to work together with the District to ensure our contractual capacity obligations are being met now and into the future. In the near term the City will be implementing projects within the basin which will temporarily alleviate our capacity concerns at the Hill Street and "O" Street pump stations and provide some badly needed short-term capacity. Only through long-term planning and commitment to projects like the Martin Slough Interceptor can the City and the District assure future capacity will exist to meet future growth beyond current commitments.

Sincerely,

  
David W. Tyson  
City Manager

CC: Mayor and City Council  
Mike Knight, Director of Public Works  
Brent Seimer, City Engineer  
Kirk Girard, Director of Community Development, County of Humboldt

DWT/

DRAFT

GREATER EUREKA AREA FACILITIES PLAN

April 4, 1980

Submitted to  
the  
City of Eureka  
and the  
North Coast Regional Water Quality Control Board

Winzler and Kelly Consulting Engineers  
P.O. Box 1345  
Eureka, California

additional water storage to increase firm yield will be a determining factor in future population growth within the project service area, since both industrial and residential growth will require an increase over present capacity.

The water quality of the HBMWD domestic supply is generally a low turbidity, hardness, and dissolved solids supply that is slightly corrosive. It is chlorinated and treated for corrosion control by raising the pH. It is generally excellent quality, except that during extreme high weather peak flow conditions in the Mad River, turbidities can exceed the new Federal drinking water standard of 1 turbidity unit.

The groundwater of the CSA No. 3 area is generally more mineralized and harder than that at HBMWD. It often contains excessive iron concentrations, but is of generally adequate supply.

## 2. Wastewater

Wastewater facilities are planned to serve the entire population of the Greater Eureka area. Currently there is a population of 43,000 in the area, 34,000 of whom are served by sewers. It is planned to discharge septage from the unsewered areas into the treatment facilities. A 20-year planning period has been utilized as a basis for projecting populations, flows and waste loadings. It is expected that within this period sewers will be provided to serve most of the population. In addition, there are relatively minor transient and industrial wastewater contributions that are included in the facilities planning. Review of flow records and analyses of wastewater characteristics developed per capita unit criteria used for design planning:

Wastewater flow - 100 gallons/capita/day  
(Exclusive of Infiltration/Inflow)

Organic loading - 0.17 pounds/capita/day - BOD (5)

Solids loading - 0.17 pounds/capita/day - SS

Peak Month/Average Month - BOD and SS  
Domestic & Commercial - 1.5:1  
Industrial - 2:1:1

The flows and loadings projected for the wastewater facilities are:

	1979	1981	1991 <sup>1</sup>	2001 <sup>2</sup>
Population, Resident	33,680 <sup>3</sup>	43,470	49,005	55,657
Transient	3,372	3,615	3,993	4,411
Flow, MGD				
Average Annual	4.39	5.41	6.03	6.75
Average Dry Weather	3.60	4.63	5.24	5.96
Maximum Month	12.2	13.2	13.9	14.6
Peak Flow	30.1	31.1	31.7	32.9
BOD (5) - 1000 pounds/day				
Average Annual	6.44	8.02	9.02	10.2
Maximum Monthly	10.1	12.7	14.2	16.1
Suspended Solids - 1000 pounds/day				
Average Annual	6.09	7.76	8.73	9.91
Maximum Monthly	9.62	12.2	13.7	15.5

<sup>1</sup>Treatment Facilities - Design Year

<sup>2</sup>Interceptor, Outfall & Disposal Facilities - Design Year

<sup>3</sup>Current sewered population

Analysis of wastewater characteristics indicated that the average BOD levels are currently 175 mg/l and suspended solids levels are currently 166 mg/l. These values are expected to slightly increase to 180 mg/l for BOD and 175 mg/l for suspended solids at design year conditions. Other characteristics are in the normal range for wastewater of predominantly domestic origin. There is evidence of brackish water infiltration increasing sodium, chloride and sulfate concentrations that will have an effect on odor and reclamation potential. The concentrations of heavy metals and toxic organic compounds are relatively low and will not have an adverse effect on either wastewater or sludge application to land. The most critical toxic compound in the wastewater is silver and the concentration of this element limits the outfall initial dilution to a minimum 30:1 to meet the state ocean discharge criteria. Overall the wastewater is amenable to biological secondary treatment processes to produce an effluent to meet treatment design objectives of 20 mg/l of BOD and 20 mg/l suspended solids.

JAN. 1982

# Michael Verlander & Associates

Financial & Economic Consulting

2902

January 15, 1982

Mr. Donald Dodge  
P.O. Box 1018  
6th and K Street  
Eureka, CA 95501

Dear Mr. Dodge:

We are pleased to submit the final revenue program for the Greater Eureka Area Project.

This program has been prepared in accordance with state and federal guidelines. In addition, it has been given conceptual approval at the state level which also acts as agency for the federal program.

These programs are being distributed to each participating by copy of this letter. You should instruct your council and the governing boards of the participating agencies to adopt, as a minimum, the rates presented on Form 7 for their respective municipalities. Higher rates can be adopted should you desire to add additional room for contingencies or to recover costs necessary for reimbursement of capital outlays made by Eureka on behalf of the participating agencies per Section 2.3 of the Wastewater Treatment Agreement.

Copies of the final revenue program, enacted rate ordinances for each agency, and the executed service agreement should be submitted to Frank Peters in Sacramento as soon as possible to avoid delays in construction funding.

It was a pleasure to work with you and your staff on this project. I am available to answer any questions you may have and to assist in presentations to your governing bodies should you desire.

Very truly yours,

MICHAEL VERLANDER & ASSOCIATES

*F.M. Verlander*

F.M. Verlander

FMV/mf

c.c. Mr. Dan Kneis, CSA-3  
Mr. Jim Peoples, HCSD

FORM 1

Summary of Users and Wastewater Characteristics

MUNICIPALITY: GEA - Subregional

DATE: 12-81

USERS USER GROUPS	DESIGN CAPACITY			TOTAL ANNUAL CAPACITY			
	ADWF MGD (1)	DESIGN FLOW MGD (1)(2)	BOD LBS/DAY (DxFx 8.34) (1)	SS LBS/DAY (ExFx 8.34) (1)	VOLUME MG (Cx365) (3)	BOD LBS (Cx0x 3044)	SS LBS (CxEx 3044)
Eureka	4.19	5.86	10,331	9,725	1,144.52	1,761,215	1,561,418
HCSO	1.42	1.99	4,618	4,692	273.94	419,354	386,441
GSA 3	0.42	1.59	1,170	1,052	97.76	164,631	135,410
Subtotal	6.03	8.44	16,119	15,479	1,516.22	2,345,200	2,083,269
Infiltration/Inflow		23.76					
TOTALS	6.03	32.20	16,119	15,479	1,516.22	2,345,200	2,083,269

(1) Includes Future Capacity.

(2) Peak flow factored from average @ peak: avg. factor of 1.4:1.

(3) Estimated actual flow discharged annually by each source; i.e., billable discharges plus I/I.

Total Design	CITY (Eureka)		DISTRICT (H.C.S.D.)		COUNTY (CSA-3)	
	Amount	Percent	Amount	Percent	Amount	Percent

TREATMENT PLANT FLOW

Average Dry Weather	6.03	4.19	69.5	1.42	23.6	0.42	6.9
BOD Maximum month (lb/day)	16,119	10,331	64.1	4,618	28.6	1,170	7.3
SS Maximum month (lb/day)	15,479	9,725	62.8	4,692	30.3	1,062	6.9

CROSTOWN INTERCEPTOR

Peak Wet Weather Flow (mgd)	Amount	Percent	Amount	Percent	Amount	Percent
Hill P.S.	7.59	4.04	53.2	3.55	46.8	-0-
Hill-Wash.-Interc.	7.59	4.04	53.2	3.55	46.8	-0-
Wash. P.S.	18.7	18.7	100.0	-0-	-0-	-0-
Wash-Murray Interc.	26.29	22.74	86.5	3.55	13.5	-0-
Wash-Murray Gravity			100.0		-0-	-0-
McCullen P.S.	4.92	3.09	62.8	1.83	37.2	-0-
McCullen-STP Interc.	31.21	25.83	82.8	5.38	17.2	-0-
McCullen-Murray 18" Interc.	6.33	3.05	48.2	1.70	26.9	24.9

INTERIM IMPROVEMENTS

Average Dry Weather Flow (mgd)	6.03	4.19	69.5	1.42	23.6	0.42	6.9
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23.6  
6.9  
-----  
50.5

EXHIBIT B - PROPORTIONAL CAPACITY SHARE

**Sidnie Olson**

---

**From:** Sallie Grover [sallieg15@hotmail.com]  
**Sent:** Saturday, January 31, 2009 4:12 PM  
**To:** DEIRcomments  
**Subject:** Marina Center Development

To whom it may concern,

A Home Depot in the Marina Center would put local businesses out of bussiness. We need to cultivate our local economic base with local small businesses.

The tract of land should be developed primarily as a park that gives people access to the bay. Educational facilities, environmental tourist facilities and small business incubators could be integrated into the park setting. City parks help maintain the quality of life for residents and are a draw for new businesses, tourism and cultural events.

Thank you for considering these suggestions for development of the ballon tract. The property is located in a spot that is incredibly beautiful and serene. Development that builds on these attributes could make Eureka into a beautiful city. At the same time we can support and encourage local businesses.

