

Sidnie Olson

From: Glen Twombly [gatwombly@suddenlink.net]
Sent: Thursday, December 18, 2008 11:27 AM
To: DEIRcomments
Subject: Sea level

I do not see any reference to the effects of the widely predicted rise in sea level due to global warming. Has it been considered? What is the altitude of the project above current maximum high tide?

Thanks,

Glen A. Twombly
2066 Mustang Lane,
Arcata, CA 95521

(707)826-7506

RECEIVED

FEB 02 2009

DEPARTMENT OF
COMMUNITY DEVELOPMENT

1-29-09

City of Eureka
Community Development Dept.
Attention: Sidnie L. Olson
AICP, Principal Planner
531 K. Street
Eureka, CA 95501

I wish the people of Eureka could open their eyes and appreciate what Mr. & Mrs. Rob Arkley have done and want to do in the future for Eureka.

The Sequoia Zoo and the Arkley Center should first come to mind - however I have worked the kitchen at the Christ Episcopal Church - which they quietly remodeled and purchased beautiful place settings for several hundred.

I'm sure there are many other projects that they have done that anyone has every known about.

We need big business in our area that we can get to employ so many that need work. We could go against the employment & Home Depot could add - I wish the Arkley's lived in Fortuna! Dan Patton Vallentin
1070 Fernwood Dr. Fortuna

7255117

Diane R. Venturini
175 Dana Lane
Eureka, CA 95503
(707)442-5524
Jan. 11, 2009

City Of Eureka
Community Development Dept.
Attn: Sidnie L. Olson
AICP Principal Planner
531 K. St.
Eureka, CA 95501

RECEIVED
JAN 13 2009
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Dear Sidnie Olson,

After reviewing the Marina Center Draft EIR, I have a few concerns & reservations about the project.

1. **Hazardous Waste Cleanup**

I want a total & thorough cleanup of the site before any development begins & throughout construction of the project. Of course, they are required to meet federal & state requirements. In addition, previously unidentified contaminants may be present on or below the ground surface. Ongoing monitoring is a must!!

2. **Smart Growth**

A: I want smart growth for our county. I do want to see the site developed, but what is built HAS to be what is best for Eureka & Humboldt Co. as a whole.

Why is there NO mention of using any "green building" technology? Any new construction (especially on this scale) should be making some effort to build environmentally friendly structures. This is good for our health & is good for this community. The Marina project should be building this way.

This Draft EIR may not be the place where this is discussed, but to me it is a very important part of the project.

There's talk of a "green team" forming in the county with the help of the RCEA leading the way. That's smart growth.

B: Are any of the housing/residential units geared for low income/ elderly or disabled residents?? Our very own HACOg's regional Housing Needs Plan outlines the "fair share allocation" for Hum. Co. A portion of low income housing needs to be included in this project.

Also, who is going to rent these units? Surely you have seen, the 3rd coming of the extinct "Ferry Bldg." at 1st & F St.? It lays nearly vacant, years after completion!!

C: These parcels are a few of the remaining picturesque Humboldt Bay scenic vistas. **I DO NOT** want to see a 5 story office building and a 4 story parking garage on this site.

D: And last but not least, **I DO NOT** want a "Big Box" entity in this location. We the voters spoke our mind when WalMart tried to buy into Eureka.

Listen to us!! Take the necessary time to make informed decisions about what growth this city needs. Do NOT cave into the pressures of corporate greed.

In summary, what I want to see developed in the "Old Balloon Tract" site, is a multi-use project. It should have an equal mix of recreation & parkland with some retail, (not a Big Box), residential units, (including some for low income/elderly), office space, (not 5 stories high) & some light industrial.

This project is too big for this community!! It is not a good fit for the current & future needs of Eureka.

Please **DO NOT** approve this Draft EIR!!

Thank you for listening,
Sincerely,



Diane R. Venturini

Cc: City Council Member Larry Glass
Board of Supervisor Mark Lovelace

Sidnie Olson

From: Abigail's Elegant Victorian Mansion - Eureka, California [evm@humboldt1.com]
Sent: Thursday, January 29, 2009 11:15 AM
To: DEIRcomments
Cc: DEIRcomments
Subject: Arkley's First National - and the Ballon Track

Let us stop all this Bull Shit and get this project going. Damn it, everybody knows it is needed - from a variety of reasons - all good. Let's keep the momentum going on turning this dying mill town / fishing town around. Get off your ass and push with VIGOR* to get back Eureka's former luster. How many courageous fools to you think are going to come along? Let's grab this opportunity before the guy (Arkley) has a chance to rethink the issue and just throw in the towel - like so many other prospective projects in the past. Eureka needs him much more than he needs us.

* I don't mean passive acceptance - I mean MAJOR contributing help - to get this MARINA CENTER going !

