

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

Name (print): Jennifer Knight

Address: P.O. Box 283

E-mail: instructorknight@yahoo.com

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

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

101-1

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

101-2

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

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

101-3

Signed: Jennifer Knight

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

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

101-4

Please don't "CAP" the

## Letter 101: Jennifer Knight

101-1 The comment expresses concern that increased traffic would affect quality of life.

The proposed project's potential impacts to traffic circulation and bicycle safety are discussed in Chapter IV.O, Transportation. As stated on Draft EIR page IV.O-42 under Impact O-1, with the exception of one intersection, the identified mitigation measures would reduce the potential impacts of the Marina Center project's increase in traffic to less-than-significant-levels. As stated on Draft EIR page IV.O-48 under Impact O-7, with the implementation of the proposed measures, the potential for the proposed project to conflict with adopted policies, plans, or programs supporting alternative transportation is less than significant.

101-2 The comment expresses concern that the proposed project would put existing businesses out of business. Please see Master Response 1, under "Vacancy in the City of Eureka" and "Potential Local Store Closures."

101-3 The comment supporting local industrial development is noted. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI of the Draft EIR.

101-4 The comment states that the project site should be cleaned up prior to construction. The comment is noted. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S.

Comment Letter 102

Sidnie Olson

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

Attachments: Marina Center.doc



Marina Center.doc (45 KB)

Attached are my comments on the Marina Center EIR.

Thank you for the opportunity to comment.

Melanie

5-634

Comment Letter 102

February 2, 2009

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

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

A. Aesthetics

My comment below is in reference to A-1.

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

102-1

E. Cultural Resources

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

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

102-2

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G. Hazards and Hazardous Materials

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

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

102-3

M. Public Services

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

102-4

Mitigation: None Recommended Less-than-Significant

My comment below relates to M-6, above.

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

O. Transportation

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

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

102-5

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

102-5 cont.

102-6

102-7

P. Urban Decay

My comments below relate to the following two items.

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

Mitigation: None Recommended Less-than-Significant

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

Mitigation: None Recommended Less-than-Significant

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

102-8

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

5-635

**Comment Letter 102**

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

↑ 102-8  
cont.

Alternatives

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

↑ 102-9

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

Thank you for your consideration of my comments.

## Letter 102: Melanie Kuhnel

102-1 The comment's opinion of the preliminary project renderings, specifically related to the proposed parking structure, is noted. As discussed on page IV.A-16 of the Draft EIR, the proposed project would augment coastal views, by providing trails along the edges of the restored Clark Slough, which would provide opportunities for viewing Humboldt Bay. Additionally, amenities along the trail would include benches and other street furniture. Furthermore, the proposed project would create pedestrian activity on the site, which in of itself would increase opportunities for waterfront viewing. View corridors through the project site from the Fourth Street extension, between the proposed buildings along Waterfront Drive, and from the proposed multi-use trail along Waterfront Drive would all augment coastal views. Finally, 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.

102-2 The comment expresses concern about the potential for Wiyot villages to be beneath the project site. Implementation of a subsurface archaeological survey program would help determine whether significant archaeological sites exist in the project area. Please also see Master Response 9, which discusses the changes to the mitigation measures to enhance archaeological investigation.

102-3 The comment states all contaminants should be completely removed from the project site. The comment is noted.

For further discussion regarding the Remedial Action Plan for the proposed project, as well as its relationship to wetlands restoration on the property, please see Master Response 4 and new Appendix S, which discuss excavation and removal of soil where there are hot spots of contaminants.

102-4 The comment states that the City of Eureka needs increased fire and police protection. As stated on Draft EIR pages IV.M-5 through IV.M-12, the proposed project would result in less-than-significant impacts to police and fire services. Please also see response to comment 16-178 and Master Response 1 regarding the funding of police and fire protection services.

102-5 The comment relates to increased traffic. Please see the responses to comments 31-1 and 32-9, which discuss that traffic would increase with or without the proposed project, that projected future levels of service that would be acceptable, and the methodology that selected study intersections.

Please also see response to comment 52-18. There are no current plans to increase rail service to 100 trains per day. This level of rail service is therefore not considered a

cumulative project under CEQA, and the EIR need not evaluate such a hypothetical and speculative project.

- 102-6 The comment states that the traffic report fails to adequately address the proposed project's impact on local streets.

Please see response to comment 52-23, which discusses why some local streets are not studied in detail, as well as 32-9, which describes how intersections are chosen for detailed analysis.

- 102-7 The comment states that the only acceptable mitigation measure to reduce traffic-related impacts is to reduce the project size so fewer trips would be generated.

