

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.

71-1
71-2

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

71-3

Letter 71: Loreen Eliason

- 71-1 The comment regarding vacancy in the City of Eureka as related to the proposed project is noted. Please see Master Response 1.
- 71-2 The comment regarding the proposed project's potential impacts on existing businesses is noted. Please see Master Response 1, under "Potential Local Store Closures" and "National vs. Local Stores."
- 71-3 The comment against the scope, generated traffic, generated pollution, and housing component of the proposed project is noted. The traffic impacts of the proposed project are analyzed in Chapter IV.O, Transportation. It would be speculative to determine exactly what the comment refers to regarding "pollution" generated by the proposed project. However, the proposed projects impacts to aesthetics, air quality, biological resources, noise, hazardous materials, water quality, noise, and utilities and service systems are analyzed in various chapters of the EIR.

Comment Letter 72

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.

72-1

72-2

72-3

Comment Letter 72

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.

72-3
cont.

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

5-547

Letter 72: W.R. Engels

- 72-1 The comment expresses concern that the proposed project would add retail space to an already saturated market. Please see Master Response 1, under “Vacancy in the City of Eureka,” as well as under “Potential Local Store Closures.”
- 72-2 The comment states that the project site should have alternatives uses other than the proposed project. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI of the Draft EIR.
- 72-3 The comments suggesting other uses for the project site are noted. Please see Chapter VI, Alternatives, in the Draft EIR, as well as responses to comments 16-239 and 16-242, which explain that the Draft EIR includes a reasonable range of alternatives. An alternative containing uses similar to the institutional and educational uses described could be the College of the Redwoods or Tourism Use Alternatives.

Sidnie Olson

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.

73-1

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

Letter 73: Richard Evans

- 73-1 The comment urges the City Council and boards to consider any and all proposals that address land use and urban decay, to address the legal requirements of the Draft EIR, and to facilitate ongoing input and comments by the public. The comment is noted. No comment is made on the proposed project or the Draft EIR itself, so no further response is given.

Comment Letter 74

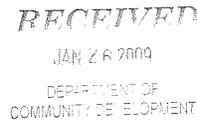
Comment Letter 74

January 24, 2009

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

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)



5-551

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 CO2 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.

74-1
74-2

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

74-3

(1)

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.

74-3 cont.

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).

74-4

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.

74-5

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.

74-6

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

74-7

(2)

Comment Letter 74

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.

↑
74-7
cont.

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.

5-552

Letter 74: Patrick and Elizabeth Eytchison

- 74-1 The comment states that the Draft EIR does not address traffic impacts in sufficient detail.

Please see response to comment 15-7, which explains the methodology used in the traffic impact analysis. The project's effects associated with local traffic and the air quality of nearby residential neighborhoods is anticipated to be less than significant. Concerning the project's generation of vehicle trips, vehicle emissions of CO₂, and vehicle-related effects on regional air quality generally, the traffic analysis recognized that regional vehicle traffic is anticipated to grow by about 1.5 percent annually with or without the project. Consequently, the analysis provided in the Draft EIR already adequately addresses the transportation and air quality-related impacts of the project.

- 74-2 The comment indicates that the Draft EIR does not include an estimate of carbon monoxide emissions that would be associated with the additional traffic generated by the project. For the estimated emissions of carbon monoxide that would be generated by the project, please see Draft EIR Table IV.C-5 on page IV.C-14. Please also see Master Response 2 regarding the adequacy of the air quality assessment.
- 74-3 The comment states that residents would be vulnerable to project related traffic-generated air pollution and that non-traffic related cumulative emissions should be incorporated in the analysis. For discussion of air quality impacts related to diesel and automobile emissions, see Draft EIR Chapter IV.C. For a discussion of the cumulative impacts related to criteria air pollutants, please see Draft EIR pages IV.C-15 and IV.C-16.
- 74-4 The comment states that the Draft EIR failed to consider the effect of the coastal temperature inversion. For a response about temperature inversions and other meteorological influences as they are addressed in the Draft EIR, see response to comment 16-16.
- 74-5 The comment states that the HRA is not complete because it fails to consider the overall impact of increased auto traffic and emissions generated by the proposed project. The health risk assessment summarized in Appendix E evaluates the incremental health risk associated with projected construction equipment, diesel delivery truck emissions, parking lot traffic emissions, and emissions from traffic on U.S. 101 in the immediate vicinity of the project site. This analysis is included in the Draft EIR to specifically assess the impacts of diesel and automotive emissions at the project site. The report in Appendix E should be referenced as it does include emissions from increased traffic and autos from the proposed project. Please also see Master Response 2.
- 74-6 The comment expresses the opinion that the Draft EIR is weak because it does not include mitigation measures that require alternative development projects for the project site. Comment noted; however, pursuant to CEQA, the City cannot require the Project