Doug Vieyra, Curator / InnKeeper
Abigail's Elegant Victorian Mansion ~ Historic Lodging Accommodations
1406 C Street, Eureka, California 95501 * PH: (707) 444-3144
www.Eureka-California.com * E-Mail: Info@Eureka-California.com

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

Name (print): Greg Wellish

RECEIVED

Address: PO Box 979 Trinidad CA 95570

FEB 02 2009

E-mail: Gregwellish@yahoo.com

DEPARTMENT OF
COMMUNITY DEVELOPMENT

This DEIR fails to realistically address major concerns. No testing for Dioxins and Furans known to be on site. Traffic impacts are not dealt with honestly. Broadway is Hwy. 101 and already over used at peak times. The traffic mitigations are not sufficient. The effects on old town/downtown by urban blight are understated. Right now businesses are closing and the commercial properties are un-rentable. History (the Bayside Mall project) says we can expect many more empty store fronts if this is built. Project in no way meets zoning or Coastal Zone requirements. I recommend the NO BUILD alternative,

Signed: Greg Wellish

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

Sidnie Olson

From: Sidnie Olson
Sent: Wednesday, December 10, 2008 10:16 AM
To: DEIRcomments
Subject: FW: Citizen Comment Form

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

From: Pam Powell
Sent: Tuesday, December 09, 2008 8:51 AM
To: Sidnie Olson
Subject: FW: Citizen Comment Form

Sidnie,

I forwarded this comment received from the public to council. David has asked me to forward all marina related comments to you and to not continue to forward to council.

Pam Powell
Assistant to the City Manager

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

From: Pam Powell
Sent: Tuesday, December 09, 2008 8:40 AM
To: Chris Kerrigan (coachk11@yahoo.com); Council Members; Larry Glass (lglass@foggy.net); Mike Jones (mike-jones@leavitt.com); Polly Endert (rpendert@sbcglobal.net); Virginia Bass-Jackson (vbjcra@aol.com)
Subject: FW: Citizen Comment Form

FYI
Pam Powell
Assistant to the City Manager

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

From: gampagampa2@aol.com [mailto:gampagampa2@aol.com]
Sent: Saturday, December 06, 2008 8:53 AM
To: Pam Powell
Subject: Citizen Comment Form

This was recieved from the Citizen Comment Form

Comment: Never before have I seen such ugly buildings built on purpose!! The waterfront is now a place where I take guests to show them how unigue it is- what a nice place to walk and talk.

If you actually build the way its planned now I will avoid it like the plague- it would be embarrassing. The architecture you are reason would have been first rate in 1950- but its just ugly now.

I work in a building with some 300 people and we discussed this on Monday when the first drawings were on the front page- we all agreed- bad- really bad.

Please don't do this- When we drive by Dr. Berg office quests comment on how well he has kept that place- when I say its a new building- they can't believe anyone would have spend the money.

Thanks to the Starbucks building the look of downtown has been improved. It it looked like that (although not my first choice) at least it would be intriguing.

I doubt it matters what those who would actually use the area think- but please reconsider.

Name: Elizabeth Welton

Address: 929 Koster

City: Eureka

Zip: 95501

Phone: 707-268-3425

E-mail: gampagampa2@aol.com

Sidnie Olson

From: Pat Wenger [Pat.Wenger@humboldt.edu]
Sent: Friday, January 30, 2009 2:00 PM
To: DEIRcomments
Subject: draft EIR comments

From: Pat Wenger
2340 17th St
Eureka CA 95501

Friday, January 30, 2009

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

As a document, the draft EIR is very consistent with the contemporary American document standard of hiding information behind an abundance of nonsense and pseudo-scientific sounding filler, hoping readers will just go away. As a nation, we urgently need some succinctness and clarity standards. I encourage our City Government to avoid thinking that this EIR says much of value. It does, however, describe a project which is clearly a poor choice for healthy Eureka development: this so-called development will damage our business and public communities in many ways, and the current version of the EIR is carefully constructed to hide those issues. I will mention some of the issues I find particularly significant in this brief response to the request for public comment on the Marina Center draft EIR.

The “large anchor store” (Anchor 1) is one of the most problematic elements of the proposal. It is fortunately inconsistent with the zoning of the site, but Eureka is certainly a part of the current American culture in which politicians are ‘bought’ in a variety of ways, so it is highly possible that the zoning will be changed with no attendant investigation of the favors (\$) which have changed hands in the decision-making process. The issue of the zoning changes should be left to the people of Eureka, and unless they are supportive of changes in zoning, then no changes should take place.

The draft EIR, as posted at the City of Eureka WEB site (<http://www.ci.eureka.ca.gov/>), contains lots of valuable information, but it is carefully hidden in the onerous nature of the report. As a citizen of Eureka, I find the traffic delays unacceptable as a planned mistake, the extra waste of gas and all the associated negative environmental effects unacceptable as a planned mistake, and certainly the misplacement of a new mega-store (Anchor 1) in a location appropriately not zoned for such placement unacceptable as a planned mistake.