The Draft EIR's analysis shows that after implementation of the identified mitigation measures, all intersections on U.S. 101 in the project area would operate acceptably (i.e., without adverse congestion). All other intersections in the study area would similarly operate acceptably, except the intersection of Koster Street and Wabash Avenue. The relative impacts of a Reduced Project Alternative are discussed in Chapter VI, Alternatives.

- 102-8 The comment states disagreement with Impact P-1 and Impact P-2, which determined that the proposed project would result in a less-than-significant impact to urban decay. The comment states that impacts to local stores would be disastrous.

Please see Master Response 1, under "Vacancy in the City of Eureka," "The Effect of the Bayshore Mall on Local Businesses," "Potential Local Store Closures," and "New Recessionary Conditions," as well as under "The 1999 Bay Area Economics (BAE) Report" regarding a proposed Wal-Mart Store in Eureka. The conclusions reached in the Draft EIR regarding urban decay, and responses to numerous comments questioning the urban decay analyses, are further detailed in these sections.

- 102-9 The comment regarding the range of alternatives is noted.

Please see Chapter VI, Alternatives, as well as responses to comments 16-239 and 16-242, which discuss what range of alternatives is considered reasonable and why not every iteration of uses at the project site must be explored.

As stated in Chapter VI, Alternatives, alternatives selected for evaluation should meet the basic project objectives, which include the creation of a destination retail center. As detailed in Chapter VI, of the 24 alternatives screened for detailed analysis, 18 of them met most of the basic objectives of the project. However, only the Reduced Footprint Alternative, Limited Industrial Zoning Alternative, and the Shoreline Property Alternative are also determined to be feasible and would either avoid or substantially lessen at least one significant impact. Please also see to response to comment 16-9 regarding a No Large Retail Alternative.

Comment Letter 103

Sidnie Olson

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

Attachments: Transportation Element of the Marina Center EIR.doc



Transportation Element of the ...

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

Best regards,

Ron Kuhnel
Member
Transportation Safety Commission

5-639

Comment Letter 103

January 31, 2009

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

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

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

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

Comment 1: There is a serious question regarding the adequacy of the baseline traffic on which projections are made. The 2007 data was taken at a time of minimum expected traffic flow, and field observations made by driving this route today suggest a very different level of congestion than what is presented in the EIR. 103-1

Comment 2: The "improvements" suggested for Broadway to improve traffic flow are inadequate, and will result in a seriously degraded level of service, and divert traffic on to residential streets such as Washington without consideration of that impact on the neighborhood. 103-2

Comment 3: There is inadequate consideration for pedestrian safety on Broadway and expected pedestrian conflicts at the redesigned intersections at Wabash, Henderson, and Harris. 103-3

Comment 4: The impact of the project on bicycle traffic on Broadway, and Sixth and Seventh streets is inadequately considered. 103-4

Comments 5 - 6 are related to O-2.

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

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

Comment 5. I disagree that the lack of a *county congestion management agency* relieves the project applicant of the responsibility of addressing both cumulative impact and local impact. The cumulate impact of traffic congestion should be addressed, including such proposed activities as Forster-Gill and the McKay Tract in the County, and the proposed Super Safeway on Harris. 103-5

Comment 6. The expected diversion of traffic onto City arterials and connectors has also not been addressed. This is a very serious deficiency as traffic congestion on Broadway can be expected to substantially alter traffic patterns on such streets as Harris, Wabash, E, F, G, H, I, and Harrison. This increased traffic could result in significant degradation of neighborhood qualities, pedestrian safety, bicycle safety, and negatively impact proposed traffic calming measures in the City of Eureka currently under consideration by the Transportation Safety Commission. Modeling tools currently available for simulating these impacts have not been deployed in this study. 103-6

Comment 7 addresses O-4.

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

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

Comment 7: It is somewhat disingenuous to suggest that traffic congestion is expected to reduce the number of accidents. There is no credible data in the supporting documentation to support this contention. It seems equally likely that accidents will increase, by more rear end collisions caused by stop-and-go traffic at "rush hour" and collisions with vehicles entering or attempting to cross from un-signalized intersections or driveways. 103-7

Overall Comment:

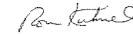
In general I find the transportation study done for this project by the consultant to be incomplete in regards to impact on pedestrians, bicycles, and impact on local neighborhoods. No simulation has been done on the impact on local arterials, connectors, and streets. I feel quite strongly this portion of the EIR should be re-done to correct these deficiencies. 103-8

Even if you were to accept the general conclusion reached by this incompletely done study, it seems abundantly clear only one possible mitigation measures exists to reduce the environmental impact to an acceptable level. That is to modify the project itself to reduce the traffic generated. This will require developing a revised alternative that substantially reduces the number of motor vehicle trips. Whether these trips are directly related to the number of parking spaces is not something I can comment on, but it is clear a different mix of uses would be the best way to accomplish this. With a reduced number of trips, and a better and more comprehensive study, to show a less onerous impact on pedestrians, bicycles, and local neighborhoods we might have a basis for concluding the environmental impact is acceptably mitigated. Until then we have a proposed project that is clearly unacceptable in both study methodology and environmental impact. 103-9

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

Thank you for the opportunity to comment on the EIR.

