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City of Eureka Community Development Department

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The following are comments and questions on the Marina Center Draft Environmental Impact Report (DEIR) submitted on behalf of the North Group, Redwood Chapter of the Sierra Club, with over 1,200 members in Humboldt, Del Norte, Trinity, and western Siskiyou Counties.

#### AESTHETICS

1. The DEIR claims that the proposed project would “augment public coastal viewing,” but does not explain how stores ranging in height from 28 to 72 feet would accomplish that.
2. The Final EIR should include a visual simulation of a 1500+-car parking lot.
3. Could the Eureka Design Review Committee bar Home Depot from incorporating fluorescent orange in its store exterior color?

#### AIR QUALITY

1. The North Coast Air Basin is already in non-attainment status for fine particulate matter (PM10) at a threshold of 16 tons/year. The proposed project is estimated to generate 38 tons/year – more than TWICE the current threshold that is not being met. The proposed project would also result in emissions that exceed thresholds for ROG, NOx, and CO. The project applicant’s proposed mitigations (e.g., electric plug-ins for cars, pedestrian and bicycle zones, voluntary employee carpooling) are weak and their expected air pollution reductions are not quantified. Also, how can one expect pedestrians or bicyclists to make any significant purchases at the hardware/lumber store anchor? (Delivery trucks mean more diesel pollution!)
2. Has the update on the Air Quality District’s PM10 attainment plan (expected in 2008) been completed? If so, the project applicant should incorporate any findings into the Final EIR.
3. Locally, the vehicle trips generated by the proposed project would significantly contribute to greenhouse gas (GHG) emissions. However, since the DEIR sets the scale for determining an “individual discernable effect” as global (i.e., raising the Earth’s temperature), it makes them not significant. The DEIR should compare the 20,000 metric tons/year of GHGs generated by the proposed project as a percentage of local pollutants.
4. The DEIR is vague about what energy conservation measures would be implemented as mitigation.
5. The proposed project is inconsistent with the General Plan Policy to “protect and improve air quality” in the Eureka area.

## BIOLOGICAL RESOURCES

1. The DEIR states that no special status plants are “expected to occur” on the project site. Haven’t surveys already been done of the entire property, allowing a definite statement to be made?
2. The proposed project would locate the restored wetland area immediately adjacent to the Anchor 1 (Home Depot) store. What is the width of the proposed buffer? If it is not 100 feet, how was a narrower buffer justified as “adequate”? What type of wildlife would be attracted to habitat next to a 40-foot-high store?
3. Based on two days of field survey, the DEIR claims that the current Balloon Track has “no habitat values.” (However, the report listed 27 bird species observed on the open field site in winter and 14 in summer.) What habitat values are associated with paved parking lots and buildings (47% of proposed project area)?
4. Have studies been done on expected bird kills from new buildings (particularly if glass) and parking lots in the proposed project?
5. It is extremely difficult to recreate a functional wetland (e.g., prone to fill in, non-native plants become established). The project applicant proposes to monitor the wetland for 5 years to confirm its success. How will success or failure be measured, and how was the 5-year cutoff determined?
6. The DEIR notes that public trust issues surrounding the property are “not clear and are being investigated by the State Lands Commission.” The results of this investigation are important and must be considered in the Final EIR.

## CULTURAL RESOURCES

1. The potential impacts listed in the DEIR do not match statements from the Preservation Officer of the Wiyot Tribe that two villages may occur on the Balloon Tract. The project applicant should be required to perform subsurface studies to locate cultural resources by ground-penetrating radar, controlled backhoe testing, and augering before any development plan is approved. Excavation for data recovery (e.g., digging up and relocating artifacts and human remains) is the lowest priority for the Tribe and should be respected. What actions would the project applicant take if European remains are discovered?

## HAZARDS & HAZARDOUS MATERIALS

1. Groundwater was tested only for petroleum hydrocarbons, metals, and volatile organic compounds. Why was sampling limited to these potential pollutants?
2. The Health Risk Assessments (other than for diesel emissions) were performed in 1996 and 2000. Levels of significance determined by the US EPA may have changed (i.e., been lowered) since then for chemicals of concern. The project applicant should be required to update the HRAs to incorporate any current levels of significance AND to reflect projected (not current) uses.
3. The DEIR devotes two sentences to dioxin, furans, and PCBs, noting only that they were found and sources were not identified. (The nonprofit organization Humboldt Baykeeper found all samples it tested from the Balloon Track positive for dioxin.) The project applicant should be required to test for these substances, as Humboldt Bay is already listed for dioxins and PCBs.