A mega-store specializing in building and home-improvement materials will have a tremendous detrimental effect on the Humboldt economy and will cause local money to flow out of our county with a much lower recirculation rate than money spent as smaller and businesses with a much higher ‘local ownership and management’ configuration (many carefully-researched studies document this, but large-store proponents continue to argue the lie of positive economic development when bringing these stores to new locations – see “Big=Box Swindle” by Stacy Mitchell, 2006, for extensive documentation of this issue). Even is our community does not wish to work toward the maximum economic benefit of Humboldt County residents, it is still an exceptionally poor idea to propose putting a mega-store in the downtown and near-waterfront location of the parcels considered in the Marina Center proposal. If our area is to suffer the economic loss which WILL accompany the arrival of such a mega-store, then at least our supervisors can have the foresight to plan a

location for such development which will not have the enormous negative traffic and wasted-burning-fuel and wasted time issues the proposal would bring to our downtown. If our City Council and zoning authorities are readers of these responses, I very much hope that they hear my request that the best interests of all Eureka – health, time usage, clean-air, and the possibility of a zone-appropriate usage of the parcels under consideration – is given priority over a current active pressure to allow this clearly-thought-out big development a green light. I understand the attractiveness of this already-planned big development project, but as a Eureka resident I can also see that the draft EIR for this project, as posted on the City of Eureka WEB site, works to downplay and even hide the many negative effects of this proposed development. At this point in time it will be relatively painless for Eureka leaders to make the right choice: protect our environment, protect our central Eureka from a clogging and inappropriately placed development, protect our air and related living conditions such as overall noise, and imagine that at some time in the future the parcels under consideration WILL BE put to appropriate, clean, low traffic uses which will enhance our City. Let us, as a community, encourage our developers to situate development proposals with the interests of the community more clearly in mind.

The EIR is certainly misleading in the way it handles many issues. For example, in the section “xx”, states:

“In fact, the project site’s proximity to a major transportation corridor through the North Coast (U.S. 101) and its location in Eureka, Humboldt County’s largest city, could result in less impact on regional transportation systems and air quality than would comparable development in a more outlying area, or an area with a lower concentration of population within the county.”

The language “could result in less impact” is so telling – nothing is promised, nothing is established, but the reader is expected to follow this nonsense to the conclusion that the proposal is actually O.K. When someone who wants something hires writers to prepare an EIR which supports what they want, this is exactly what it will sound like if it is hiding reality from the readers. Many of the important conclusions of the document are of this logical character – the only thing they really tell us is that the writers want the City of Eureka to approve the project. I am really quite disgusted at arguments such as that about the intersections being of poor quality already, and I hope most readers see this stuff for the smoke-screen it is intended to be.

I encourage City of Eureka leaders in the strongest possible way, please help the developers of the proposed Marina Center find some outlet for their energy and investment potential which will not pose such long-term damage to our community.

Pat Wenger
2340 17th St
Eureka CA 95501

Balloon Track

① 20 acres of restored wetlands
Tidelands & Buffer.

② Better Architecture

③ Build a restaurant LIKE^(A) The Train
Station. Call it The Depot.

ANN WHITE
(4435023)
935 B ST.
FUNKA, Ga. 30501

RECEIVED

JAN 30 2009

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Sidnie Olson

From: Andrew Whitney [andsw@hotmail.com]
Sent: Sunday, February 01, 2009 12:00 AM
To: Sidnie Olson; Larry Glass; Linda Atkins; Jeff Leonard; Frank Jager; Mike Jones; Kathleen Franco Simmons; Virginia Bass
Subject: Marina Center DEIR Comments

Dear Ms. Bass, Mr Leonard, Mr Glass, Mr Jager, Mr Jones, Ms. Atkins, and Ms Olson,

Please accept my comments on the Marina center DEIR. My first comment is that I feel the comment period is too short for citizens to have meaningful input on the document. You have chosen to use the CEQA minimum comment period but I don't think that is sufficient time given the enormity of the document. It took paid consultants two years to produce the document and with attachments it is about 2000 pages in length. If I were to spend three minutes per page it would take me 100 hours to review the document. As a working parent it is tough for me to get a free hour everyday after the laundry, cooking, cleaning, and workday is over. Given this timeframe it would take me 100 days to review the DEIR not 60. Coupled with the fact that the comment period ran through the busy holiday season, effective public participation in the DEIR difficult. Yes I should have spoken up earlier on this but it is completely within the power of the council to accept late comments or to extend the comment period.

From the outset of the project, meaningful opportunities for public participation have been completely absent. We must remember what is under consideration: changing the zoning of the property from a public use to a private use. If this is to occur, basic fairness indicates that the public should have the chance to have meaningful input on the decision. Meaningful public participation has been wholly absent from the Marina Center proposal thus far.