Applicant to develop an entirely different project through mitigation requirements that do not meet the stated project objectives.

- 74-7 The comment reiterates the stance that alternative projects should be required to reduce significant impacts. See response to comment 74-6 regarding alternative projects as mitigation.

Comment Letter 75

Comment Letter 75

January 28, 2009

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

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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?

75-1
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75-4

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.

75-5

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?"

75-6
75-7

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?

75-8

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?

75-9

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?

75-10

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?

75-11

Marilyn Field
2868 D Street
Eureka, CA 95501

jmfield@pacbell.net

5-555

Letter 75: Marilyn Field

75-1 The comment expresses concern regarding the proposed project's impact on pedestrians.

There are existing cross-walks at the intersection of Broadway and Fifth Street, and at the signalized intersections of Broadway and Sixth Street, and Broadway and Washington Street. The future signalized intersection of Broadway and Fourth Street would have crosswalks as well. It is acknowledged there are difficulties in pedestrian circulation along and crossing Broadway. The problem is existing high traffic volumes. Raised medians, improved warnings, street narrowing measures, lighting, etc. have all been demonstrated to reduce pedestrian-related accidents. Recommendations for similar problems have been made in several recent publications including articles in ITE Journal (January 2004 and May 2007), and a handbook jointly published by FHWA, NHTSA and the Pedestrian and Bicycle Center in March 2009 entitled "How to Develop a Pedestrian Safety Action Plan." In these articles it has been noted that installation of unsignalized pedestrian crossings at multi-lane, high volume arterial urban streets should be avoided. This is because high traffic volumes offer no safe crossing gaps, even when considering one direction of traffic at a time along with the potential of the multiple threat exposure from having more than one lane in each direction. If median islands are constructed, they should probably be the Danish offset type so that pedestrians walk facing oncoming traffic in the median and they cross half the street at a time. This is the case with or without the proposed project. Traffic queues are, and would continue to be present during many signal cycles in the peak and off peak hours. Also, the total volume of traffic approaches 1,000 vehicles per lane per hour, or one vehicle every 3.6 seconds in each lane. This would make it difficult for pedestrians to find any safe crossing gaps. It should be noted that the distance between the existing crosswalks across Broadway from Washington Street to Sixth Street is approximately 575 feet, which is less than the 600-foot maximum walking distance between controlled pedestrian crossings that is generally accepted.

The comment also expresses concern regarding the proposed project's impact on bicyclists. Please see response to comment 33-3 for a discussion of bicycle circulation and safety.

75-2 The comment states that Waterfront Drive is not an acceptable traffic route. The comment is noted. Please see response to comment 40-2, which discusses Waterfront Drive.

75-3 The comment expresses concern regarding the potential traffic impacts to intersections on Broadway. Please see response to comment 38-4, which addresses Broadway intersections.

75-4 The comment asks why no public transit service is proposed with the project.

The proposed project is designed so that it could integrate with existing public transit systems, including bus service along Broadway/U.S. 101. As the project is developed, the existing public transit system grid could be expanded into the project site.