4. What studies were done to model movement of pollutants from the project site into Humboldt Bay? Could the proposed reintroduction of tidal influence to Clark Slough mobilize toxic substances?
5. Throughout the DEIR, the project applicant refers to the site as a “brownfield.” However, it concludes that the site should not be considered for listing as a hazardous materials site because “it is in compliance with Regional Water Quality Board (RWQB) orders.” However, that compliance is based on the current use of the Balloon Track – basically, a vacant lot – NOT on the proposed use.
6. The DEIR mentions project compliance only with RWQB requirements. Don’t other government agencies have jurisdiction over toxics?
7. Remediation measures to be used should be spelled out (e.g., capping vs removal of toxic soils) in any plan brought before the Eureka City Council, not deferred until a future date.

#### HYDROLOGY & WATER QUALITY

1. The FEMA flood insurance map designating 100-year flood boundaries was last updated in 1986. Were any studies done to determine whether those delineations are still accurate?
2. The proposed project would install impervious surfaces on 29 of 43 acres (47%) of the Balloon Track, increasing peak discharge from the site. How were pre-project flows measured? The project applicant proposes to install culverts to handle only a 10-year storm event. Given the expense of replacing undersized culverts, and the potential for future excavation to stir up any “capped” hazardous substances, culverts should be able to handle a 50- to 100-year event.
3. What would happen to runoff collected in a retention basin, and where would it be located? Wouldn’t the runoff be contaminated with petroleum products from the parking lot?
4. The DEIR does not adequately assess effects of global warming/sea level rise on the proposed project, given that the site elevation ranges from 8 to 12 feet.
5. The proposed project is located in a Moderate tsunami zone. How would an evacuation route be able to handle thousands of cars, especially since the preferred exit (Waterfront Drive) is closer to the ocean than the proposed project?

#### LAND USE & PLANNING

1. The proposed project would require several changes to existing zoning classifications. The DEIR fails to discuss the desirability of removing a large contiguous segment of Industrial land – the premiere piece of property left in the City of Eureka -- from inventory. It also fails to justify using land near the Bay for uses that are not coastal-dependent or coastal-related. The Marina Center does not need to be located on a historic waterfront.
2. While there are some elements of “Smart Growth” in the proposed project (e.g., urban infill), a Big Box (or, as described in the DEIR, “large-format”) store is the driving force behind Marina Center. Generating over 15,000 trips/day should not be considered eco-friendly.
3. Under the California Coastal Act, “visitor-serving commercial recreational facilities” have priority over residential, general industrial, or commercial development on properties in the coastal zone. Given that all of the proposed Marina Center uses are in the lowest priority group of allowable uses, why were they selected over potential higher priority uses?
4. The Coastal Act also states that “coastal-related developments shall not be sited in a wetland” and that wetlands may be dredged or filled for certain specified uses, none of which is operating in the proposed project. (The filling of wetlands for the purpose of site remediation is not listed as a permissible purpose.) Over 5-1/2 acres of wetlands would be filled.

5. The DEIR states that the Marina Center would not divide the existing industrial community of the Westside Industrial Area; would eastwardly expand similar existing commercial uses along 4<sup>th</sup>, 5<sup>th</sup>, and Broadway; and would provide large anchor retail spaces on a similar scale as to its south. However, it fails to gauge how well the proposed project would fit in with Old Town (1<sup>st</sup> through 3<sup>rd</sup> Streets, lettered cross streets).
6. Nothing in the DEIR would prevent a Wal-Mart from becoming an anchor store in the proposed project. (In fact, the report notes that if the Anchor 1 site becomes vacant, "certain large-format stores have expressed an interest in entering the Humboldt County market.") Is the citizen referendum where two-thirds of Eureka's citizens voted to stop a Wal-Mart from being built on the Eureka waterfront binding on the project applicant?
7. The proposed project is inconsistent with the General Plan policy of discouraging new commercial development that will adversely affect Eureka's Core Area; its preference for upgrading established commercial centers over developing new ones; and developing part of the Westside Industrial Area for nonindustrial uses. According to the Westside Industrial Study, the Balloon Track is the only site available within the city for an industrial park.
8. Where are the 171 acres of vacant land planned for Public use located within the city?