Sincerely,



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

5-640

## Letter 103: Ron Kuhnel

103-1 The comment questions the adequacy of baseline traffic data. Please see response to comment 66-7, which explains the methodology used to determine baseline traffic conditions.

103-2 The comment states that mitigation measures identified for Broadway would be inadequate and result in degraded levels of service, as well as divert traffic onto residential streets

Please see responses to comments 31-1, 32-9, 38-4, 40-2, and 49-1.

- Response to comment 31-1 addresses traffic conditions on Broadway, which would become more congested with or without the proposed project.
- Response to comment 32-9 addresses traffic impacts on two nearby streets, Sixth Street and Seventh Street.
- Response to comment 38-4 addresses traffic impacts to other nearby streets, Henderson and Harris Street.
- Response to comment 40-2 addresses traffic impacts to Waterfront Drive and Railroad Avenue.
- Response to comment 49-1 addresses levels of service at intersections on Broadway.

103-3 The comment states that there is an inadequate concern for pedestrian safety in the Draft EIR. Please see response to comment 33-3, which addresses how pedestrian improvements in the proposed project and mitigation measures would increase pedestrian safety over existing conditions.

103-4 The comment states that the bike traffic on Sixth Street, Seventh Street, and Broadway is inadequately considered. Please see response to comment 33-3, which iterates that there would be no significant impact to bike routes on these streets.

103-5 The comment appears to state that the Draft EIR claims that the lack of a county congestion management agency relieves the Lead Agency of analysis of cumulative impacts.

The traffic impact analysis includes cumulative growth. As stated in Draft EIR Chapter IV.O, project mitigations identified in the Draft EIR would enable continued operation of Broadway at LOS D or better through 2025, assuming both the Marina Center project and future traffic growth resulting from other expected developments in the County.

103-6 The comment states that the diversion of traffic onto city arterials and connectors has not been addressed.

Please see response to comment 32-9, which discusses diversion of traffic. Please also see Master Response 7, which describes the trip distribution for the proposed project.

- 103-7 The comment states that it is disingenuous of the Draft EIR to claim that increased congestion would reduce accidents.

The expected smaller number of accidents would not be the result of lower speed as the comment seems to suggest. Instead, it would result from the proposed mitigation measures, such as signal coordination and improvements to the design and operation of existing signals. (Draft EIR, page IV.O-18.) There is no statement in the Draft EIR that lower speeds would contribute to a reduction in the number of accidents.

- 103-8 The comment reiterates previous comments about the traffic impact study. The comment states that no simulation has been done on the impact to local arterials, connectors, and streets, and states that there is incomplete analysis in regards to pedestrians, bicycles, and the impact on local neighborhoods.

Please see responses to comments 33-3 and 32-9. Response to comment 33-3 explains bicycle and pedestrian improvements and the benefits of implementing mitigation measures. Response to comment 32-9 discusses diversion of traffic.

- 103-9 The comment reiterates an earlier comment that the only way to mitigate traffic impacts to less-than-significant levels is to reduce the size of the proposed project. The comment states that the entire traffic study is unacceptable.

Please see responses to comments 31-1, 32-9, 33-3, 38-4, 40-2, 49-1, 49-2, and 66-7.

- Response to comment 31-1 addresses traffic conditions on Broadway, which would become more congested with or without the proposed project.
- Response to comment 32-9 addresses traffic impacts on two nearby streets, Sixth Street and Seventh Street.
- Response to comment 33-3 addresses pedestrian and bicycle circulation.
- Response to comment 38-4 addresses traffic impacts to other nearby streets, Henderson and Harris Street.
- Response to comment 40-2 addresses traffic impacts to Waterfront Drive and Railroad Avenue.
- Response to comment 49-1 addresses levels of service at intersections on Broadway.
- Response to comment 49-2 addresses accident reduction, and
- Response to comment 66-7 addresses data collection and baseline determination methodologies.