- 75-5 The comment expresses concern that the proposed project would negatively effect existing retail businesses. Please see Master Response 1, under “Potential Local Store Closures.”
- 75-6 The comment observes that a restaurant proposed along the Eureka Boardwalk has not as yet opened. The comment is noted.
- 75-7 The comment questions the demand for residential units at the proposed project site. The comment is noted. Residential market demand studies are outside the scope of CEQA.
- 75-8 The comment states that the Health Risk Assessments prepared in 1996 and 2000 are out of date and requests that new studies be prepared. The comment is noted. For further discussion regarding the Remedial Action Plan for the proposed project, as well as other investigations of the project site, please see Master Response 4 and new Appendix S.
- 75-9 The comment asks what would be the requirements for identification of Wiyot villages. Implementation of an archaeological subsurface survey program would help determine whether significant archaeological sites exist in the project area. Please also see Master Response 9 for revised mitigation measures including subsurface investigation.
- 75-10 The comment expresses concern about placement of clean cover material over the project site. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4.
- 75-11 The comment stating that the project proposals have glossed over too many issues is noted.

The comment also asks what provisions are made for recreation on the project site. As stated in the Project Description on page III-14, the project would include an 11.89-acre wetland reserve, a portion of which would be available for enjoyment as a public recreational space.

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. 76-1

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. 76-2

Third, the artist's portraiture of the site depicts a site that is architecturally vacant. We expect something better, not Santa Rosa Norte. 76-3

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. 76-4

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 76: David Fix and Jude Power

- 76-1 The comment expresses concern of the impact of the proposed project on local businesses. Please see Master Response 1, under “Potential Local Store Closures.”
- 76-2 The comment expresses concern about site security after project buildout. See response to comment 16-178, which addresses police services and site security.
- 76-3 The opinion of the preliminary project renderings is noted. As stated in the outline on page III-18 of the Draft EIR, under F. Project Entitlements and Approvals, and reiterated on page IV.A-6 under Impact A-3, the proposed project would be subject to site plan review and architectural review by the City of Eureka. Design features specific to the site plan and buildings would be established at that time. The Design Review Committee will review the site plans and designs to ensure that EMC Section 156.054 (D) goals are met.
- 76-4 The comment suggests other uses for the project site. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI of the Draft EIR.

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.

77-1

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 1st 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.

76-2

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

Sincerely,

Kyle Fleck, and his two friends.

Letter 77: Kyle Fleck (and his two friends)

- 77-1 The comment suggests that the proposed commercial development for the project site is unnecessary. The comment is referred to the response to comment 38-1.
- 77-2 The comment stating that the proposed project is unorthodox is noted.

Sidnie Olson

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

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

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.

78-1

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.

78-2

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!

78-3

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.

78-4

5-562

Letter 78: Ali Freedland

- 78-1 The comment expresses doubts that the project as proposed would meet wetland recovery goals of the Humboldt Bay Ecosystem Management project. The comment questions how contaminants would be removed from the project site and asks whether the project would lead to further contamination.

The conceptual wetland restoration plan for estuarine emergent wetlands at the project site assumes that the entirety of the site would be subject to soil remediation as part of the mandatory site cleanup to be accomplished before site development. The proposed project would result in the permanent filling of 6.15 acres of wetland as well as the temporary filling of 1.45 acres of wetland. These areas would also be subject to soil remediation as part of the site cleanup. The project would not lead to further contamination; in fact the implementation of the project along with the wetland restoration plan would ensure not only the elimination of a potential pathway of contaminants to biologically sensitive receptors but also promote better quality of onsite waters and those waters flowing to downstream areas through Clark Slough, including Humboldt Bay. Please also see Master Response 4, regarding Phase 1 of the project, which includes site remediation and wetland restoration.

- 78-2 The comment states that retail demand does not exist for “outside chain stores,” that the Bayshore Mall negatively affected Downtown businesses, and suggests a Downtown revitalization effort. Please see Master Response 1, specifically National Stores vs. Local Stores and The Effect of the Bayshore Mall on Local Businesses. A Downtown businesses revitalization effort is outside the scope of the proposed project.
- 78-3 The comment refers to the opinions of Humboldt Baykeeper and states that the project would add to the already impacted quality of life. The comment is noted.
- 78-4 The comment states that there is a lack of alternatives discussed in the Draft EIR. The comment is noted. Please see Chapter VI, Alternatives, of the Draft EIR, as well as responses to comments 16-239 through 16-242, which explain that the Draft EIR includes a reasonable range of alternatives.