Sincerely,

Sallie Grover

---

Windows Live™ Hotmail®:...more than just e-mail. [Check it out.](#)

**Sidnie Olson**

---

**From:** Rebekah Hache [rebekah@thehachehomepage.com]

**Sent:** Friday, January 30, 2009 12:03 PM

**To:** DEIRcomments

I am writing to voice my support for the proposed Marina Center. I was born and raised in Humboldt County and visit it frequently because all of my family still lives in Eureka. I am happy to see this area being cleaned up and making way for new jobs and residential living spaces. I am in support of Home Depot coming to Eureka. Frankly, there are far more benefits to this proposal than there are concerns.

Thank you,  
Rebekah Haché

[www.TheHacheHomepage.com](http://www.TheHacheHomepage.com)

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.552 / Virus Database: 270.10.15/1923 - Release Date: 1/29/2009 7:13 AM

**Sidnie Olson**

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**From:** BH [somewhereoverca@yahoo.com]  
**Sent:** Thursday, January 29, 2009 7:12 AM  
**To:** DEIRcomments  
**Subject:** Marina Center DEIR

I oppose the proposal by Security National to change the zoning designation for the proposed Marina Center. Current state law specifies coastal-dependent development has priority over other developments. The only part of the Marina Center project that could go forward as planned without changing the zoning is the restoration of Clark Slough and development of recreational paths. There is also the consideration of what this type of development would do to local businesses. Many retail spaces are already vacant and there is the entire Boardwalk yet to be developed. While I don't think a Home Depot would be good for local businesses in kind, I especially would not want to see zoning changed to locate it on the water front for the benefit of a special interest.

Bruce Hales  
2231 E St  
Eureka, CA 95501

Comments: DEIR for the Proposed Marina Project on Eureka's  
Ballson Tract  
NAME: Sara Hallin-Lundstrom  
Address: 499 Gatliff Avenue Eureka CA 95503  
e-mail: jslundstrom@sbcglobal.net

#### TRANSPORTATION

The additional traffic projected for on site traffic flow and parking, Broadway, Waterfront Dr., 4<sup>th</sup> and 5<sup>th</sup> Streets, 6<sup>th</sup> and 7<sup>th</sup> Streets will create an unacceptable further commitment to the automobile, which in this day and age needs to be discouraged. Not only will traffic become slower than it is now but it will become less safe for pedestrians and bicycles, and will increase truck traffic with its unhealthy diesel fumes. Traffic will likely be diverted into neighborhoods east and south of the Marina project further degrading air quality and noise levels.

Signed: Sara Hallin-Lundstrom

**Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract**

Name (print): Sara Hallin-Lundstrom

Address: 499 Gatliff Avenue Eureka CA 95503

E-mail: jslundstrom@sbcglobal.net

Urban Decay

The EIR says there will be no impact. There are real problems unaddressed within the EIR, which leave Eureka wide open to being exploited by corporations based somewhere a long ways away, who will absorb and suck away profits from this local area. Someone may argue that the city could benefit from additional business taxes, but the spent cash will go elsewhere leaving Eureka high and dry. Witness J.C. Penney's, Macys, Mervyns, Gottschalk's, Borders, Sears, Target, Costco, Rite-Aid, Longs and Winco are all national chain stores who have in their turns sucked the life right out of Henderson Center, down town and Old Town. Our locals are struggling and must not be made to compete unfairly with Big Box stores. We've poured a lot of money into Old Town to create a beautiful tourist destination. The newly created Boardwalk sits undeveloped. Recently Henderson Center has awakened to begin creating interest in the arts and farmer markets. Don't pull the rug out from under our own residents.

Signed: Sara Hallin-Lundstrom

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

**Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract**

Name (print): Sara Hallin-Lundstrom

Address: 499 Gatliff Avenue Eureka CA 95503

E-mail: jslundstrom@sbccglobal.net

**Hazardous Materials**

People have said there are extremely toxic pollutants in the soil over and above the several identified in the EIR. These not identified or addressed in the EIR, which are present in site soils, sediments and fishes are dioxins and furans. Also the levels of pollutants are not reported using up-to-date toxicity studies. It makes no sense to go ahead and pave over or otherwise disregard toxins which need to be cleaned up, leaving the contamination for future generations to deal with.

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Signed: Sara Hallin-Lundstrom

Or send e-mail comments to: [DEIRComments@ci.eureka.ca.gov](mailto:DEIRComments@ci.eureka.ca.gov)

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): Sara Hallin-Lundstrom

Address: 499 Gatliff Avenue Eureka CA 95503

E-mail: jslundstrom@slcglobal.net

LAND USE

The land proposed for the creation of the Marina Center is not appreciated for the beauty of its bay views. Nothing is said about the prime value of this property. The proposed use for this property has nothing to do with the Highest Priority of allowable uses by the Public Resources Code 30222, 30255, which is State law. The wetlands have been inadequately addressed by this developer. A creation of a public park consisting of a cleaned up wetlands and restored slough would be a far more desirable use for this land than paving over for auto and truck parking lots and high-rise garages. Such a park would take advantage of views of the bay, marinas and sea bird, fish and wildlife of this area.

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Signed: Sara Hallin-Lundstrom

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

**Sidnie Olson**

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**From:** jslundstrom@sbcglobal.net  
**Sent:** Thursday, January 29, 2009 12:13 PM  
**To:** DEIRcomments  
**Subject:** RE: CEQA Overview and Cumulative impacts

**NAME:** Sara Hallin-Lundstrom  
**ADDRESS:** 499 Gatliff Avenue, Eureka CA 95503  
**E-mail:** [jslundstrom@sbcglobal.net](mailto:jslundstrom@sbcglobal.net)

### OVERVIEW and CUMULATIVE IMPACTS

I am in favor of REJECTING the Marina Center project because:

- 1 Increased diesel and auto emissions will deteriorate air quality.
- 2 Commitment to increased automobile use and parking will further an antiquated mode of transportation and land use.
- 3 One more shopping mall in Eureka will result in more local merchants closing, leaving Old Town undeveloped, Bayshore Mall half-empty, Henderson Center declining even further and Eureka Mall completely dominated by national chain stores.
- 4 Indian villages and artifacts will be lost forever.
- 5 The beauty of the Bay and its wildlife will not be enhanced by General Industrial, General Commercial and private residential buildings.

I am in favor of a public park, museum and gift shop, Indian archeological demonstration, public hiking and biking pathways, picnic areas, and even some nice restaurants. This kind of land use would enhance our beautiful Bay and help develop the Boardwalk.

/s/ Sara Hallin-Lundstrom

**Sidnie Olson**

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**From:** jslundstrom@sbcglobal.net  
**Sent:** Thursday, January 29, 2009 12:18 PM  
**To:** DEIRcomments  
**Subject:** Cultural Resources

**NAME:** Sara Hallin-Lundstrom  
**ADDRESS:** 499 Gatliff Avenue, Eureka CA 95503  
**E-MAIL:** [jslundstrom@sbcglobal.net](mailto:jslundstrom@sbcglobal.net)

#### CULTURAL RESOURCE

There is evidence of one or two Wiyot villages at the proposed project site. Archeological digs in this area would be good for the whole Humboldt Bay region. Preserving Wiyot historical sites and native history is important and could easily become a tourist attraction.

Monitoring during construction is not adequate for respectful identification of important artifacts or village layout.

/s/ Sara Hallin-Lundstrom

January 28, 2009

City of Eureka  
Community Development Department  
Sidnie L. Olson, Principal Planner  
531 K Street  
Eureka, CA 95501

RECEIVED  
JAN 24 2009  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Dear Ms. Olson:

These are some of my concerns as a local citizen after a brief review of the long DEIR document.

1. I am concerned about traffic flow, congestion and subsequent increased pollution due to the proposed project. It is already very difficult to get through this area on Broadway and I'm sure that it will turn Waterfront Drive into an alternate racetrack. Where will bicycles safely ride? It's time the City got together with the State to come up with better flow patterns on Broadway, a project that will require some reduction in left turns, increase in lanes and possibly removal of a few feet of some business buildings around 5<sup>th</sup>-8<sup>th</sup> streets.
2. The addition of 1,500 parking spaces will cause a great deal of vehicle polluted water to flow into the bay. At a minimum there must be the use of permeable pavement properly installed to provide filtration of the water. It is far better to leave the land uncovered and able to breathe and absorb clean rainwater.
3. Land Use: I strongly support the restoration of the sloughs and wetlands by making this a public park. We have lots of empty commercial buildings. Why build more? We have so little downtown parks to enjoy. Let's enhance this area by leaving it natural.
4. I am 100% opposed to making any part of this land into a big box. Big boxes are so detrimental to the community through loss of truly local run businesses, jobs and the overall quality of life of our citizens. I have read extensively on this subject and wonder if you have any idea of the damage big boxes do. It appalls me that the City of Eureka government staff has sold out to Mr. Arkley in his desires to make profits for himself at the detriment of local citizens.
5. Finally, I spend a great deal of my time on and around the bay-walking, sailing, paddling, and, at times, in the bay windsurfing. I don't agree that the analysis of hazardous materials was complete. I've seen the slough coming out of the balloon track running with heavy grey-black muck. I am also concerned for the presence of dioxins and furans on this site.

I hope you will take these concerns seriously and move in a different direction that will more appropriately serve the people of this community.