5-643

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

Name (print): JAMES LAMPORT

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

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

HAZARDOUS MATERIALS SECTION:

- INADEQUATE CHARACTERIZATION & QUANTIFICATION OF CONTAMINANTS

104-1

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

104-2

AIR QUALITY SECTION:

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

104-3

Signed: *James Lamport*

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

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

Name (print): JAMES LAMPORT

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

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

CULTURAL RESOURCES:

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

104-4

Signed: *James Lamport*

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

## Letter 104: James Lamport

104-1 The comment states that the Draft EIR has an inadequate characterization and quantification of contaminants. The characterization and quantification of contaminants are discussed in Chapter IV.G. For further discussion regarding the remedial action plans for the proposed project and levels of contaminants, please see Master Response 4 and new Appendix S.

104-2 The comment states that the alternatives analysis is inadequate because it did not consider remediation of the nearby former Simpson Plywood site. The contamination of the former Simpson Plywood site is an existing condition and is not part of the proposed project, and therefore the Draft EIR does not evaluate remediation at that site.

For further discussion regarding the remedial action plans for the proposed project, please see Master Response 4 of this document. Alternatives to the proposed project, including uses similar to those suggested, are discussed in Chapter VI. Ten off-site alternative locations are analyzed. Although these 10 locations do not include the former Simpson Plywood Mill site, a reasonable range of off-site locations are screened for analysis in the Draft EIR.

104-3 The comment indicates that the Draft EIR gave no consideration to enhanced forms of public transit to reduce traffic trips and associated emissions. For mitigation measures that would require transportation management programs designed to reduce traffic congestion, and automobile use in the vicinity of the project, please see Mitigation Measure C-2a on Draft EIR page IV.C-14 and IV.C-15.

104-4 The comment states that the potential Wiyot villages beneath the project site must be accurately identified prior to any construction. Please see responses to comment 69-1, 69-6, and 69-10, as well as Master Response 9 for revised Mitigation Measures E-2a and E-2b, which address Wiyot village identification.

Sidnie Olson

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

Dear Ms. Olson,

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

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

105-1

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

105-2

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

105-3

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

105-4

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

105-5

5-645

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

105-5 cont.

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

105-6

Thank you for considering these comments.

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

Hotmail goes where you go. On a PC, on the Web, on your phone. See how.

## Letter 105: Neal Latt

105-1 The comment states that the traffic study is flawed because it does not take into account the impact to Eureka neighborhoods from diverted traffic. Please see responses to comments 32-9, 38-4, and 40-2.

- Response to comment 32-9 addresses traffic impacts on two nearby streets, Sixth Street and Seventh Street.
- Response to comment 38-4 addresses traffic impacts to other nearby streets, Henderson and Harris Street.
- Response to comment 40-2 addresses traffic impacts to Waterfront Drive and Railroad Avenue.

Please also see Master Response 7, which discussed the trip distribution for the proposed project.

105-2 The comment disputes the vacancy rate cited in the Draft EIR and questions whether the periods immediately after the opening of regional malls are taken into account.

Please see Master Response 1, under “Vacancy in the City of Eureka,” as well as under “The Effect of the Bayshore Mall on Local Businesses.” Even after re-evaluating the proposed project and its economic effects in light of the current economic downturn, while the vacancy rates might be slightly higher now than they were when the City published the Draft EIR, the conclusions about the project’s possible economic effects remain true, and the project is not anticipated to result in any urban blight.

105-3 The comment states that the Draft EIR urban decay analysis omits the findings of a previous report prepared for a different project.

Please see Master Response 1, under “New Recessionary Conditions,” as well as under “The 1999 Bay Area Economics (BAE) Report” regarding a proposed Wal-Mart Store in Eureka. Note that the previous report is almost 10 years old. It was for a different proposed project (big box only) at a different time in the retail market.

105-4 The comment suggests that Humboldt County is oversaturated with retail services and that the urban decay analysis should reflect that. The comment also questions the tax and job creation numbers found in the urban decay analysis.

Please see Master Response 1, under “Jobs / Wages Impacts” and “Potential Local Store Closures.” The Draft EIR’s analysis and conclusions about urban decay remain accurate.

105-5 The comment disagrees with the characterization of the No Project Alternative as inclusive of site cleanup.

To be thorough, the discussion of the No Project Alternative on pages VI-19 and VI-19 includes two scenarios. First, it states that even if the Regional Water Quality Control Board (RWQCB) issues a revised Clean Up & Abatement Order and the Project Applicant is required to remediate the site pursuant to the revised Order, it is possible that the wetlands onsite would be filled whether or not the City approves the proposed project. The Draft EIR, page VI-19, also conservatively includes and evaluates a second scenario—that if the RWQCB does not issue a revised Order, the filling of wetlands would not occur and the contamination would remain in situ. By evaluating both scenarios, the Draft EIR provides an accurate and adequate analysis of the No Project Alternative and how the No Project Alternative compares with the proposed project. It should be noted that since publication of the Draft EIR, the RWQCB has conditionally approved a Supplemental Interim Remedial Action Plan (SIRAP) under the existing Order, which is Phase 1 of the proposed project but could be implemented independent of the Marina Center development. The remediation activities contained in the SIRAP would necessitate the filling and disturbance of wetlands on the project site.