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

I 79-1
I 79-2

Letter 79: Edge Gerring

- 79-1 The opinion of the preliminary project renderings is noted. As stated in the outline on page III-18 of the Draft EIR, under *F. Project Entitlements and Approvals*, and reiterated on page IV.A-6 under Impact A-3, the proposed project would be subject to site plan review and architectural review by the City of Eureka. Design features specific to the site plan and buildings would be established at that time. The Design Review Committee will review the site plans and designs to ensure that EMC Section 156.054 (D) goals are met.
- 79-2 The comment states that retail demand does not exist for the proposed project and suggests a improvements to the “existing town” as an alternative. The comment is noted. Please also see Master Response 1 regarding the proposed project’s effects on existing retail businesses.

Comment Letter 80

Comment Letter 80

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 -

City of Eureka, January 30, 2009, Page 2

"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

5-566

80-1

80-2

80-3

80-4

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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.

80-4 cont.

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.

80-5

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.

80-6

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.

80-7

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.

80-8

5-567

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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.

80-9

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.

80-10

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.

80-11

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.

80-12

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

80-13

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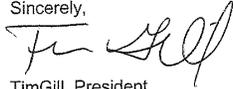
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evaluated for cumulative impacts from reasonably foreseeable future projects appear to be a significant contributor to adverse environmental impacts. The City has studied inflow and infiltration ("I and I") throughout its collections system, but has 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.

80-13
cont.

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,



TimGill, President

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

5-568

Letter 80: Tim Gill

Attachments to Letter 80 are presented in Appendix Y.

- 80-1 The comment refers to wastewater treatment facility flow and capacity issues and questions the timing of the City's NPDES permit and the Draft EIR for the Marina Center. Please see response to comment 9-34, which addresses wastewater treatment facility flows and capacity issues. Despite the coincidence in timing, the City's decision to modify its NPDES permit application to the California Regional Water Quality Control Board (RWQCB) is entirely apart from the City's preparation and consideration of this EIR.

During the 2008/09 NPDES permit renewal process for the Elk River Waste Water Treatment Plant (WWTP) the analyses completed as part of the Wastewater Facilities Plan update revealed that the current permitted capacity would adequately serve the greater Eureka area's wastewater needs for the next five year period. The Wastewater Facilities Plan also recommended that the City make several improvements to the WWTP prior to applying for additional capacity. See also response to comment 80-9 (Brown and Caldwell, 2009).

All municipal dischargers operating under the NPDES permit program must periodically reapply for authorization to discharge under the program (typically every five years). Renewals are routinely provided by the RWQCB. Thus, the City expects to reapply in 2013 and, if necessary at that time, request and obtain authorization from the RWQCB for an increase in the WWTP's permitted discharge capacity to 6.0 mgd or greater.

It is important to note that the WWTP was designed and constructed to provide a 6.0 mgd dry-weather treatment capacity; the City merely needs the regulatory approval to reach that capacity. In the meantime, however, the WWTP has capacity to meet the needs of the proposed project and other anticipated projects within its current permitting cycle (2009 – 2013).

- 80-2 The comment relates to capacity at the wastewater treatment plant, as well as the City's allocation to that capacity according to its agreement with the Humboldt Community Services District (HCSD).

Please see responses to comments 9-34 and 80-1 regarding wastewater treatment plant capacity. The comment also references the contract between the City and HCSD which allows those two agencies to share capacity at the WWTP and to convey wastewater through several points of interconnection between HCSD's and the City's collection systems. This is a contractual matter that does not involve the WWTP's capacity or physical infrastructure, and thus does not raise any environmental issues under CEQA. Indeed, the City believes that it has both the legal right and the available capacity to serve the proposed project as evidenced by the Eureka Public Works Department's unconditional will-serve letter issued for the project on December 4, 2006.