Sincerely,

  
Charles Herbelin  
2619 Ridgeway Lane  
Eureka, CA 95501

**Sidnie Olson**

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**From:** a.b.hilf@att.net  
**Sent:** Sunday, January 11, 2009 2:02 PM  
**To:** DEIRcomments  
**Subject:** Marina Center

City of Eureka  
Community Development Department  
Attn:Sidnie L. Olson, AICP, Principal Planner

Hi Ms. Olson,

I have lived in Humboldt County for over 60 years. My husbands Grandfather started a business in Eureka in 1902 and it is still operated by the 4th generation. My Husband, his Father, Children and Grandchildren have all been born in Humboldt County. Humboldt County in my life time has lost fishing and lumber industries, so what is left? My hope would be tourism. We have a beautiful bay that could be developed with shops and restaurants such as the Debini/Pearson building along with the proposed Vellutini Eureka Pier and Security National's Marina Center, along with others. I come to Eureka for about 8 days a month from Grapevine, Tx.( population 47,000). Grapevine Convention & Visitors Bureau has a annual budget of 15 million. We have 165 restaurants in the city. Why? TOURISM I understand Eureka can't be that because we are not near an international airport, however, we could certainly inprove what we have. What was is gone. What is past is past. It's time to move on. Let Eureka finally grow.  
Anita Hilfiker

**Sidnie Olson**

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**From:** Harriet [harriet@humboldt1.com]  
**Sent:** Saturday, January 31, 2009 4:01 PM  
**To:** DEIRcomments  
**Subject:** Marina Center Draft EIR comments  
**Attachments:** marina center deir comments 09.doc

Please see attached comment letter.

Harriet Hill

January 31, 2009

Harriet Hill  
1444 McFarlan Street  
Eureka, CA 95501

City of Eureka Community Development Department  
Sidnie L. Olson, Principal Planner  
531 K Street  
Eureka, CA 95501

Re: Marina Center Draft EIR Comments

Dear Ms. Olson:

I have the following comments on this document:

Chapter IV D. Biological Resources

Table IV.D-2 (page 23) sets out wetland functions and values expected to result from implementing the wetlands restoration/mitigation plan. This simplistic table simply asserts that every listed wetland “function” (but one) and every listed “value” will be designed into the restored wetlands. There are no details whatsoever as to how this will be accomplished; thus, the reader must take it on faith that the proposed replacement ratio of 1:1 “would adequately mitigate the environmental impact of the filled or disturbed wetlands.” A detailed mitigation plan is to be prepared “prior to site grading” in accordance with the U.S. Army Corps of Engineers and California Coastal Commission guidelines.

The California Coastal Act specifies that the biological productivity and the quality of coastal...wetlands...shall be maintained and, where feasible, restored (PRC Section 30231). The Coastal Act also specifies that wetlands may be dredged or filled only for certain specified uses and circumstances (PRC Section 30233 (a) (1) – (7)), none of those which include those of the project.

**The Final EIR should provide detailed information on how each of the listed functions and values would be restored on this site, and it should also discuss how the projected loss of wetlands for these non-specified uses can be approved under the Coastal Act.**

Chapter IV H. Hydrology and Water Quality

The chapter states that “nearly 29 acres of the approximately 43-acre site” would be converted into impervious surfaces (including 1580 parking spaces) and thus is expected to increase nonpoint source (NPS) pollution discharges from the project site into the

drainage network and ultimately, Humboldt Bay. This is to be minimized by treating stormwater at “drop inlets” that will capture the runoff at various locations. A second mitigation measure would be to “incorporate grassed swales...to the extent feasible.” However, no details about the drop inlet “treatment” are provided in the Draft EIR nor can we determine whether there will be sufficient or any biofiltration provided by the swale mitigation measure. **The Final EIR should describe exactly how the stormwater would be treated in the drop inlets, and discuss the type, location and quantity of biofilter area/paved area that would be provided in the high NPS pollution production areas such as the roads and parking lot. The expected effectiveness of pollutant removal by these mitigation measures should be assessed.**

The cumulative hydrologic impacts of the project are also given a very cursory examination (page IV.H-24). Some past and reasonably foreseeable future projects could, in conjunction with the preferred alternative, result in significant cumulative impacts to Humboldt Bay water quality. The recent Target and Eureka Boardwalk developments, along with proposed projects such as the Marine Terminal, the North Coast railroad reopening, the Eco-hostel near the Adorni Center and the hotel development near the Wharfinger Building are a few of the existing or potential waterfront projects that come to mind. **The Final EIR should consider the cumulative impacts of all these projects in combination with those of the proposed project on Humboldt Bay water quality.**

#### Chapter IV I. Land Use and Planning

The Draft EIR includes a detailed description of “Smart Growth” principles in this chapter and states that “The proposed Marina Center project embodies most of the major principles of smart growth.” However, some of the important principles that would not be met by the proposed project include “building compactly”, “bolstering local economies” and being “transit and pedestrian-oriented.”

The presence of an immense single occupant one-story retail facility of 132,000 square feet, five times the size of the next largest planned retail facility, does not satisfy the compact- building criterion. Nor is this anchor store likely to bolster our local economy. “Big-box” stores are notorious for accomplishing just the opposite in that, typically, local businesses are forced to downsize or close, with the resulting job losses equaling or exceeding the number of new jobs created by the big-box store. This was recently shown in a large-scale study conducted by researchers at the Public Policy Institute of California (David Neumark, Junfu Zhang, and Stephen Ciccarella, "The Effects of Wal-Mart on Local Labor Markets," working paper, Public Policy Institute of California, April 2006).

Finally, the inclusion of a bike/pedestrian path as part of the development is laudable, but the offsite effects of the proposed project on bicyclists, pedestrians and nearby neighborhoods due to the generation of almost 16,000 new vehicle trips per weekday will be significant. In general, the mobility of bicycles and pedestrians on the site and over the greater Broadway region will worsen since the mitigations proposed in the Draft EIR focus on increasing capacity for vehicular traffic (Chapter IV. 0, page 34), rather than

measures to reduce traffic volume, improve accessibility for bicycles/pedestrians, or comprehensively improve public transit service to the site.

#### Chapter VI Alternatives

There is no alternative examined in detail that includes the proposed mix of uses for the preferred alternative on the subject site (retail, office, residential, industrial) without a massive “big box” commercial space. The Reduced Footprint alternative includes a 142,000 square-foot single occupant retail space, and the Limited Industrial Zoning Alternative eliminates all residential development, small retail establishments and museums. I believe that all of the development alternatives that received detailed analysis represent an unbalanced approach: the project either is dominated by one retail tenant with no rationale as to how the other planned uses would meet the needs of the small onsite residential community, or it would be limited to several large commercial/office spaces with no other uses. **The Final EIR should analyze a balanced mixed use development alternative that does not include a “big box” tenant and actually meets the majority of Smart Growth principles espoused in the Draft EIR (see above comments under Land Use and Planning). In addition, this or another alternative should analyze the feasibility of devoting a larger portion of the site to wetlands restoration, part of which could serve as a wetlands “mitigation bank” that would function by selling shares to developers who need to provide offsite wetlands mitigation.**

#### Chapter IV P. Urban Decay

The Draft EIR provides only 5 pages on this crucial topic. After a superficial analysis it concludes “Because the proposed project and its associated infrastructure improvements would not create or maintain urban decay and would instead eliminate the conditions for urban decay, the project would result in a less-than-significant impact.” Even the cumulative impact of the proposed project coupled with a very large, directly competitive proposed home improvement/general merchandise development in Fortuna is not called out as significant since “Humboldt County has a very low vacancy rate for commercial space.”

However, there is much evidence that the construction of the Bayshore Mall some 20 years ago had a severe impact on local businesses – indeed, 18 businesses closed within 10 years of the mall being built, mostly downtown and at the nearby Eureka Mall. We also have witnessed numerous closures of large retail stores over the last year in Humboldt County, including more than 100,000 square feet of closures at the Bayshore Mall (as mentioned in the Draft EIR), as well as the closure of the home improvement and furnishings store in a prime old town location, Restoration Hardware, less than 2 weeks ago. Clearly these closures are the result of a severe and ongoing worldwide downward economic spiral that Eureka is not immune to. **The Final EIR should include a thorough economic analysis to evaluate the positive and negative effects of the proposed Anchor 1 store on existing businesses, jobs, wages, vacancy rates, the**

**cost of municipal services, and the volume of sales revenue that would be retained and reinvested in the community.**

Thank you for the opportunity to comment on this document. I look forward to a Final EIR for a project that reflects the constraints of a rapidly changing global economy, the growing interest and need for smart, sustainable development, and the desire of many residents to support our local businesses and keep retail profits in Humboldt County.

Sincerely,

Harriet Hill

**Sidnie Olson**

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**From:** Lisa Hoover [ldiane@humboldt1.com]  
**Sent:** Friday, January 30, 2009 2:51 PM  
**To:** DEIRcomments  
**Cc:** Pete Nichols  
**Subject:** Comments to Marina Center DEIR  
**Attachments:** Comments to Marina Center DEIR.doc

Please see attached.

Thank you.