- 105-6 The comment questions how the proposed project would relate to reactivation of the railroad right-of-way.

The Draft EIR (Impact O-7, page IV.O-45, and Mitigation Measures O-7a, O-7b and O-7c, page IV.O-47) identifies and mitigates the potential safety and access concerns that would exist if a freight or passenger line were to operate along the western property boundary under project development.

5-648

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

Name (print): DVANE B. LEAL

Address: 1538 HARRISON AVE EUREKA, CA 95501

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

*A large convention center on the Balloon track would improve the area and bring jobs. The convention center can receive buses and light rail electric service such as San Diego says. It can also serve as a transit center. A Big Box store would be a ruination of the entire area. It would cause Grid Lock.*

106-1

106-2

Signed: *Dvane B. Leal*

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

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

Name (print): DVANE B. LEAL

Address: 1538 HARRISON AVE EUREKA, CA 95501

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

*this land in the future can be used to store light rail electric cars to alleviate traffic in Humboldt County. This would help the environment by reducing air pollution and traffic. Restoration of the Railroad yard would ensure Eureka as a economic a financial Hub in Humboldt County creating much needed infrastructure*

106-3

Signed: *Dvane B. Leal*

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

## Letter 106: Duane Leal

- 106-1 The comment recommending alternative uses at the project site is noted. Please see responses to comments 16-9, 16-239, and 16-242, which discuss that the Draft EIR includes a reasonable range of alternatives. An alternative containing uses similar to those described could be the Convention Center Alternative.
- 106-2 The comment recommending alternative uses at the project site is noted. Please see responses to comments 16-9, 16-239, and 16-242, which discuss that the Draft EIR includes a reasonable range of alternatives. An alternative containing uses similar to those described could be the Intermodal Bus Terminal Alternative.
- 106-3 The comment recommending alternative uses at the project site is noted. Please see responses to comments 16-9, 16-239, and 16-242, which discuss that the Draft EIR includes a reasonable range of alternatives. An alternative containing uses similar to those described could be the Intermodal Bus Terminal Alternative or the Limited Industrial Zoning Alternative, both of which are considered in the Alternatives Chapter of the Draft EIR.

Sidnie Olson

From: Brett Lee [brett.lee.d@gmail.com]  
Sent: Friday, January 30, 2009 4:07 PM  
To: DEIRcomments  
Subject: Marina Center DEIR comments

Prior uses of the "balloon tract" dates back to the late 1800's when there were no environmental regulations. This is cause for much concern because this area was used for chemical storage like diesel fuel, Bunker C oil, solvents, gasoline and probably many other automotive related chemicals. The DEIR identifies two sites from old pictures that were believed to be oil disposal pits. There are only four monitoring wells currently used to test the groundwater over this very large area. I believe there should be more detection than that to protect the workers who will have initial contact with the ground and chemicals believed to be contained within it. My question is why are there only four groundwater monitoring wells on such a large area believed to have held toxic materials? Also, old pictures are not exact science and can be misleading so was there any other information used to decide where to test groundwater?

107-1

107-2

The DEIR mentions that hydrocarbons, copper, lead and arsenic were found and are the primary concern with this project. It also mentions other chemicals found in the area but not a list of what the soil and water was tested for. Recently Humboldt Baykeeper did onsite sampling of soils, sediments and fish. They found dioxins and furans in all of the samples and no one seems to know where they originated from. The DEIR mentions past tests that found these but does not say how much or what will be done to find the source. So, I would like to know if you specifically did any tests to confirm what the Humboldt Baykeeper found and what the concentrations were? Chemical tests should be done for more than just the chemicals believed to be there based on information of past businesses and operations on the site. Also, old pictures are not a good indicator of where chemicals may have been spilled nor what they were.

107-3

107-4

107-5

Also the tests that were done and used in the DEIR did not specify levels, but rather, just that

107-6

they are at safe levels or not. I believe that the public should have access to the actual data so we can look it over for accuracy and information purposes. Our right to information is very important if we are going to uphold CEQA and aid in helping others make responsible decisions. So, I would like to know why the data was not contained within the DEIR and where it could be found?

107-6  
cont.

Sincerely,  
  
Brett Lee

5-650

## Letter 107: Brett Lee

- 107-1 The comment states that there should be more site investigations performed at the project site. The comment is noted.