- 80-3 The comment asks the City to include a January 27, 2009 letter from the City to the General Manager of HCSD in the record. The comment also states that a recent recalculation of meter readings by the City raises several concerns, including one about the periods of rainfall used for the recalculation (2007 to 2008) versus the previous periods used (approximately 2001 to 2006).

The January 27, 2009 letter explains the City's rationale for re-evaluating the wastewater generation expected for the proposed project, and is part of the public record.

Regarding the concern that an earlier flow period (2001 to 2006) should have been used to assess the WWTP's available contractual flow capacity, the City's January 27, 2009 letter concludes that flows in 2007 and 2008 ranged between 81.2 and 83.6 percent, respectively. This is actually within both the five-year (2004 to 2008) and ten-year (1998 to 2008) average dry-weather flows calculated by the City, which were 79 and 85 percent of capacity, respectively. Consequently, the conclusion that the WWTP maintains sufficient capacity to serve the Marina Center project and other cumulative projects remains valid, regardless of which base flow period is applied in the analysis.

- 80-4 The comment claims that the City leaves out the Pound (Road) Lift Station from its calculations, and urges that the City recalibrate the meters and include the Pound (Road) Lift Station flow numbers.

The Pound Road Lift Station is a small Lift Station with an average dry weather flow of only 0.02 mgd (about 20,000 gallons per day), which translates to about 82 EDU's. This fractionally small flow, and all other unmetered flows, were included in the revised flow summary tabulation compiled by City WWTP staff dated February, 2009 when it was discovered that the parshall flume flow meter at the WWTP had been damaged at some point in the past and was out of calibration. The flow volumes into the WWTP were re-tabulated using an aggregate of the metered and unmetered flows into the wastewater system, including the Pound Road Lift Station.

According to staff-initiated changes to the Draft EIR, the Washington Pump Station and sewer main to the Washington Pump Station would serve the proposed project, independent of the Pound Road Lift Station, which would not serve the proposed project. The sewer line associated with the Washington Street Pump Station is operating well below its maximum capacity. The Washington Street Pump Station itself is operating at about 75 to 78 percent of its peak wet weather capacity, and has enough capacity to serve at least 2,000 additional EDUs. Consequently, the pump station and sewer line have more than sufficient capacity to serve the project and other future projects. In fact, because the Washington Street Pump Station sewer basin is substantially built-out, it has the capacity to serve new development for years to come. Please also see response to comment 80-3.

- 80-5 The comment states that the Draft EIR does not include a complete list of reasonably foreseeable future projects in determining WWTP capacity.

Please see responses to comments 9-34 and 22-25, as well as staff-initiated changes to the Draft EIR in Chapter 2 of the Final EIR. According to the Draft EIR, the project would have a significant impact on wastewater services if it would:

- Cause the RWQCB's wastewater treatment requirements to be exceeded;
- Result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- Result in a determination by the City that it does not have adequate capacity to serve the project's projected demand in addition to the City's existing commitments.

The Draft EIR's cumulative effects analysis for wastewater generation is based on a growth scenario that evaluates existing generation, as well as wastewater generation from the proposed project and identified foreseeable projects in the context of the Eureka General Plan and master plans or studies prepared by or for the Eureka Public Works Department. Foreseeable projects are shown for reference purposes on Table V-1 on page V-5 of the Draft EIR, though general estimates of growth were relied upon as well. Moreover, the cumulative effects analysis also considered the master plans prepared by service providers, including the April 2009 Phase 2A Wastewater Facilities Plan prepared for the Eureka Public Works Department (Brown and Caldwell, 2009). So regardless of whether the January 27, 2009 letter from the City to HCSO lists only the Marina Center, Bayshore Inn, and Lunbar Hills, the Draft EIR does include and did consider a complete list of reasonably foreseeable future projects in determining WWTP capacity. To be certain, the WWTP will need to increase its permitted capacity to 6.0 mgd to serve all of its demand within the next 20 years. That increase would occur as part of the City's periodic NPDES renewal process.⁸