Lisa D. Hoover

# Marina Center Mixed Use Development Project DEIR

November 2008

## Comments to :

City of Eureka  
Community Development Department  
Attn: Sidnie L. Olson, AICP, Principal Planner  
[DEIRcomments@ci.eureka.ca.gov](mailto:DEIRcomments@ci.eureka.ca.gov)

## From:

Lisa D. Hoover  
January 30, 2009  
[ldiane@humboldt1.com](mailto:ldiane@humboldt1.com)

Thank you for the opportunity to comment on the Marina Center Mixed Use Development Project (hereafter referred to as “the project”) DEIR. My comments will focus on three elements:

- a) Bases for Finding of Significance
- b) Cumulative Effects Analysis
- c) Land Use and Array of Alternatives- emphasis on Coastal Zone uses

## A. Bases for Finding of Significance

“Significance” is defined in your document (IV-5) as *“an impact that exceeds the defined threshold(s) of significant and cannot be eliminated or reduced to a less-than significant level through the implementation of feasible mitigation measures. Pre-mitigation impacts that exceed the defined thresholds of significance are referred to as a significant.”*

Issue: The document contains much information on the regulatory and compliance requirements at various level, identifies issues, and identifies mitigations, however, what is missing is the analysis that links the issue to the resource affected, to the mitigation and ultimately to the level of significance. What is the current condition (baseline), how will project activities affect the current condition, how will mitigations reduce these effects to make the case for “less-than-significant”, which is often the finding in the document. Without this link, significance cannot be adequately determined.

A related dimension to this issue is considerable reliance on management plans, programs and permits (e.g. Storm Water Pollution Prevention Plan, National Pollution Discharge Elimination System, drainage plan) as mitigations yet to be developed. While I understand that certain details may not be available at this juncture, simply mentioning the plans without providing any likely content for how elements of the plan would mitigate effects, does not adequately disclose to the public the logic for reducing an effect from significant to less-than-significant.

Example: Hydrology and Water Quality

Impact H-5. *Would the Marina Center create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

In the response, it states that “pollutants from the proposed project would be consistent with commercial areas, light industrial areas and parking lots. Increases in the levels of oil and grease, petroleum hydrocarbons, metals and possibly nutrients in site runoff are likely”. So is “consistency” with surrounding commercial areas... a positive or negative effect? Consistency and a statement that runoff is “likely”, is not an analysis of the effects of additional sources of polluted runoff on water quality and aquatic environments-- direct, indirect or cumulative.

Without the aforementioned analysis, the mitigation measures H-5a through H-5c pertaining to preparation of a “permanent maintenance program” (NOTE: one of many examples of deference to some future plan or program to minimize effects without providing content of how), installation of biofilters, and using USEPA approved herbicides and pesticides, lacks a line of reasoning. Without this logic thread, the finding of “less-than-significant” relies on the mitigations has little to no basis.

Example: Seismicity and Liquefaction

Impact F-1. *Would the project expose people or structure to potential adverse effects, be located on a geologic unit that is unstable....?*

Impact F-3. *Would the project be located on a geologic unit or soil that is unstable...and potentially result in on- or off-site liquefaction or collapse?*

As identified in the document, the answer to F-1 and F-3 is, yes. The document states that the “project is located in a dynamic tectonic region where moderate to large magnitude earthquakes are common and the potential for seismicity increases the risk of liquefaction”. Indeed the document states (pg. IV-F-15) that the project site is vulnerable to liquefaction.

Furthermore, tsunamis can be generated by both local and remote seismic events and certain types of subaqueous landsliding events may result. There is mounting evidence that tsunamis from Cascadia earthquake events pass over the south spit and at least the southern part of the north spit, in turn potentially stimulating these underwater landslides. This component is included because the significance of the project site, its vulnerability, has been understated in the document.

Issue: In regards to F-1, the mitigation simply identifies compliance with the California Building Code which includes completion of a site-specific design level geotechnical report that examines the potential for seismic hazards and measures to address these hazards. An example of deference to future plans without providing content of how measures might address hazards. Issue F-3 refers to mitigation F-1 as a remedy and

states “some structural damage is not avoidable...however building codes and foundation standards have been established to protect against adverse effects of ground failure such as liquefaction.” What are those codes and standards? How would they protect against adverse effects?

Without how the mitigations will indeed mitigate, the conclusion of “less-than-significant” has no basis.

## **B. Cumulative Effects**

A definition of cumulative impacts is provided on page IV-6: *Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several project is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

Issue: The spatial and temporal context for cumulative effects analysis has not been established in the document. One could argue from a hydrological perspective that cumulative effects should consider the Eureka Plain Hydrological Unit geographic scale. Reasonable or not would be the question to deliberate.

Barring the Eureka Plain Hydrological Unit, some factors from the document that could have been considered in defining the spatial context for hydrology, particularly the connection of the project to Humboldt Bay through surface and groundwater:

Stormwater- a) Clark Slough drains to Humboldt Bay, b) the City of Eureka’s storm drain outfalls are found along the City’s waterfront, c) the slough collects water from commercial/industrial facilities to the south of the project area and d) 29 acres of 67% of the proposed project acres are to be impervious surfaces. All of these are statements demonstrate potentially connected and cumulative impacts.

Groundwater-a) the B-zone of the aquifer is tidally influence by Humboldt Bay and groundwater levels in the B-zone flow in the direction of Humboldt Bay, b) recharge areas for the groundwater are from direct precipitation and seepage from Freshwater Creek, Elk River and Eel River, c) agriculture is the primary extractor of groundwater at 4800 acreft—what is the geographic scope that provided these data?). All of these are statements demonstrate potentially connected and cumulative impacts.

In sum, the argument for a given scale by resource area has not been provided, therefore, findings of significance relative to cumulative effects lack substantiation.

### Example a.

Relative to the above point the project contribution to pollutant runoff; “pollutants from the proposed project would be consistent with commercial areas, light industrial areas

and parking lots”. This begs the question—what is the expected magnitude of that runoff currently (baseline resulting from past impacts), what are the reasonably foreseeable future impacts in what geographic area, and how might/to what degree would the proposed project contribute cumulatively to polluted runoff?

Example b.

Impact H-11: *Would the Marina Center project, together with other developments in the immediate vicinity, contribute to potential adverse cumulative impacts on hydrology and water quality?*

*Implementation of the propose project, combined with other foreseeable ....would not result in adverse cumulative effects....*

The reason provided for why the project would not result in adverse cumulative effects and thus a finding of “less-than-significant” relies on the present and future projects (across what geographic area??) utilizing Best Management Practices (BMPs), erosion control permits..... While these measures apparently have merit, simply stating BMPs would be implemented is not an adequate test of cumulative effects analysis.

Example c.

Impact D-34: *Would the Marina Center project, together with other developments in the immediate vicinity contribute to potential cumulative impacts on biological resources....?*

The reason provided for why the project would not result in adverse cumulative effects on biological resources and thus a finding of “less-than-significant” relies on the present and future projects (across what geographic area??) employing “applicable federal, state and local requirements. *Provided* (emphasis added) all future projects comply with the permit requirements and mitigation measures,...the cumulative impacts associated with the proposedproject, together with other existing and reasonably foreseeable future development in the *surrounding* (emphasis added—what is “surrounding”) area. ...would be less that significant.”

While federal, state and local permits apparently have merit, simply stating that they would be sought by the project proponent, be implemented is not an adequate test of cumulative effects analysis.

Example d.

Appendix J. p.g 25 pertaining to hazards under cumulative effects states that the project would not contribute to significant cumulative hazards impacts in the project area therefore, a finding of less-than-significant. The rationale provided is that “hazards impacts associated with a proposed project usually occur on a project-by-project basis, rather than in a cumulative manner. Because there are site specific mitigation measures, any potential cumulative impact associated with the project would also be decreased.

Therefore cumulative impacts from hazards associated with the proposed project are considered less than significant.”

The project-by-project basis argument is not accurate. Hazards pertaining potential of petroleum by-products for example, generate an indirect and cumulative effect. These effects have not been analyzed in these section.

### C. Land Use Array of Alternatives- emphasis on Coastal Zone Uses

The project proponent’s (Security National) objectives include: complement the existing downtown and old town uses, develop an economically viable mixed use project, provide a greater variety of goods and services in Humboldt County, and increasing jobs and revenue. To do that, the project proposes to notable change current zoning and land uses from light industrial to 558,000 sq.ft primarily of commercial retail (56% of the project area). The link between this extent and scale of commercial development proposed and “complementing the old town uses or developing an economically viable mixed use project” is lost on me as the sheer scale and types of commercial retail (relatively large anchor stores comprise about 61% of the retail) would neither complement downtown, old town or provide the bulk of jobs above minimum wage.

In addition, and particularly relevant to the particular project site in question is the issue of the Coastal Zone in which the project lies. Beyond the no action alternative, **there is no alternative that incorporates the fact that the site is within the Coastal Zone and this zoning prioritizes certain uses; thus, the EIR has not considered and analyzed a reasonably array of alternatives.**

Priority allowable uses in the Coastal Zone are those that are coastal-dependent and includes coastal dependent development and visitor serving commercial recreation. Lower priority uses include general commercial and private residential. The proposed project weighs in heavily with lower priority uses with only perhaps the museum (if it includes marine discovery) falling into the priority uses.

Within the Coastal Zone, “applicants must obtain a certification that activities proposed within the coastal zone are consistent with State Coastal Zone Management Programs.” Those programs include but are not limited to the following uses a. coastal dependend industrial facilities e.g. commercial fishing facilities, b. restoration purposes, and c) nature study, aquaculture or similare resources dependent activities.

Given that the coastal zone designation is place-based, meaning another site can not accommodate coastal uses, this zoning should be considered an over-riding factor in the City of Eureka’s evaluation of what is the best use of a site in the Coastal Zone, what does the City need, and would the project that follows benefit Eureka and other publics that frequent Eureka.

I appreciate your consideration of my comments.