The alternatives section infers that the project as proposed is the only feasible route to a remediated site. This is not true. The council could impel the property owner to clean the site under California law. The Palanco Act states that:

- Allows a redevelopment agency to order parties responsible for contaminating property in the redevelopment project area to perform the necessary cleanup.
- If the responsible party does not cooperate, the redevelopment agency can perform the cleanup itself or arrange for a third party to clean up the property.
- The redevelopment agency can require a property owner to provide all environmental information related to the property, including Phase 1 assessment or subsequent environmental tests.
- The redevelopment agency can perform cleanup on property owned by the agency as well as property owned by another party.
- The Act can be found at Health and Safety Code Section, 33459 et seq. The City Council should make the documents referenced in Volume 2 Appendix J available to the public. The public can not possibly make adequate comments on this appendix without access to the source documentation (Phase I, Phase II and additional sampling results. The RDA could at the very least require SN to furnish the Phase I, Phase II ESA and additional sampling results to the public.

In Conclusion I hope you will Re-release the DEIR with the above motioned documents appended.

Thank You,

Andrew Whitney
 827 Manzanita Ave.
 Eureka, CA

95503

445-5796

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)

Sidnie Olson

From: Ann Wieland [ann@redmed.com]
Sent: Saturday, January 31, 2009 2:54 PM
To: DEIRcomments
Subject: DEIR Comments on the Marina Center

Attachments: Marina Center DEIR reponse.doc



Marina Center DEIR
reponse.doc...

My name is Ann Wieland.

I live in Eureka: 2775 Pleasant Ave. Eureka, Ca. 95503. I also work as a teacher at Eureka High School. My e-mail address is the following: ann@redmed.com

These are my comments to the City of Eureka regarding the DEIR for the Marina Center.

- 1) Eureka is already experiencing Urban Decay. We have many vacant storefronts in downtown Eureka, and we have major big box stores declaring bankruptcy. We cannot add more retail stores that could force other well-established local businesses into bankruptcy. Adding more retail store developments would have a negative impact on our present retail businesses and cause more urban decay.
- 2) Adding a large retail space in this location could easily create some major transportation issues. We cannot afford to change existing roadways to meet the increased traffic demands.
- 3) Since the project is within the Coastal Zone—the proposed project does not match the certified Local Coastal Program (LCP), and needs to be amended for this proposed project. I strongly object to amending the LCP, and I believe that as a community we should be seeking projects that would be acceptable to the California Coastal Commission.
- 4) I am very concerned that the hazardous waste at the site be properly cleaned up, so that medical risks to our residents will be eliminated. I believe that the Union Pacific Railroad is responsible for the clean up of the hazardous waste: heavy metals-lead, copper, and zinc, petroleum hydrocarbons, and industrial solvents. Exposure to these hazardous wastes can cause cancer. Our community should enforce environmental regulations such as the Clean Water Act, and polluters need to be held responsible for the environmental pollution, that they have caused. Our Eureka community should hold the Union Pacific Railroad accountable for the clean up procedures, and this clean up should be completed before the city considers proposals for any new projects.

Sincerely yours,

Ann Wieland

FEB 02 2009

DEPARTMENT OF
COMMUNITY DEVELOPMENT

My name is Lawrence J. Wieland M.D.
I reside in Eureka: 2775 Pleasant Ave. Eureka, Ca. 95503. I also own a business,
Redwood Family Practice, in Eureka: 2350 Buhne St. Eureka, Ca. 95501. My e-mail
address is the following: lwieland@redmed.com

These are my comments to the City of Eureka regarding the DEIR for the Marina Center.

- 1) As a physician I am very concerned that the hazardous waste at the site be properly cleaned up, so that toxic risks to our habitat and ultimately to our residents will be diminished. I believe that Union Pacific Railroad is responsible for the clean up of the hazardous waste: heavy metals-lead, copper, and zinc, petroleum hydrocarbons, and industrial solvents. Exposure to these hazardous wastes can cause cancer, respiratory problems and other medical illnesses. Our community should enforce environmental regulations such as the Clean Water Act, and polluters need to be held responsible for the environmental pollution, that they have caused. Our Eureka community should hold Union Pacific Railroad accountable for the clean up procedures, and this clean up should be completed before the city considers proposals for any new projects.
- 2) Eureka is already experiencing Urban Decay. We have many vacant storefronts in downtown Eureka, and we have major big box stores declaring bankruptcy. We cannot add more retail stores that could force other well-established local businesses into bankruptcy. Adding more retail store developments would have a negative impact on our present retail businesses and cause more urban decay.
- 3) Adding a large retail space in this location could easily create some major transportation issues. We cannot afford to change existing roadways to meet the increased traffic demands. Not only am I concerned about the congestion that will occur in this part of our city but what will the pollution effect be ie. (air quality noise, and toxic run off) on the larger community from the traffic that happens with this proposed development?
- 4) Since the project is within the Coastal Zone—the proposed project does not match the certified Local Coastal Program (LCP), and needs to be amended for this proposed project. I strongly object to amending the LCP, and I believe that as a community we should be seeking projects that would be acceptable to the California Coastal Commission.