Regarding the Ridgewood Village project (also referred to as the Dunn-Robinson-Forster-Gill subdivision), the City understands that the project is proposed to ultimately include roughly 1,442 residential units and 327,000 square feet of commercial development on about 386 acres bordering the north side of Ridgewood Drive in Cullen, a community in unincorporated Humboldt County. Ridgewood Village is in the early planning stages, and is contemplated to progress in multiple phases from 15 to 30 years depending on market conditions. The first phase of Ridgewood Village would only include about 249 housing units, comprising approximately 176 single family residences and a planned unit development. That first phase has only just begun the environmental review process. Consequently, it is not clear, and indeed speculative, as to the amount of

⁸ As development proceeds within the greater Eureka area, expansion of the WWTP will be evaluated as wastewater flows or loadings approach the plant's design capacity. The WWTP, however, was designed with provisions for future expansion to effectively double its current treatment capability. This expansion would involve improvements contemplated within the original design, and thus would not require expansion beyond the WWTP's existing footprint. Thus, further environmental effects from that expansion would be minimal. In any event, such expansion is not needed as part of this proposed project or other cumulative projects within the current planning horizon.

that development expected to occur within the foreseeable planning horizon. Consequently, it cannot, in its entirety, be considered a reasonably foreseeable probable future project warranting a full cumulative effects analysis. Nonetheless, the Eureka Public Works Department on August 6, 2007 issued a conditional will-serve letter for the Ridgewood Village project which stated that HCSD – the service provider for Ridgewood Village project – has adequate reserve capacity rights at the Elk River WWTP to accommodate the projected flows of the entire Ridgewood Village project, and not just the first phase. And while the letter acknowledged that the Ridgewood Village subdivision project has a number of infrastructure and other hurdles to cross before the City could issue a final will-serve letter, the conditional will-serve letter is additional evidence that the WWTP has sufficient capacity to provide wastewater service to the Marina Center development, as well as past, present, and reasonably foreseeable probable future projects in its service area.

- 80-6 The comment states that the Draft EIR fails to analyze wet weather flow to the wastewater treatment plant even though the document states the plant is at 100 percent wet weather capacity.

As stated on Draft EIR page IV.Q-1, the WWTP can operate at 100 percent peak capacity during peak wet weather events, for which the plant has a permitted capacity of 32 mgd. This is not an atypical operational scenario, as many wastewater treatment facilities operate at 100 percent capacity during wet weather events. The Elk River WWTP was designed, and continues to operate, in this way. During periods of high influent flows at the WWTP (e.g., during peak storm events), the overflow is directed from the effluent holding pond to a temporary holding marsh. When flows subside, water is pumped from the marsh back into the holding pond. Recently, the City conducted a study and hydraulic analysis that considered the WWTP's Peak Wet Weather Flow (PWWF) values anticipated from population growth within the City and HCSD service areas for the upcoming 20-year planning cycle. The analysis determined that, within the next five-year NPDES permit cycle, the projected PWWF values would continue to fall below the WWTP's current 32-mgd permitted capacity, with or without the proposed project. Therefore, despite the fact that the WWTP is operating at 100 percent of its wet weather capacity, the analysis recommended no changes to the wet weather components of the WWTP in the next five years. The RWQCB agreed with this analysis and issued the City its renewed NPDES permit on June 4, 2009. Therefore, as stated on page IV.Q-5 of the Draft EIR, given that the capacity exists to serve the proposed project's anticipated wastewater demands, implementation of the proposed project would not result in a significant impact on wastewater treatment facilities.

- 80-7 The comment states that the City made a previous commitment to achieve a dry weather flow capacity of 5.96 mgd at the WWTP by 2001.

The WWTP was designed for an ultimate average dry weather flow (ADWF) capacity of 6.0 mgd. The underlying reports prepared in 1981 for the design and permitting of the

WWTP listed 2001 as the date the WWTP was anticipated to reach its ultimate design capacity. That estimate, it turns out, was overly conservative. The most recent estimates do not anticipate the WWTP to reach 6.0 mgd until sometime after 2029, well beyond the current planning horizon. Because the most recent analysis determined that projected flows would continue to remain below the current permitted capacity of 5.24 mgd over the next five-year NPDES permitting cycle, the City saw no reason to seek to operate above that level. The RWQCB agreed with this analysis and issued the renewed NPDES permit on June 4, 2009.