Lisa D. Hoover

## Sidnie Olson

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**From:** chaslewis [chaslewis905@yahoo.com]  
**Sent:** Friday, January 30, 2009 6:53 AM  
**To:** DEIRcomments  
**Subject:** Comments on proposed Marina Project

I'm a longtime property owner and resident of Eureka, with serious concerns about the proposed Marina Project. I am not generally anti-big box, but given the current economic climate, have serious misgivings about the part of the proposal that reads "anchored by a Home Depot."

I do not wish to see some of the last open space adjacent to Humboldt Bay committed to a national chain, even in a mixed-use project as proposed.

After reading the DEIR several times, I have concerns that even with the inclusion of the wetlands project as described, that potential environmental issues have been understated.

Charles Horn  
3432 N Street  
Eureka

**Sidnie Olson**

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**From:** Steve Horner [s\_horner@suddenlinkmail.com]  
**Sent:** Wednesday, January 28, 2009 3:12 PM  
**To:** DEIRcomments  
**Subject:** I SUPPORT MARINA CENTER & COMMENTS FOR RECORD

Dear Ms. Olson,

I support development of the Marina Center. I want there to be a modern developed area for shopping, to attract tourists and house public service groups.

The presence of a big-box style retail space is very important for Humboldt County. Personally, I and my family travel outside of the County to shop at big box stores because they provide the items I need at a good price. Most of the items and selection locally cannot compare, at any price. I believe having such retail opportunities in Humboldt County will lessen the amount of significant travel by my family and that of thousands of other Humboldt residents. Certainly this will result in a reduction of fossil fuel use and all of the concomitant benefits.

I travel approximately every other month to Home Depot in Crescent City or Ukiah. When I arrive, I ALWAYS have encountered at least two different people I know who are doing the same thing, because the selection is not available in Humboldt County. By having a local Home Depot it will reduce significantly the number of trips Humboldt County residents are making out of the county. This is not a minor environmental benefit, but a great one!

Much of Eureka is in a blighted condition. Through re-development of the Marina Center, the City will move significantly forward on improving the aesthetics of the City and improve its image. This will attract more activity to the city and generate much needed municipal revenues. Especially because the people who will stop and use a beautified Eureka are already passing through on 101, there won't be additional traffic added to the City or Marina Center vicinity as a result of the development of Marina Center.

The environment will be much improved by the careful development described in the EIR. That site is a wasteland now, and the proposed project is a vast improvement to the natural environment and improves human enjoyment.

Please adopt the Marina Center EIR and get the project going as soon as possible.

Steve Horner  
Arcata, CA  
707-498-7150

**Sidnie Olson**

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**From:** Donnie Hubbard [dhubbard@omindustries.com]  
**Sent:** Saturday, January 31, 2009 11:22 AM  
**To:** DEIRcomments  
**Subject:** marina center eir

City of Eureka Community development dept  
Att Sidnie Olson  
531 K st Eureka Ca 95501

Re Marina Center draft EIR

I have reviewed the draft EIR on the marina center project. I have found the document to be complete. I support the EIR and the project wholeheartedly..

*Don Hubbard  
Project Manager  
O&M Industries  
Ph. (707) 822-8800  
fax (707) 822-8995  
dhubbard@omindustries.com*

**Sidnie Olson**

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**From:** Nancy Ihara [nancyihara@yahoo.com]  
**Sent:** Friday, January 30, 2009 2:28 PM  
**To:** DEIRcomments  
**Cc:** nancy ihara  
**Subject:** Urban Decay

To: Sidnie L. Olson, Principal Planner, City of Eureka

What "urban decay" means in a setting like Eureka is difficult to discern. For me, and I suspect many others (as evidenced by photos of urban decay on Wikipedia), urban decay congers up images of blocks and blocks of abandoned, run down buildings, deserted apartments and closed stores. In the last 50 years Old Town before redevelopment probably came closest to this picture. Even at its most rundown, however, Old Town contained viable businesses - a fabric store, several restaurants, a small grocery store, and more. Urban decay for Eureka, then, I believe is something smaller scaled than normally envisioned. Downtown Eureka after the opening of the Bayshore mall is, I believe, another example of an Eureka -sized urban decay phenomenon. Many of us experienced that phenomenon: dozen of store closings, vacant buildings, streets that were virtually empty except for 101.

The construction of the Marina Center will have, I believe, a similar deleterious effect on the downtown and on other Eureka "centers", such as possibly Henderson Center and the Bayshore Mall. For this reason I do not support the Marina Center development as it is presently proposed. It makes no sense to allow this large scaled development which will assuredly have a harmful and unhealthy effect on other Eureka "center" locations.

Additionally, I would like to comment on the assertion that the balloon track itself represents an example of urban decay. The track is unsightly but does not represent the deterioration of an urban center. It is a deserted railroad facility. The claim that present day Old Town is impacted given the distance between the two is not believable.

Nancy R. Ihara  
231 Dean St.  
Manila, CA 95521  
nancyihara@yahoo.com

**Sidnie Olson**

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**From:** jak3488@gmail.com  
**Sent:** Tuesday, December 16, 2008 11:13 AM  
**To:** DEIRcomments  
**Subject:** Marina Center Comments

City of Eureka, I want to offer my wholehearted support for the Marina Center. The area where this project will be located is in need of a comprehensive diversified project such as this. It will increase the tax base for Eureka substantially with a rather small footprint. If instead of fighting this project some of your councilmembers would get behind this. In a short period of time during an economic downturn (Which will add jobs) this project could be completed and returning much needed tax dollars. It would also provide alternatives for shopping when I come to Eureka to spend money. The present site is a complete eyesore for all the Eureka BayFront and the alternatives will not provide the kind of tax base increase the city needs. I can't understand the motives some of the councilmembers have concerning this project unless they are "getting something" from the areas old guard. Make the right choice and back this plan to completion. Sincerely, Jeff Jacobsen P.O. Box 489 Hydesville, California 95547

**Sidnie Olson**

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**From:** Alec Johnson [hedgerowteacher@gmail.com]  
**Sent:** Thursday, January 29, 2009 7:11 PM  
**To:** DEIRcomments  
**Subject:** Leakonomics

To Whom It May Concern:

I am responding to the DEIR under consideration for the balloon tract area. I understand the centerpiece will be a Home Depot or something similar. I feel the DEIR gravely overlooks the effect this project will have augmenting Urban Decay in the Eureka area. It turns out that where we spend our money has a big effect on our local economies and, by extension, ourselves. We do ourselves a much bigger favor, for example, by renting DVDs from local vendors than from a national chain. The money spent locally circulates three to four times more, stimulating economic development all along the way. Not paying attention to business ownership is to fail to notice economic leaks. "Leakonomics" is another term used for this kind of bad policy.

Make no mistake, Home Depot (HD) isn't coming to Eureka to create jobs. It's coming here to destroy some and shift the others to lower paying ones. While we might be able to purchase hardware products for less, our family and friends will be earning less. And every penny we spend "saving" money flies right out of our economy instantly, poof, leaving little economic stimulus in its wake.

Let me also draw your attention to the recent news regarding HD as it underscores our communities vulnerability, should we allow that corporation in our town. HD announced this week that it is laying off 7,000 people! If HD comes to Eureka it's an honest question to ask "will they stay?" It's easy to imagine them coming in, wiping out their competitors, then shutting their doors the next time the Global economy goes belly up. Then we'd have to drive to Arcata or Fortuna if we wanted a hammer. Assuming we could still afford the trip, or the hammer, after losing our job at Home Depot.

I also wish to object to the notion of capping the site as a reasonable solution to the toxic waste present. It doesn't take a rocket scientist to notice that the proposed area is adjacent to the bay and therefore actively leaching toxins into the bay. A thorough solution that disposes of the toxic waste completely must be a fundamental element of the final plan.

These are but a few of the many reasons I feel that all pertinent authorities should refuse to grant permission for this development, as specified, to proceed.

Most sincerely,  
Alec Johnson  
P.O. Box 5840  
Eureka, CA 95502

## Sidnie Olson

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**From:** Jeanette Jungers [sparrowmomma@hotmail.com]  
**Sent:** Saturday, January 31, 2009 5:44 PM  
**To:** DEIRcomments  
**Subject:** MARINA CENTER

1-3-09

From: Jeanette Jungers  
 771 Azalea Lane,  
 Eureka, CA 95503  
 707-443-3420

To: City of Eureka Community Development Department  
 Sidnie Olson, Principal

I would like to address my concerns regarding the DEIR for the Marina Center. The city and residents of Eureka have a desire to see our Bay and our community develop in a wise manner and I have a number of concerns related to the DEIR and this proposed project.

Pollution: Health Risk assessment data is out of date.  
 Toxicity values have been updated by the EPA for a number of chemicals of concern at this site.  
 Dioxins and furans were not evaluated.  
 HRA based on exposure pathways for a vacant lot.  
 No assessment made for the proposed uses, including residential.  
 No analysis of ecological risk (to wildlife).  
 The DEIR dose not include information on the levels of any contaminants found onsite.

### Transportation:

Diesel pollution from additional deisel truck traffic during construction phase and by deliveries to the businesses on site.  
 Traffic impacts to residents of Eureka.  
 Congestion on Broadway.  
 Dangers to bicylists/pedestrians with the additional vehicular traffic.  
 No Public transit within the project area.  
 Diversion of traffic into neighborhoods east and south of the project have not been addressed.

### Land Use.

Land use and zoning designations should be consistent with Eureka's General Plan, this project does not meet this designation.  
 LCP ammendments require approval of the California Coastal Commission.  
 Coastal dependent developments should have priority over other developments.  
 Visitor serving commercial recreational facilities shall have priority over private residential, general industrial or general commercial development.  
 This piece of property could be a county gem and clean up should not be dependent on the development of this parcel.