Respectfully submitted,


Lawrence J. Wieland M.D.

1-28-09
RECEIVED

JAN 29 2009

DEPARTMENT OF

COMMUNITY DEVELOPMENT

In regards to the project, I have been opposed to it from the beginning. It would mean rezoning that lead to include retail. The people of Eureka have already spoken on that issue and do not want it rezoned. We have plenty of retail land here & not much in the way of industrial public use.

As for the jobs it would "create" would there really be more jobs? Or would it just be an exchange? For every job "created" another would be lost at a local business. Hardly a "plus" there.

Traffic is already congested on Broadway & adding traffic to a mall would really make a mess of things.

As for the housing aspect who would want to live down there? No one I've talked to would be interested. And it would be high priced high end housing. Who could afford that here? Especially if only more retail jobs come with it? There's plenty of empty houses & apartments in and around town. More is not really necessary. Especially without the higher paying industry jobs to afford them.

I realize the city would like to see something done with this land but settling for the first idea that comes down the pike is not really the best course to take. By settling on the first thing that comes down the pike could very well mean missing out on the better and best thing that could be done there. Something that brings money into the area with ~~the~~ shipping most of it to big box head quarters. Money that could stay here & enhance

existing businesses.

I would hate to see a strip mall on our water front. What a waste & a terrible sight to see. Eureka can do better than that. And Eureka deserves better than that, don't we?

Please don't say yes to this project for the sake of money either. That usually doesn't turn out well. Chasing after money never turns out well. Chase after the better & best thing & the dollars will follow.

So, once again, say no to this project & idea & don't re-zone the land. Be patient & wait for the best thing.

Thank you for letting me have my say.
Hope you can decipher my writing okay.

Sincerely,

Paul J. Wilson WILLIAMS

2102 "E" Street

Eureka, CA

Sidnie Olson

From: Kevin Williams [kwilliams@omindustries.com]
Sent: Saturday, January 31, 2009 11:28 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 in order and very thorough. I support the EIR and the project and urge you to adopt the EIR.

Kevin Williams

Sidnie Olson

From: Tom Wolfgram [tomwolfgram@usavalues-character.com]
Sent: Tuesday, December 30, 2008 5:42 AM
To: Undisclosed
Subject: FW: Main Street should not waste a crisis!

From: Tom Wolfgram [mailto:tomwolfgram@usavalues-character.com]
Sent: Tuesday, December 30, 2008 7:39 AM
To: Undisclosed
Subject: FW: Main Street should not waste a crisis!

From the top down you want term limits and democracy returned to the people. From the bottoms up we want absolute real opportunity for all.

USA VALUES, Inc.

7879 Somerset Ct.
Woodbury, MN 55125

Phone 651-735-3018 cell 612-968-1579
Fax 651-451-1498
tomwolfgram@usavalues-character.com

Main Street should not waste a crisis!

1. Grass roots **Earned or Saved Cash** to spend on goods from Main Street will be required to restore jobs, confidence and traditional values. This money exists in the mortgage payment.
2. This new money can come from "3% low risk mortgage rates" with a low cost refinance or restoration. Count on this to also restore the value of housing in the next several years. The interest rate has been reduced for everyone except those in good standing on Main Street. Where is Main Street's New Money! Trusting who?
3. We need term limits for state and federal elected officials as our **top step** to restoring several absolute values of democracy and the USA republic. We may as well use free money to make the point.
4. We need a high quality delivery of early reading skills to 100% of pre-k (age 3-6) at risk children to restore the value of K-12 public education as the **bottom step**. This first step requirement is that age 5-6 children be given an even start because, bottom line, taxpayers pay the cost of not doing these first things first and it costs an arm and a leg and the future of 25% of our citizens.
5. Recognize that the returning veterans have more capacity to fill the local gap of opportunity because they served with commitment and rigor in a confusing high tech - high power world, in the worst of conditions and stress.
6. 90% of our population understands that collectively we need to do this from the **ground up to the top** with more rigor and commitment. We have damaged ourselves with relative value processes. We have proven that anything goes is not good enough for long enough. We ignore the ethics of our leaders, let the laws delay us and let our most at risk -- cost us our future like we want an

excuse.

7. From the **top down** you want term limits and democracy returned to the people. From the **bottoms up** we want absolute real opportunity for all knowing the first 6 years of learning is critical. How do we let the crisis help us get this done from **both directions**?

Chick here to get involved. We can do this. **State opt-in or opt-out in the subject field**

firststep@usavalues-character.com

There is something here for everyone as an individual

Tom Wolfgram, President of USA VALUES, Inc.