Please see Master Response 4 and new Appendix S for more information on site contamination history and remediation planning. The Regional Water Quality Control Board is the Lead Agency for reviewing and approving site monitoring assessment, and cleanup.

- 107-2 The comment questions what information, aside from photographs, was used to decide where to test for groundwater.

In addition to historic photographs, any other information available (e.g., written reports) is also typically consulted.

- 107-3 The comment questions for what chemicals the soil and groundwater were tested aside from those listed in the Draft EIR.

For further discussion regarding contamination, please see Master Response 4 and Appendix S, which detail the other chemicals tested for and results of site investigations to date.

- 107-4 The comment asks whether any tests were conducted by the Project Applicant to verify the Humboldt Baykeeper's findings.

For further discussion regarding site contamination history and the Remedial Action Plan for the proposed project, please see Master Response 4.

- 107-5 The comment stating that old pictures of the project site are not a good indicator of where what has been spilled where is noted.

- 107-6 The comment states that the Draft EIR does not provide information regarding the specific levels of contaminants, but instead only states whether the levels are safe.

For further information regarding site contamination issues, please see Master Response 4, which addresses the levels of contaminants at the project site.

Sidnie Olson

From: Matt L'Herogan [lherogan@att.net]  
Sent: Saturday, January 31, 2009 8:33 PM  
To: DEIRcomments  
Subject: Marina Center DEIR

Please accept the following comments.

The City of Eureka Community Development Zoning Map posted at [http://www.eurekaweb.com/cityhall/commdev/docs/zoning\\_map\\_24x36.pdf](http://www.eurekaweb.com/cityhall/commdev/docs/zoning_map_24x36.pdf) clearly shows the lack of publicly zoned land available for development of outdoor recreation activities for the families of the northwest or Clark Street area of Eureka.

As is clear from Figure ES.2. of the Humboldt County General Plan Health Impact Assessment (HCPPHIA), the residents of that area of Eureka encompassing the western end of Old Town, and the waterfront and Clark Street neighborhoods south to at least Wabash Street reside in an area with large numbers of youth living in poverty who are more than 500 meters from a park. The HCPPHIA also states that:

*People without access to cars (low income residents, seniors, children) need to be able to access parks by walking or biking.*

In addition, the California Outdoor Recreation Planning Program report published in 2005 details the health and social benefits of outdoor recreation which include reductions in obesity and the risks of heart disease, diabetes, cancer and osteoporosis and reduced levels of depression and stress, as well as reducing crime and uniting families.

The planning map available on the City of Eureka website shows that the only land within reasonable walking distance to the residents of the previously mentioned under-served area that is both large enough to include an outdoor recreational facility, and is zoned public, is the area under consideration for the Marina Center project.

Given these factors, a significant indirect and long-term effect of the proposed Marina Center project is the loss of the only feasible location for an outdoor recreation facility for an already disadvantaged and under-served population in the city. I respectfully submit the following questions:

1. How can the recreation section of the draft EIR be considered comprehensive or complete when the people of the neighborhood completely lack nearby outdoor recreational opportunities and that is never mentioned in the draft EIR?

2. How can findings of less than significant impact be made in the area of recreation when the project would mean the loss of the last available publicly zoned land that is large enough for group sports and other outdoor activities for northwest Eureka?

3. What is the likelihood of future outdoor recreational development for this area if the only appropriate land is given over to retail development?

Thank you.

Matt L'Herogan  
3004 N Street  
Eureka, CA 95501

108-1

108-2

108-3

108-4

## Letter 108: Matt L'Herogen

- 108-1 The comment states that an effect of the proposed project is a loss of land zoned for public use that could be a recreational facility. The comment is noted.

As stated on Draft EIR page IV.N-1, there are approximately 148 acres of neighborhood and community parks in the City of Eureka, as well as other recreational facilities. Given the historical industrial land uses on the eastern waterfront, public parks and playgrounds were not developed in the area.

Neighborhood parks are intended to serve residents living within one-half to three-quarters of a mile away. The nearest neighborhood park to the project site is Hammond Park and Playground, which is 0.7 miles away via W Washington Street, C Street, Grant Street, and E Street. Hammond Park is 1.4 acres and includes a playground, basketball courts, a t-ball practice backstop, and open space and turf areas. In addition to these facilities, the proposed project would include an 11.89-acre wetland reserve, which would provide passive recreational opportunities for area residents.

As stated on Draft EIR pages IV.N-2 through IV.N-4, the proposed project would have a less-than-significant impact on recreational facilities. It would not affect the existing ratio of park space per 1,000 residents, it would expand recreational opportunities through the construction of the pedestrian and bicycle path and wetland, and is located in an area adequately served by existing regional, community, and neighborhood parks.