### Urban Decay:

As we have seen recently the nation is in the grip of a deepening recession. If we allow Big Box development on this site we will see our local businesses suffer, closure of stores at the Mall, Piersons, Myrtle Ave Lumber, Schafers etc. What this will do to Old Town revitalization and to our downtown core will be devastating. Big Box stores may provide cheap goods, but they don't provide for their workers and the bulk of their profits will go out of town to corporate coffers.

Leaving us with a dead and dying down town.

Cultural Resources:

This proposed project will negatively impact the cultural resources that are no doubt within the boundaries of this project.

The Wiyot tribe had villages around the Bay, and although evidence is not evident on the surface there are no doubt historical artifacts which need to be identified and protected.

The citizens of Eureka and Humboldt County have a desire to see our Bay restored. Other projects could be developed which would have a positive outcome for our city. No tourist has ever come to Humboldt County with the desire to go to a Big Box store. Some alternate uses could be: A Boardwalk with small craft stores selling and demonstrating their craft, potters, blacksmiths, jewelers, local artists, local food store, bakery, seafood restaurant, a Conference center, an Aquarium an ocean research center. I could probably list a dozen other uses which would be more appropriate to our area, but I'm sure you get the idea.

I hope that the city denies this applicant and instead looks to developing our bay in a way which would be consistent with our desire for a clean, healthy bay.

I hope you will give some consideration to my suggestions. Yours Sincerely Jeanette Jungers

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## Sidnie Olson

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**From:** melaniek@humboldt1.com  
**Sent:** Thursday, January 29, 2009 7:30 PM  
**To:** DEIRcomments  
**Subject:** Marina Center

Comment: Here are my thoughts about the Marina Center proposal:  
Can this community really support MORE retail stores and restaurants?

There are so many businesses leaving the Mall - doesn't anyone notice these things? What I anticipate will happen is that restaurants and businesses currently in Old Town might relocate and Old Town will become the new or should I say re-new blighted area. So much energy and money has been spent on making Old Town the wonderful place it is now, it would be a shame to see all that deteriorate because of an unwise choice of development of the balloon track.

We have a thriving oyster culture business here in Humboldt. Why not expand that, or go with more of the innovative suggestions that have been made related to developing ecotourism in Eureka rather than retail stores.

Also, I think the traffic issue will be significant. Big box stores, if they are built should be located in an easy access right off a freeway - like in Fortuna at the old mill site, rather than in the center of an already too congested downtown city area.

Name: Melanie Kasek

Address: 2615 Copenhagen Rd.

City: Loleta

Zip: 95551

E-mail: melaniek@humboldt1.com

## Sidnie Olson

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**From:** Tim keefe [t\_keefe@yahoo.com]  
**Sent:** Thursday, January 22, 2009 3:02 PM  
**To:** DEIRcomments  
**Subject:** Marina Center DEIR Comments

I have had an opportunity to review the DEIR for the proposed Marina Center and here are my initial comments. As a professional archaeologist who works on both State and Federally funded projects I am appalled at the level of cultural resource identification efforts that have occurred as well as the proposed mitigation efforts. The DEIR notes that there are potentially two significant ethnographic villages within the area of direct project impacts and it also states that there could be buried historic and prehistoric sites present but it clearly is shown that no effort has been made to adequately identify or characterize what these may be.

"Given the known and recorded sites in the area and its waterfront location, the project site is highly sensitive for prehistoric occupation, and there remains a possibility that previously unknown significant deposits may be encountered during development especially at depths below approximately 5 to 8 feet. Such unrecorded resources could be damaged or destroyed during project construction, including any subsurface, ground-disturbing activities."

The DEIR also notes that since there is Federal involvement on this project, the 106 process must be followed. Although recognized, this apparently hasn't been done. When and where has the State Historic Preservation Officer (SHPO) been involved as required under Section 106? I don't see any and if I did I imagine that a Finding of Effect for the project has been determined, produced and concurred with by the SHPO (which would lead to a the development of a Memorandum of Agreement and Treatment Plan - ph III data recovery or some other fitting mitigation, and likely in this case also a Late Discovery Treatment Plan). Sems like there is more work to be accomplished here.

It appears to me that no effects statement can as of yet be made since identification efforts have not been completed (if you don't know what will turn up when the earth is turned then identification hasn't been completed). I also want to add that in regards to the present "Plan" for dealing with potentially significant sites in construction, this is flawed logic at its worse. Just exposing a buried site would be considered an adverse effect to a site if you haven't determined how your actions would impact the located site. On this same issue, the idea that a project would be redesigned in the middle of construction based on a late discovery is ludicrous at best. As an example of the potential problems and risks I point to a recent project conducted in Port Angeles, WA (<http://www.achp.gov/casearchive/caseswin05WA.html>).

The lack of adequate identification efforts resulted in the loss of millions of dollars, the desecration of a truly significant archaeological site, and the demise of a project. I think Eureka would be wise to heed past precedents before accepting such a flawed plan.

Please complete the cultural resource/archaeological identification efforts for this project! Clumsily digging around during construction and hoping nothing pops out of the ground is not acceptable at such a sensitive location.

Timothy Keefe  
4310 Walnut Drive  
Eureka, CA 95503  
(707) 441-2022  
(FAX (707) 441-5775

RECEIVED  
JAN 26 2009  
JAN 27 2009

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Re: Proposed Marina Center:

I am completely against the Arkly/Security National Marina Center plan. It's sickening to see big money buying its way through Humboldt County. This is a bad location and usage. We need to envision the area open to the public and visitors. An RV park would place visitors in the heart of Eureka. How about a water park-heated. The marina center plan is too big for Eureka and out of scale. We can't keep businesses in Eureka open even now. Having a big Home Depot would cheapen the area. They basically sell cheap merchandise when must be replaced more frequently and the money doesn't stay here.

Restoring wetlands should be paramount in this area. It has been proven wetlands help protect existing areas from flooding and adds to the beauty of the area. Katrina showed the damage done when wetlands had been bulldozed over and developments built. We already have the mall built over wetlands. In this time of worry over global warming having wetlands may help protect this area.

Sincerely

Lina Kent



Ms Lina Kent  
1815 Caroline Ave  
McKinleyville, CA 95519

**Starr Kilian**

**From:** Starr Kilian [starrkilian@suddenlink.net]  
**Sent:** Saturday, December 06, 2008 1:01 PM  
**To:** 'DEIRcomment@ci.eureka.ca.gov' &  
**Subject:** Draft EIR comment

*Please note, the address given in the Times Standard was "undeliverable".*

To Whom It May Concern:

After reading the article in the Times Standard on Saturday, December 06, 2008, regarding the Marina Center, I felt compelled to comment on three items:

1. The artist's renderings were absolutely ugly. They remind me of old malls which have been and are being torn down all over the country. The Humboldt County Library, Wharfinger Building, and HSU's Aquatic Center are all attractive. Why would you want to lower the standard with this proposed architecture?
2. The statement regarding mall vacancy rate, stability "and the ability to re-tenant smaller vacancies as they occur " appears to be glaringly outdated in light of current local, national and international economic events. I believe this aspect must be reevaluated.
3. In regards to the article's reference about "big box stores", competition is good but a Home depot will certainly affect the many smaller lumber yards and hardware stores. Stores like Almquist Lumber may survive just because they offer some higher quality products, not available elsewhere in the county.

I am happy to see clean up of the balloon tract and commend all those involved in their efforts to rid the area of "urban blight" and improve the local economy, but I do feel the areas mentioned above need to be reevaluated.

Respectfully,  
Esther Kilian  
Fieldbrook

**RECEIVED**  
DEC 09 2008  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

**Sidnie Olson**

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**From:** jhking [samonly@quik.com]  
**Sent:** Saturday, January 31, 2009 10:04 PM  
**To:** DEIRcomments  
**Subject:** Marina Center Draft EIR Comments  
**Attachments:** Marina comment JK 1-09.doc

City of Eureka Community Development Department  
Sidnie L. Olson, Principal Planner  
531 K Street  
Eureka, CA 95501

Re: Marina Center Draft EIR Comments

Dear Ms. Olson:

Does the EIR evaluate the short and long term *cumulative impacts* to the environment, infrastructure, and economy of this project in combination with all past, present, and foreseeable future projects, especially with regard to the following:

1. potential increases in greenhouse gas emissions from the preparations, building, transportation, and use of this project?
2. impacts on waste treatment and storm water capacity and compliance with Water Quality Control Board requirements?
3. impact on costs and operation of roads, and other county infrastructure?
4. impact on costs and operation of police, fire, public health, environmental health, natural resource agencies, and other governmental services for protection, monitoring and enforcement?
5. increases in point source and non-point source pollution to air, water, soil?
6. impacts on existing or recovering native aquatic and terrestrial ecosystems?
7. impacts on natural drainage, storage and other hydrologic functioning?
8. impact of Big Box stores on local businesses, wages, and quantity and quality of jobs?

Does the EIR require mitigation methods that have been thoroughly tested and shown to be successful for at least 10 years?

Will all mitigations be funded, monitored, and maintained for at least 10 years at a level which ensures their success?

Thank you for the opportunity to comment on this important matter. I look forward to your answers to these questions.

Sincerely yours,

Joyce H. King  
685 School Road  
McKinleyville, CA 95519

**Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract**

Name (print): Jennifer Knight

Address: P.O. BOX 283

E-mail: instructorknight@yahoo.com

I am opposed to the Marina Center Project on Eureka's Balloon Tract.