Kevin C. Wright
1080 A st. #3
Eureka, Ca 95501
(978) 500-6933
kcwright.srvs@gmail.com

RECEIVED
JAN 2 0 2009
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Sidnie L. Olson, AICP
Principal Planner
531 K Street
Eureka, CA 95501-1165

RE: Marina Center DEIR comments

Dear Mr. Olson,

As a Traffic Safety Commissioner for the City of Eureka, I have reviewed the DEIR for the proposed Marina Center project and respectfully submit the following comments to you. I will be focusing my comments largely on safety issues throughout the document and have broken my comments into four general sections: Bicycles, Pedestrians, Vehicles, and Transit.

Bicycles

The DEIR indicated the primary access point for bicycles will be 4th street where Highway 101 ties into the project area. A class III bike path is indicated for this entry point to encourage cyclist traffic to be concentrated here. Bicycle use of Highway 101 through Eureka is one of the most dangerous and least attractive routes for cyclists at the current time. With substantial increases projected for traffic entering and leaving the project area and crossing and turning onto and off of the Highway 4th street is expected to become even more dangerous and less desirable for riding. None of the potential safety problems at this entrance point were addressed in the DEIR.

Leaving the project area, the DEIR indicates that cyclists trying to access 7th street, a class II bike route accessing a large portion of residences, will be required to use a sidewalk traveling against traffic. This activity is dangerous for both pedestrians who may be using the sidewalk and bicyclists who will be forced to ride illegally due to design flaws within the DEIR. The DEIR does not recommend that cyclists ride in traffic or address any of the issues of a cyclist attempting to ride through the proposed intersection. Cyclists attempting to ride legally in the roadway are expected to encounter a variety of obstacles with high vehicular volumes that go unaddressed within the DEIR.

Traffic in general leading to and from the project area along Broadway and 4th, 5th, 6th, and 7th streets is projected to increase substantially. The majority of residences occur south and east of the project area and most residences are close enough to bike from. The project will be attracting people from these neighborhoods but none of the mitigations outlined in the DEIR address any of the problems bicyclists

will encounter trying to ride with traffic or while attempting to cross traffic. The DEIR avoids conversation regarding appropriate shoulder widths, signal timing with bicycles in mind, and any signage or other markings that would indicate cyclists still belong despite encountering even greater competition with traffic.

The DEIR does not include any discussion of bicycle accident rates related to increases in traffic and potential changes in bicycle interactions within traffic due to alterations to infrastructure required by the mitigations named in the DEIR.

Pedestrians

The DEIR does not address impacts to pedestrians attempting to cross toward or away from the project area or pedestrians attempting to cross roadways at other locations against increased traffic flows caused by the project. On 4th, 5th, 6th, and 7th the DEIR notes current 30-40 second time delays allowing pedestrians to cross safely. The DEIR does not mention how these time delays will be affected and whether the number of current crossing locations will be diminished with the traffic increases projected to result from the project. Broadway in particular is known for pedestrian injuries related to crossing at unmarked locations and uncontrolled intersections. The DEIR does not address current pedestrian crossing safety issues and safety issues that will be encountered with the projected increase in traffic generated by the project.

Vehicles

The DEIR does not address the footprint of the project, the project choices, and what choices could be made that could potentially reduce the impact of the project's transportation-related impacts.

The DEIR does not address impacts related to traffic increases caused by the project and how they relate to noise, pollution, and quality of life for surrounding neighborhoods including those directly on Broadway and 4th and 5th streets.

The DEIR does not address potential traffic congestion in the parking lots of other businesses where traffic is attempting to merge back onto Highway 101. Potential added and unplanned congestion within business parking lots can lead to safety problems for drivers and pedestrians moving from their vehicles to and from the place of business.

The Levels of Service predictions within the DEIR assume that all traffic will leave the project area using Waterfront Drive. The DEIR does not state that Waterfront Drive will definitively be used as the only exit for the project and, therefore, the levels of service encountered outside the project area may be worse than projected and the mitigations that are proposed may not be enough to offset additional traffic at certain locations. Certain locations may experience an unacceptable state of traffic flow and result in greater safety issues.

The DEIR does not address the potential effects of diversion of traffic into residential areas south and east of the project area. Even minor increases in traffic may result in increased safety problems for children getting to school or playing around their residences, neighborhood recreation, attempts at

traffic calming, etc. The DEIR does not address any of the potential impacts our neighborhoods may suffer from the increases in traffic projected due to the Marina project.

Because the DEIR uses Level of Service as the primary measure to implement mitigations, the DEIR fails to address any potential impacts from the project toward anything but traffic. Mitigations focus almost entirely on traffic flow to raise the Levels of Service where below satisfactory. The DEIR fails to note any other impacts that may cause changes to neighborhoods, affect quality of life, and decrease safety. Because of this, it is impossible for me to understand exactly what the threats to safety are that are caused by the project.

Transit

The DEIR does not address access problems for people with disabilities and the general ridership resulting from transit service not being required within the project area.

Planning

The DEIR does not address how mitigations may limit the possibility of future infrastructural changes. In the future, if the City of Eureka deems infrastructural changes necessary for the safety of its residents it may not be able to address these changes without upsetting traffic flow issues caused by this project and the designs of its proposed mitigations named within the DEIR.