In addition, please see Master Response 3, which lists the permitted uses that could be developed at the project site pursuant to existing zoning. Almost all of the uses are not recreational uses. Therefore, it is speculative to assume that maintenance of the existing zoning would have resulted in public open space.

- 108-2 The comment questions how the Draft EIR can be considered complete if people of the neighborhood lack nearby outdoor recreational opportunities and this fact is not presented in the Draft EIR.

As stated on Draft EIR page IV.N-1, there are approximately 148 acres of neighborhood and community parks in the City of Eureka, as well as other recreational facilities. Given the historical industrial land uses on the eastern waterfront, public parks and playgrounds were not developed in the area.

Neighborhood parks are intended to serve residents living within one-half to three-quarters of a mile away. The nearest neighborhood park to the project site is Hammond Park and Playground, which is 0.7 miles away via W Washington Street, C Street, Grant Street, and E Street. Hammond Park is 1.4 acres and includes a playground, basketball courts, a t-ball practice backstop, and open space and turf areas.

Community parks generally serve the needs of residents within three-quarters to 2 miles away. The nearest community park is the Eureka Marina, directly across Waterfront Drive from the project site. The Marina includes a waterfront walkway for passive recreation and enjoyment of the waterfront.

The nearest public plaza to the project site is the Clark Plaza, at Third Street and E Street, 0.4 miles of the project site. It includes benches and a landscaped area.

- 108-3 The comment asks how a determination of a less-than-significant impact to recreational resources can be made when the proposed project would result in a loss of land zoned for public use.

Please see response to comment 108-1, which addresses nearby recreational facilities and the uses permitted under public zoning.

- 108-4 The comment asks what the likelihood is of future outdoor recreational development at the project site if the land is given over to retail development.

Recreational uses are permitted under both existing and proposed zoning designations. Please see Master Response 3 for further discussion of permitted uses. The proposed passive recreation and resource restoration and enhancement area would be conditionally permitted used in the area of the project site proposed for a Conservation Water District (WC) land use. Park recreational space would not be permitted in others areas of the project site, and would therefore only be permitted pursuant to another Local Coastal Program land use designation amendment and a rezoning.

Sidnie Olson

From: Paul Lohse [auroracalidris@hotmail.com]  
Sent: Tuesday, January 27, 2009 10:40 PM  
To: DEIRcomments

Simulated views of a future strip mall sure do look ugly in comparison to a field of weeds and weedy grasses. How is a bunch of buildings going to maintain or enhance views as stated in the eir. What if the project alternative enhanced the existing wetlands, created and refuge for wildlife, including people, and kept some sort of nautical industry that the city of Eureka could be proud of. We don't need another strip mall importing goods from China, creating more neo-liberalism and exacerbating more climate change. We need to change our ways not keep more of the same ever-increasing-until-one-day-finally-it-must-collapse economy. Over a hundred vacant retail spaces already exist within a couple miles of the proposed development yet the city which once was fairly self-sufficient continues to promote policies which destroy its local businesses, environment, local culture and innovation. The eir pretends that there is only a 5% vacancy in retail space. What a lie? Mistake? Looking only at what you want to look at??

Another alternative would be to declare eminent domain and give the land back to the Wiyot as mitigation for the harm and destruction of their culture. The eir wants only to have a surveyor of cultural resources on hand at the time of construction---this is unacceptable. For the eir to be approved testing should be done now---before any work begins---to see if there are any cultural resources in the area. Only till that testing is done and the Wiyot Tribe is satisfied and we all know what is there should any proposal on what to do with the land be looked at.

The transportation part of the eir is also disturbing. Many people walk to town from the Clark district. I included. It is already dangerous and especially for cyclist. More traffic in an area which is already bottlenecked is going to mean more accidents. Its going to cost the people of Eureka a lot of money in time lost to driving and gas spent idling at lights. I think the numbers in the eir are bogus. Its going to only take twenty seconds longer one way and a little over a minute longer the other way during peak times, Are you kidding? Is Caltrans going to expand fourth and fifth to four lanes? Or will that make the bypass developers have always wanted inevitable? Don't turn the Humboldt Bay area into another Santa Rosa.

Something not at all addressed in the eir and lied about is the Clark district "known for late 19th century and early 20th century homes, interspersed with newer apartment buildings". I happen to reside in the Clark district and although there are some older homes of historic value, I know it more for its empty lots, abandoned motels, vacant closed schools and buildings, burned down houses; and although the apartments buildings are not turn of the century, no one would call them newer, if they weren't deceiving or trying to give people the wrong idea. The Clark district is inhabited mostly by the poor. Many people without cars. Many people with disability. Many people who walk to get food or to go to old town to the thrift stores or get services. The needs of these people go without address in the eir. When does gentrification of the neighborhood begin? Why doesn't the city put money into rebuilding this neighborhood, letting the poor people stay and giving them something to live for other than harrassment and treating people as unwanted?