I often have to drive through Eureka and the increased traffic will affect the quality of life here. When I ride my bike into town, its a challenge already. The increased traffic this project will generate will overwhelm our infrastructure.

This project will put local businesses in peril and cause many to close. Additionally, Mervyn's, Gottshalks and Restoration Hardware have all folded. Home Depot is closing stores nationwide. It's not economically viable to open a Home Depot as the Project's "anchor" business.

I miss Roberts and many other <sup>local</sup> businesses that have closed!

Finally, the area is zoned as light industrial. Let's promote local industry to keep the money in our communities and not see it flow out to corporate headquarters elsewhere.

Signed: Jennifer Knight

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Please don't "CAP" the

Clean up the site first!  
Then, we will have a better idea how to utilize the site.

**Sidnie Olson**

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**From:** Melanie Kuhnel [melanie@kuhnel.com]  
**Sent:** Saturday, January 31, 2009 4:43 PM  
**To:** DEIRcomments  
**Subject:** Marina Center Comments

**Attachments:** Marina Center.doc



Marina Center.doc  
(45 KB)

Attached are my comments on the Marina Center EIR.

Thank you for the opportunity to comment.

Melanie

February 2, 2009

To: Sidnie Olson  
From: Melanie Kuhnel  
Subject: Marina Center Environmental Impact Report

While I understand that the owner of the Balloon Tract has spent considerable amount of money in its purchase and in the work done there so far, and needs to recoup expenses in the development of the property, the size and placement of this piece of land are important to all the citizens of Eureka and it is important that the development is the best fit for both the owner and the citizens of Eureka, a not so easy task. It is within the context of believing this project should represent the overall public interest and not improperly impact regular citizens I submit these comments.

#### A. Aesthetics

My comment below is in reference to A-1.

This project is on the bay, an extremely important resource for Eureka as it develops as a tourist attraction in the coming years. I am concerned that the size of the parking lot and the buildings placed so close to the bay do affect the aesthetic values and thus the financial value of Eureka. The parking structure actually can be an attractive structure. Is it? However, a parking lot three times the size of the parking lot at Target will be an eyesore. How do you propose to mitigate this? I disagree with the conclusion reached in A-1: Have a substantial adverse effect on a scenic vista. Although some views of the bay from Highway 101 would be lost as a result of the project, the Marina Center project would, overall, augment public coastal viewing. This project does nothing to improve coastal viewing and the large parking lot will actual degrade views. I believe the only mitigation for this is to reduce the scale of the parking lot.

#### E. Cultural Resources

My comments below are applicable to E-2, E-4, and E-5.

Our Native American heritage should be important to all Americans. Two sites on the property have been identified as important Wiyot Villages. Because of the uses of the site after the Native Americans were removed, they cannot be precisely located. The owner plans to have an archaeologist on site while bulldozing is occurring. This will not allow for the careful identification of artifacts and probable burial sites. The sites should be located and a strategy to deal with the findings developed before construction begins. Why is this important job not being done? I strongly recommend examination of the site take place to further accomplish these identifications before any work is allowed to begin.

## G. Hazards and Hazardous Materials

My comments relate to Items G-1 and G-2.

The restoration of the wetlands will be a wonderful improvement to the area. However, for the health of the bay and future health of the wildlife: birds, fish and animals, the toxics should be removed completely from the site, not just the ones mentioned in the report but all the toxics that exist. This is being done in other sites in California. These toxics are leaking into the bay and will continue to do so until they are cleaned up. They make the site undesirable for some uses and will continue to do so. Why is this not being done here? I believe that simply allowing the RWQCB to determine what constitutes adequate clean-up is not sufficient. A 100% removal of all toxic materials on the site is what should be required. Anything else is simply not in the public interest.

## M. Public Services

M-6: When combined with other foreseeable development in the vicinity, result in adverse cumulative impacts to the provision of public services. *The development of the project and other projects in the vicinity would be incremental and would not trigger the need for the expansion of public services facilities or directly and adversely affect response times for police, fire and emergency medical services. Furthermore, all projects would be required to comply with all fire code standards, incorporate police department recommendations after project review, contribute a fair-share payment for student impact fees, and provide publicly accessible open spaces.*

Mitigation: None Recommended Less-than-Significant

My comment below relates to M-6, above.

Malls across the country need city services commensurate with the type of businesses that are there and the size of the mall. Some of these services are water, sewers, police and fire protection. While it appears Eureka has adequate water and sewer systems for expansion, we currently need additional fire and police protection. The additional needs for the Marina Center for these services was not addressed in the EIR. The costs should be identified or the degradation of already stretched services to the city residents should be listed and mitigation described.

## O. Transportation

Comments below are in reference to O-1 and O-2.

Traffic has been increasing in Eureka in the last few years. 15,000 additional trips a day would place an incredible burden on our already crowded streets. These numbers would cause non-stop bumper-to-bumper traffic in one lane on Broadway during peak hours. These cars will stack up behind lights and cause monumental traffic jams. To alleviate this, there will be more traffic in the residential areas and make neighborhoods less

hospitable and lower property values. How will you mitigate this? Should the railroad achieve its potential of 100 trips a day, the exit on Waterfront drive will be effectively closed much of the time. How will you mitigate this? It is very different to simply provide for a right-of-way for a railroad, as opposed to addressing the actual impact of running trains in this corridor, which this study does not do. It is difficult to comment on specific items in this section because the consultant report on which it is based is so inadequate. But the failure to adequately address the impact of this project on local streets and to address the cumulative impacts of traffic makes this section nearly worthless, and I strongly believe this entire section should be redone, and the public allowed an opportunity to comment on this revised study. Finally, even with this being an inadequate study, all evidence points to the impact on both Highway 101 (4<sup>th</sup> and 5<sup>th</sup>, and Broadway), and impact on the city streets being unacceptable. Therefore the only practical mitigation is to revise the project so dramatically fewer trips are generated. This probably means changing the mix of retail and other uses, and reducing the number of parking spaces by a substantial amount.

#### P. Urban Decay

My comments below relate to the following two items.

P-1: Result in urban decay in the Retail Trade area. *The proposed project and its associated infrastructure improvements would eliminate the conditions for urban decay.*

Mitigation: None Recommended Less-than-Significant

P-2: In conjunction with other development, result in urban decay in the area. *While a competing general merchandise and home improvement store in Fortuna would divert sales from Eureka, there does not appear to be any cumulative impact from the project and other proposed or approved projects that would result in physical deterioration considered prevalent and substantial in the community.*

Mitigation: None Recommended Less-than-Significant

I strongly dispute both these conclusions. There is no doubt that there will be cheaper goods and services at the chain stores that are proposed for the Marina Center. And some shoppers do not mind the inferior quality that often comes with these products. However, the effect on our current local stores will be disastrous. When the Bayshore Mall opened, eighteen stores closed in the Business District. Currently there are over 100 empty stores in Eureka and 25 in the Bayshore Mall. An earlier study done for the city when WalMart was considering building a store on this same site stated in part that a store that targeted one shopping area such as home improvement would create more disastrous cuts than other types of businesses. How will you mitigate the lost jobs, the empty store fronts and parking lots, the broken windows, graffiti, etc. that will come to our Old Town, Business District, Malls, and Henderson Center from additional closed businesses?

Both the conclusions reached are therefore faulty. The project will result in urban decay (P1), and there is a cumulative impact from the project and other proposed or approved

projects such as Forster-Gill and the McKay tract projects proposed in the county that will result in “physical deterioration considered prevalent and substantial in the community”, which is the opposite of what is asserted in P-2.

#### Alternatives

Chapter V of this EIR purports to analyze a range of reasonable alternatives to the proposed project. It states after considering many possible alternatives, four alternatives to the project were analyzed in detail in this Draft EIR. These were: a No Project, Marina Center Reduced Foot Print, Light Industrial Zoning, and Off-Site Shoreline Property.

This is not an acceptable range of alternatives. For example, in the Marina Center Reduced Foot Print the housing and museum are removed, in Off-Site Shoreline Property the site is changed. One acceptable alternative for a Marina Center Reduced Foot Print should include downsizing retail. This would help reduce this possible impact of many of the problems I identified above – excessive traffic, ugly parking lots, and urban decay. Why has such an alternative not been identified?

Thank you for your consideration of my comments.

Sidnie Olson

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**From:** Ron Kuhnel [ron@kuhnel.com]  
**Sent:** Saturday, January 31, 2009 5:05 PM  
**To:** DEIRcomments  
**Subject:** Comments on the Draft EIR for the Marina Center

**Attachments:** Transportation Element of the Marina Center EIR.doc



Transportation  
Element of the ...

Attached are my signed comments on the Draft EIR for the Marina Center.  
While prepared as a member of the Transportation Safety Commission, these comments are my own.

Best regards,

Ron Kuhnel  
Member  
Transportation Safety Commission

January 31, 2009

Sidnie L. Olson, AICP  
Principal Planner  
City of Eureka  
Community Development Department  
531 K Street  
Eureka, CA 95501-1165

I am writing as a Transportation Safety Commissioner to comment on the Transportation Element of the Marina Center EIR, Section O.