The DEIR does not address impacts to the FHSA Pedestrian Safety Audit or other planning projects currently in place that will help to shape the future of the City.

The DEIR identifies the need for major infrastructure improvements on Broadway by the year 2025 to handle the projected 33% overall increase in traffic volume but does not address how the project will mitigate for its contributions to the congestion problems it will add to at that time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin C. Wright', with a large, stylized flourish extending from the end of the signature.

Kevin C. Wright



COMMUNITY DEVELOPMENT DEPARTMENT

95 Linden Street

January 29, 2009

COMMUNITY DEVELOPMENT DEPARTMENT

Varis 6

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

Oakland

**RE: Marina Center DEIR:
Comments on the DEIR**

California 94607

Dear Sidnie:

I have reviewed the Draft EIR for the Marina Center project. I believe the DEIR is inadequate for the following reasons.

Tel: 510.622.8110

1. The DEIR states that the Applicant's primary objectives include, among other elements: "Restore the Balloon Tract to productive use" (p III-16). A subsidiary objective listed under this primary objective is to "remediate contaminated soil to safe levels for project uses" (emphasis added). In the Land Use section, the DEIR notes that the project "must disturb the wetlands to remediate the site" (p. IV.I-13). The applicant's objective is to remediate the site for project uses, not to simply remediate the site. This distinction is important. The applicant is not proposing to remediate the site and restore the wetlands as an objective. The applicant is proposing to develop the site and remediate it in the course of this development. This issue is significant for Coastal Act purposes.
2. The DEIR notes that an ESA biologist made a reconnaissance level survey in May 2006 (p IVD.1). This survey should be more specifically defined as follows: how many days were spent on-site, how many hours of each day that was spent on-site, was the entire site walked, in what fashion was the survey made (transects, meanders, etc.), were notes taken of the site, was a plant list or list of wildlife seen prepared, etc.
3. Within the Biology Resources chapter (p IVD.1+), the DEIR makes numerous references to reports or other materials prepared by the Huffman Broadway Group (HBG) and three such reports are listed at the beginning of the section. In numerous cases, though, the DEIR conclusions depend upon conclusions reached by HBG without discussion whether the DEIR

Fax: 510.622.8116

biologist reviewed these conclusions, e.g. “protocol-level special-status rare plant surveys were conducted by the Huffman Broadway Group (HBG)” while apparently none were completed by ESA during its May 2006 “reconnaissance level survey” (pp IVD.1). However, HBG is not listed in the report as one of the preparers of the DEIR. The relationship between the DEIR preparers and HBG should be fully explained and the extent to which ESA biologists relied upon and peer-reviewed the HBG material fully defined.

4. Similarly, the DEIR should be clear with regards to whether the applicant had an opportunity to review and comment upon the Administrative draft EIR and, if so, to that extent were those comments incorporated in the present DEIR.
5. If HBG is not a preparer of the EIR, then the extent to which HBG written materials were incorporated into the text of the DEIR should be specifically defined. Where HBG written materials were incorporated, those materials should be referenced in more detail than a simple listing of three possible sources at the beginning of the section and, if directly quoted, these materials placed in quotations. Further, the extent to which those statements were confirmed by ESA biologists should be detailed. For example, the DEIR notes that “a list of all wildlife species either observed on the project site or that might possibly use the site was prepared through habitat reconnaissance, field observation and review of literature sources... (p. IVD-3) and HBG survey results are then described. Does ESA feel these surveys reveal “all wildlife species that might possibly use the site”? If so, those conclusions should be detailed such that the DEIR reviewers understand that the DEIR is not simply parroting the applicant’s biologists. At issue here is whether ESA prepared an independent document as required under CEQA.
6. Similarly, Appendix D contains the special status species reported or known to occur in the vicinity “based on the knowledge of the Huffman Broadway Group investigators” (p IV.D-5). Is that knowledge considered sufficient and complete by ESA biologists? Were the methods employed by HBG consistent with ESA understanding of standard protocols in similar cases?
7. The DEIR concludes that no special status plants were found on-site after surveys on two days in April 2007 by a “qualified botanist” (p IV.D-5). Is this an HBG botanist? If so, the qualifications of the individual should be described and ESA should verify and describe its independent conclusions regarding the methods and results.
8. The DEIR concludes that rare plants could not occur on-site due to the presence (presumably widespread?) of disturbed soils. Rare plants in

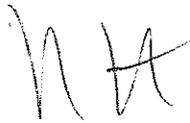
California are known from many disturbed soils and this conclusion should be retracted or justified on an individual species basis.