#### POPULATION & HOUSING

1. Why should the proposed project NOT include some fair share of low-income housing?

#### TRANSPORTATION

1. Traffic sampling was performed in March and April, which does not take into account tourist season. Have studies been done to determine what time of year Broadway (Highway 101) experiences the worst traffic? Any scenarios projecting traffic increases from the Marina Center should use those numbers as a worst-case scenario baseline.
2. How much traffic will be diverted into adjacent neighborhoods not within the intersections studied in the DEIR (e.g., 6<sup>th</sup> 7<sup>th</sup>, Harris)? How were the roadways to study as being potentially impacted by the proposed project selected?
3. The City of Eureka has used existing traffic level of service and delays on Broadway to justify building Waterfront Drive Extension. Thus, how can adding over 15,000 trips a day to the current infrastructure not be determined to be of major significance? (And, conversely, why is WDE seen as necessary, if traffic signal synchronization is purported to mitigate a much-worse traffic problem?)
4. The DEIR fails to mention that Waterfront Drive is used as a staging area for boat launching at the Wharfinger Marina and gets backed up with trailers. Also, there are segments of WD where the road width is narrower than that listed in the DEIR.
5. The project applicant says it will pay its "fair share" of off-site and project access transportation improvements that include new road construction, medians, sidewalks, traffic signals, stop signs, directional signs, lane striping, etc. What is the total cost estimated to be? Would any land acquisition be necessary? Shouldn't "fair share" equate to 100% of the costs, if such "improvements" would not be necessary if the Marina Center was not built? If not, how is "fair share" calculated? All too often, the public ends up paying for infrastructure that benefits private developers.
6. Mitigation measures rely heavily on actions that would need to be taken by CalTrans or the City of Eureka that are not under the project applicant's control. (For example, the DEIR states the project applicant will "obtain encroachment permits from CalTrans and cause to be completed/installed mitigation measures A, B, C....") CalTrans rules on Highway 101: what

power does the project applicant have to force signal interconnects and optimizing signal coordination timing? And in what time frame would such measures have to be installed to coincide with Marina Center construction and operation? (The DEIR notes that “there is no program in place or funding otherwise identified to ensure completion of the mitigation measures within the time period necessary to avoid the impacts.”)

7. How will the project applicants deal with the possible resumption of the railroad through Old Town, or trucks carrying containers from the Redwood Marine Terminal now being planned? The DEIR states that the project applicant will work with the railroad to maintain adequate right-of-way and install warning signs and crossing gates at the Waterfront Drive driveway. This would block the main exit from the Marina Center each time a train passed. Also, the trail around the wetland is located partly on the railroad ROW.
8. The proposed project is estimated to slow morning peak traffic southbound on Broadway from 26.3 to 21.6 mph and reduce the p.m. peak hour speed from 21.2 to 18.5 mph, all well below posted speed limits. How can this not lead to more “road rage” and accidents?
9. Directing employees to park off-site during December (the DEIR estimates that the proposed project’s parking lot could be 94 spaces short) takes on-street parking away from existing merchants during their peak holiday sales season.
10. Where does the project applicant plan to have speed bumps installed for traffic calming and who would pay for such construction?

#### URBAN DECAY

1. The DEIR twists the meaning of urban decay to claim that because the Balloon Track is currently decayed, its cleanup and development would be an improvement, and therefore “eliminate the conditions for urban decay.” However, by definition, urban decay includes the physical deterioration associated with high business vacancies. The DEIR fails to quantify how many stores might go out of business if the Marina Center is constructed. Although the report mentions competition from a possible home improvement store in Fortuna, it fails to study the effect of Home Depot on operating companies such as Pierson’s, Ace Hardware, and Do-It-Best Hardware.
2. The DEIR states that 421 jobs may be lost in Humboldt County and the City of Eureka due to construction of the Marina Center, and that 1,246 jobs are projected to be created. Are the types of jobs created/lost comparable in wages and benefits?

#### ALTERNATIVES

1. The project applicant selected objectives for the proposed project so that only the Marina Center would meet those objectives (i.e., strengthen Eureka as the retail and employment center of Humboldt County; develop an economically viable mixed-use project; facilitate brownfield redevelopment and urban infill development of property in the redevelopment area in the City of Eureka).
2. The project applicant’s objectives for the proposed project listed in the Alternatives section are different from those in the Project Description. For instance, the latter list includes tourism as an objective, but the DEIR does not quantify or explain how the proposed project will increase tourism.

Thank you for considering these comments.

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