Comments 1-4 below are in reference to O-1

O-1: Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections). *Project-generated traffic, absent mitigation, would degrade level of service at six intersections: Broadway at Wabash/Fairfield, Koster at Wabash, Fourth Street at C Street, 5th Street at C Street, Broadway at Hawthorne, and Broadway at Henderson. Under 2010 conditions, the Koster/Wabash intersection is expected to operate at LOS during the p.m. peak hour, and the project trips are anticipated to result in more than 5 seconds of additional delay. In addition, average speeds on Broadway would be reduced with the addition of project traffic.*

Comment 1: There is a serious question regarding the adequacy of the baseline traffic on which projections are made. The 2007 data was taken at a time of minimum expected traffic flow, and field observations made by driving this route today suggest a very different level of congestion than what is presented In the EIR.

Comment 2: The “improvements” suggested for Broadway to improve traffic flow are inadequate, and will result in a seriously degraded level of service, and divert traffic on to residential streets such as Washington without consideration of that impact on the neighborhood.

Comment 3: There is inadequate consideration for pedestrian safety on Broadway and expected pedestrian conflicts at the redesigned intersections at Wabash, Henderson, and Harris.

Comment 4: The impact of the project on bicycle traffic on Broadway, and Sixth and Seventh streets is inadequately considered.

Comments 5 - 6 are related to O-2.

O-2: Exceed, either individually or cumulatively, a level of service standard established

by the county congestion management agency for designated roads or highways. *Humboldt County has not established a county congestion management agency. Therefore, there are no levels of service standards established by such an agency. None Recommended. Less-than-Significant*

Comment 5. I disagree that the lack of a *county congestion management agency* relieves the project applicant of the responsibility of addressing both cumulative impact and local impact. The cumulative impact of traffic congestion should be addressed, including such proposed activities as Forster-Gill and the McKay Tract in the County, and the proposed Super Safeway on Harris.

Comment 6. The expected diversion of traffic onto City arterials and connectors has also not been addressed. This is a very serious deficiency as traffic congestion on Broadway can be expected to substantially alter traffic patterns on such streets as Harris, Wabash, E, F, G, H, I, and Harrison. This increased traffic could result in significant degradation of neighborhood qualities, pedestrian safety, bicycle safety, and negatively impact proposed traffic calming measures in the City of Eureka currently under consideration by the Transportation Safety Commission. Modeling tools currently available for simulating these impacts have not been deployed in this study.

Comment 7 addresses O-4.

O-4: Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). *While the higher traffic volumes generated by the proposed project would increase the potential for safety conflicts, it is not expected that project traffic would increase the accident rate itself. After implementation of identified mitigation measures, all but one of the study intersections would operate at acceptable levels of service and would be expected to reduce accidents by about 15 percent.*

See Mitigation Measures O-1a through O-1k. Less-than-Significant

Comment 7: It is somewhat disingenuous to suggest that traffic congestion is expected to reduce the number of accidents. There is no credible data in the supporting documentation to support this contention. It seems equally likely that accidents will increase, by more rear end collisions caused by stop-and-go traffic at “rush hour” and collisions with vehicles entering or attempting to cross from un-signalized intersections or driveways.

Overall Comment:

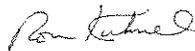
In general I find the transportation study done for this project by the consultant to be incomplete in regards to impact on pedestrians, bicycles, and impact on local neighborhoods. No simulation has been done on the impact on local arterials, connectors, and streets. I feel quite strongly this portion of the EIR should be re-done to correct these deficiencies.

Even if you were to accept the general conclusion reached by this incompletely done study, it seems abundantly clear only one possible mitigation measures exists to reduce the environmental impact to an acceptable level. That is to modify the project itself to reduce the traffic generated. This will require developing a revised alternative that substantially reduces the number of motor vehicle trips. Whether these trips are directly related to the number of parking spaces is not something I can comment on, but it is clear a different mix of uses would be the best way to accomplish this. With a reduced number of trips, and a better and more comprehensive study, to show a less onerous impact on pedestrians, bicycles, and local neighborhoods we might have a basis for concluding the environmental impact is acceptably mitigated. Until then we have a proposed project that is clearly unacceptable in both study methodology and environmental impact.

I would therefore ask that as a very minimum that additional studies dealing with 1) cumulative impact and 2) impact on pedestrians, bicycles, and local neighborhoods be done using a simulation that shows the impact on local arterials, connectors, and streets be accomplished and this be re-circulated.. Anything else is inadequate to allow sufficient analysis.

Thank you for the opportunity to comment on the EIR.

Sincerely,



Ron Kuhnel  
Member  
Transportation Safety Commission  
City of Eureka  
1604 G ST  
Eureka, CA 95501

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): JAMES LAMPORT

Address: 867 B REDWOOD DR. / GILBESVILLE, CA 95542

E-mail: \_\_\_\_\_

HAZARDOUS MATERIALS SECTION:

- INADEQUATE CHARACTERIZATION & QUANTIFICATION OF CONTAMINANTS
- INADEQUATE CONSIDERATION OF ALTERNATIVES, e.g. REMEDIATION PLANNED FOR NEARBY FORMER SIMPSON PLYWOOD MILL SITE.

AIR QUALITY SECTION:

- NO CONSIDERATION OF ENHANCED PUBLIC TRANSIT, TO REDUCE NUMBER OF VEHICLE TRIPS

Signed: James Lampert

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): JAMES LAMPORT

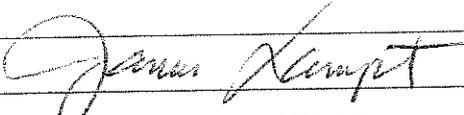
Address: 867 B REDWOOD DR. / GARBERVILLE, CA 95542

E-mail: \_\_\_\_\_

CULTURAL RESOURCES:

WIIYOT VILLAGE SITES & OTHER RESOURCES  
MUST BE ACCURATELY IDENTIFIED BEFORE  
ANY CONSTRUCTION IS DONE.

Signed: \_\_\_\_\_



Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

## Sidnie Olson

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**From:** Neal Latt [neallatt@hotmail.com]  
**Sent:** Saturday, January 31, 2009 9:40 PM  
**To:** DEIRcomments  
**Subject:** Marina Center project/comments by Neal Latt

Dear Ms. Olson,

While I count myself among the majority of Eureka residents who would like to see the Balloon Track parcel cleaned up and put to its highest best use, I cannot support the Marina Center project in its current incarnation as presented in the Draft Environmental Impact Report. Here's why:

1) The traffic study is flawed insofar as it does not take into specific consideration the impact to residential Eureka neighborhoods from traffic that will inevitably divert itself from the Broadway/4th/5th corridor to an alternative route through Eureka. Specifically, I am referring to: 1) northbound, traffic from the 101 that would take Harris Street north to I or S/West/V Streets, bypassing the Marina Center Broadway bottleneck, and 2) southbound, traffic from the 101 that takes V/West/S, H or E Streets to Henderson, seeking to bypass said bottleneck. Please understand that this will be the inevitable result of building a large retail-centric project like the Marina Center on a "hot" corner of town that already is already overwhelmed by traffic. It will have a profound negative effect on our residential neighborhoods that lie in proximity to these potential bypass routes, bringing additional traffic to currently sleepier sections of town in which our children often play in the streets; and in this way, lowering our overall quality of life. I am not willing to trade our current residential peace and quiet in exchange for the development of the Balloon Track.

2) The Urban Decay section bases its analysis on flawed numbers that appear erroneous and out-of-date, and without attribution: a 4% commercial vacancy rate? That number is easily refuted just driving around Eureka for an hour - one can count 150 commercial vacancies or so currently within city limits. What is the source, and where is the data, for the 4% statistic? Does this 4% statistic take into account the time periods that immediately followed the completion of similar projects (i.e. the Bayshore Mall, the Eureka Mall, etc.) that from the standpoint of comparable analysis, stand to shed the most light on the impact of this type of project (that is, creating a whole new significant retail area in Eureka)?

3) The urban decay section also omits salient data from the study commissioned by the City of Eureka in 1999 for the proposed Wal-Mart on the site by the firm *Bay Area Economics*. This report, using comparative studies of retail behavior (including "leakage"), showed that a large-scale home improvement center, like the Home Depot being proposed, stood to inflict the most damage on existing businesses, employment and sales tax revenue, if sited on that location (the Balloon Track). Here is the complete report: <http://www.saveeurekawaterfront.org/files/BAE.pdf>

The urban decay chapter, if it is to have any degree of accuracy or credibility, must be re-worked to reflect the fact that Humboldt County is already "over-retailed" for a county of its population (approx. 130,000) and growth (less than 2%, behind state averages). The figures that the Marina Center DEIR uses for job and sales tax "creation" to support its project are highly speculative and *in direct contradiction* to the BAE findings from less than ten years ago, during which time Humboldt County showed comparable growth, income, population and retail spending data.

4) The No Project Alternative used extremely speculative and unconvincing data from a Water Quality Regional Board staffer to project that No Project on the site would result in filled wetlands as a part of the site cleanup. I find this contention unlikely, as it contradicts California state law

that prohibits net loss of existing wetland habitat in the course of cleanup or development, particularly in the coastal zone.

5) Finally, the current NCRA plan to reconstitute the railroad (running up to 1000 rail cars a day across Waterfront Drive in at least two locations) was not taken into specific account in the existing Marina Center DEIR traffic study, thereby significantly impacting its accuracy. How will the projected running of the railroad (and the volume of rail cars it would require to achieve profitability), impact the exiting of all Marina Center traffic (average 15,000+ car trips/day, as per the DEIR) onto Waterfront Drive, and its relation to all other traffic flows?

Thank you for considering these comments.

Neal Latt  
2839 D Street  
Eureka, CA 95501  
445-1942

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