9. The DEIR conclusions regarding special status animal species all appear to derive from work done by HBG biologists. In each case, ESA should make an independent determination regarding the methods and conclusions reached for each species.
10. The DEIR compares the HBG and Zentner and Zentner wetland delineations and concludes that both are similar and reach approximately 8.7 acres (see below for an additional comment on this figure). However, the DEIR notes that HBG modified its delineation in both 2006 and 2007 to reach that number but the only explanation for that change is an apparent expansion in the extent of hydrophytic vegetation. If hydrophytic vegetation is spreading to such an extent, then it is likely that there is a greater extent of wetlands, as defined by the Coastal Commission on-site today. At least, a more detailed rationale for the changes in the HBG delineations should be provided and an ESA-derived review of those changes to ensure that the decision makers and reviewers have an adequate understanding of the extent of wetlands on-site.
11. Table IV.D “Wetland Functions and Values” is based on a New England Division document. Humboldt Bay and Bay edge wetlands are likely to be somewhat different than New England wetlands. Does ESA commonly use this document to evaluate wetlands? If not, why was this used?
12. Table IV.D-1. The conclusion that both types of wetlands have no or limited functional value for floodflow alteration, sediment retention, nutrient removal, production export, or sediment stabilization is deeply flawed and actually contrary to the New England Division methodology as well as more commonly used wetland evaluation methods, e.g. WET, HGM, etc. These wetlands are, for the most part, well-vegetated with minor areas of rip-rapping. The fact that this vegetation is mostly non-native does not affect the ratings given for these functions. For example, the shoreline is stabilized whether it’s covered with non-native or native cordgrass. These conclusions need to be corrected and the numerous subsequent references to the low values of the wetlands modified.
13. The discussion of the Coastal Commission’s regulations in the Biological Resources section is inadequate. A fuller description, especially regarding the Commission wetland policies, needs to be provided. This is not a section that provides a discussion of the effect of these but the audience should be made aware of the specific language in the Act the prohibits wetlands fill except for certain uses. At least the specific language contained in the Land Use section at p. IV.I-14 should be included here.

14. Similarly, the discussion of the Coastal Commission's regulations in the Land Use section is inadequate. A fuller description, especially regarding the Commission wetland policies, needs to be provided as noted above.
15. The discussion of the local coastal zoning regulations in the Biological Resources is also inadequate and should more fully describe these regulations. In each of these cases, it is not sufficient to simply note that these regulations exist; the reader must be able to understand from the text of the DEIR the implications of these regulations.
16. Project Impacts-special status plants. The points made above regarding disturbed soils and HBG work/ESA reviews are applicable here. Also did the plant survey occur in 2005 or 2006?
17. The DEIR concludes that the project would result in "improved foraging opportunities" for the birds observed or believed to be in the vicinity (p IV.D-15). This conclusion seems far-fetched given that a significant majority of the site is proposed for development while the site is currently undeveloped. An undeveloped site, even one strewn with non-native plants, provides abundant foraging opportunities for a variety of birds. Confining the wetlands to a small area with a reduced extent of uplands may improve foraging for a certain suite of birds but other birds will not find improved foraging habitat. The DEIR should provide detailed analysis of which species will benefit and why and which species will suffer and why.
18. The DEIR concludes that there is no "sensitive natural community" found at the project site. This conclusion is apparently reached through reference to the low functional value of the wetlands and repeated statements that the wetlands on-site are not "sensitive". This conclusion appears to counter much local, regional and State practice. There have been numerous instances where post-industrial wetlands have been evaluated in the Humboldt Bay Area (Broadway Mall, PALCO marshes, South Broadway wetlands, etc). In those cases, the wetlands have all been understood to be all or part of a "sensitive natural community". Additionally, a quick Google search of "sensitive natural community CEQA" turns up many references to CEQA documents where wetlands are understood to be "sensitive natural communities". The DEIR should more explicitly describe why these wetlands are so unique as to escape this description and provide a full justification for this conclusion.
19. Similarly, the above comments on Table IV.D-1 and its conclusions should be re-addressed in light of the DEIR statements here.

20. Impact D-3: The DEIR states that 5.54 acres of wetlands as delineated under the Coastal Act would be filled while earlier in the DEIR (see note above) the Coastal Act wetlands were determined to be about 8.7 acres.
21. Impact D-5. The DEIR inadequately describes the City's Coastal Zone policies. By not fully enumerating those policies (a point noted above also), the reader is left with the impression that wetland fill is acceptable as long as mitigation is provided. This would be an innovative reading of these policies. The policies should be provided in full and the more typical interpretation of these policies provided for comparison. Otherwise, decision-makers and readers are left with a mistaken impression and an inadequate understanding of the project's impacts.
22. The Land Use discussion on Coastal Act and coastal zoning regulations seeks to use balancing provisions from a number of non-regulatory entities to justify the wetland fill. For an adequate document, the EIR should compare the proposed project's actions with those permitted with other project in similar conditions. Specifically, has the Coastal Commission approved wetland fill for this type of project? What have been the Coastal Commission staff's perspectives on this issue? These and an analysis by ESA should be included in the EIR.

Thanks you very much for this opportunity,



John Zentner