- 80-8 The comment states that the WWTP operates at 100 percent of its capacity for peak wet weather events due to inflow and infiltration (I/I). The comment states that the EIR should analyze measures being developed to address these I/I issues and incorporate them into the proposed project as mitigation measures.

Inflow and infiltration are terms used to describe the ways that groundwater and stormwater enter into dedicated wastewater or sanitary sewer systems and can overload the capacity of the system and cause other problems. As wastewater collection systems generally do as they age, portions of both HCS D's and Eureka's collection systems experience significant inflow and infiltration and are near or at capacity in certain locations throughout the system during significant rain events. Although extreme wet weather flows approach the design capacity of the WWTP, the plant is designed to treat all flows that the collection system conveys in its current configuration and with the current peaking factors.

Wastewater user fees pay for programs to correct inflow and infiltration problems, pipeline repairs and replacements, and other operation and maintenance work and capital projects associated with those issues. The City's inflow/infiltration program is part of the long term Wastewater Capital Improvement Program, which is being developed as part of the City's ongoing Wastewater System Facilities Plan. In general, individual developments are already contributing to these programs through the City's capital connection and user fees, and new developments are not expected to mitigate for inflow/infiltration problems individually. Therefore, since the I/I problem is a pre-existing condition and is not directly associated with the Marina Center project, the Draft EIR need not address the inflow/infiltration measures and project-specific mitigation in the EIR. Please also see response to comment 80-4, concerning the capacity of the sewer line and pump station infrastructure available for this proposed project.

- 80-9 The comment states that the revision in the City's application for permitted dry weather capacity at the Elk River Wastewater Treatment plant should be analyzed in the EIR, and constitutes a "back door" attack on the Ridgewood Village project.

Please see responses to comments 80-1, 80-2, 80-3, 80-6, and 80-7, above. In June 2008, the Marina Center engineers requested information from the City regarding capacity of utilities to serve that project. At the time, City staff anticipated applying for increased capacity of the WWTP in its NPDES permit application. The City was just beginning its

next phase of the City of Eureka Wastewater System Facilities Plan, which analyzed the capacities of the WWTP. Once the analyses were completed, it was recommended by the City's consultants that several capital improvement projects should be constructed before applying for the ultimate treatment capacity. The analyses also determined that the additional capacity was not yet needed to serve this and other projects for the current five-year NPDES permit period. Consequently, on December 4, 2008, the City submitted a revised application that omitted the request for additional permitted capacity. The comment alleging that the City's actions constitute "backdoor attacks on the Ridgewood Village project" is unfounded.

80-10 The comment refers to the HCSD agreement regarding wastewater capacity. Please see response to comment 80-5, above.

80-11 The comment states that increasing the permitted dry wet weather flow capacity of the WWTP to 6.0 mgd appears to be a feasible mitigation measure for the proposed project.

The City's most recent analysis has shown that the projected average dry weather flow values would continue to fall below the WWTP's current 5.24 mgd permitted capacity within the new five-year NPDES permit period, and therefore that extra capacity is not necessary to meet the demands of this and other projects anticipated to be constructed within that timeframe. Thus, this project would have no significant effect associated with the City's wastewater treatment system, and no wastewater mitigation is necessary. Please also see responses to comments 80-1 and 80-5.

80-12 The comment states that wastewater flow should be re-examined in light of the absence of estimated flow to the Pound Road Lift station, as well as historic rainfall amounts. Please see responses to comments 9-34, 22-23, 22-25, and 80-4, which conclude that the wastewater treatment plant has adequate treatment and conveyance capacity.

80-13 The comment relates to peak wet weather flow capacity and cumulative impact analyses. Please see responses to comments 80-5, 80-6, 22-23, and 22-25, which conclude that the WWTP and associated infrastructure has adequate dry and wet weather flow capacity to serve the proposed project and reasonably foreseeable probable future projects. Please see response to comment 80-8 on inflow/outflow mitigation.