Developments such as the Marina Center are made to look good and profitable for the people. In general everything about them is a facade. Just look at the pictures of the wild grasses, nothing fake about them at all. Next to the ugly side of a new strip mall, even the Rays billboard looks picturesque, ahh Humboldt.

Sincerely,

Paul Lohse

329 Clark

Eureka

5-655

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

Name (print): Paul Lohse

Address: 329 Clark

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

The draft EIR contains many inadequacies. Diokins not address. Air quality is a joke, the govt has let the people down in the past. We don't need any more pollutants entering our air give us a break. The EIR transportation numbers are lies. This is going to cause the beginning of traffic nightmares AS other development occurs. Go back to SANTA ROSA!!! This land should be saved for industrial use. We need to stop ~~importing~~ <sup>re-creating</sup> selling imported from China in big box and start making things our selves near locally. Why ruin the view of the bay with a big box store.

Signed: Paul Lohse

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

109-5  
109-6  
109-7  
109-8  
109-9  
109-10  
109-11  
109-12  
109-13  
109-1  
109-2  
109-3  
109-4

## Letter 109: Paul Lohse

109-1 The comment states that the Draft EIR contains inadequacies and that dioxins and air quality are not addressed.

For further discussion regarding the existing site contamination and the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S. Air Quality is analyzed in Chapter IV.C.

109-2 The comment states that the transportation analysis is full of lies. The comment is noted. The methodologies for each analysis are described in each chapter. The transportation analysis methodologies are also reviewed by Caltrans.

109-3 The comment directs the Project Applicant to go back to Santa Rosa and suggests alternative uses for the project site. The Project Applicant is a member of the Eureka community, not the Santa Rosa community. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI.

109-4 The comment states that the view of the bay would be ruined by a big box store. Comment is noted. As stated in Chapter IV.A, the proposed project would have a less-than-significant impact on views of the bay.

109-5 The comment states that the project renderings are ugly. The comment 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.

109-6 The comment suggests alternative uses for the project site. Chapter VI, Alternatives, details each alternative considered for analysis. The Coastal Dependent Industrial Zoning and Wetlands Restoration and Public Park alternatives are screened out from further analysis because they either do not lessen at least one significant impact, do not meet the project objectives, or are not feasible.

109-7 The comment states that the Draft EIR “pretends” there is only a five percent vacancy rate in the City. The Draft EIR is based on facts available at the time of its preparation. Please see also Master Response 1, which includes an updated discussion of the vacancy rate.

109-8 The comment suggests an alternative involving eminent domain and transfer of the property to the Wiyot Tribe. The comment is noted, although CEQA requires an analysis of the proposed project and a reasonable range of alternatives. The course of action

described does not fall within the reasonable range of alternatives because (1) the Lead Agency does not own the project site and (2) the actions would not meet the basic objectives of the project.

109-9 The comment states that archaeological testing should be done prior to any construction activity. The comment is noted. Please see Master Response 9, which details updated mitigation measures related to archaeological resources.

109-10 The comment states that the transportation analysis numbers are lies and that the project would result in traffic safety problems. The comment is noted but respectfully disagreed with.

109-11 The comment states that the Draft EIR fails to discuss the historic value of older homes along Clark Street.

While a number of older homes along Clark Street were constructed in the late nineteenth and twentieth centuries, this area is not in a designated historic district, and is located some distance (approximately 0.5 mile east) from the project site. Due to the distance between the project site and the homes on Clark Street, as well as the amount of intervening development, it is not anticipated that the proposed project would have a significant impacts on historic resources, were any identified along Clark Street.

109-12 The comment states that the needs of the people are not addressed in the EIR and suggests that the City put money into rebuilding the neighborhood. The comments are noted. The Draft EIR addresses impact categories defined by CEQA Guidelines. Funding of neighborhood revitalization beyond the project site is outside the scope of the EIR.

109-13 The comment about the renderings of the proposed project are 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.

**Comment Letter 110**  
Page 1 of 2

**Comment Letter 110**  
Page 2 of 2

**Sidnie Olson**

**From:** Trisha Lee [trishale@sonic.net]  
**Sent:** Thursday, January 29, 2009 3:36 PM  
**To:** DEIRcomments  
**Cc:** Trisha Lee  
**Subject:** 1-29-09 Address DEIR Marina Center

Dear Sidnie L. Olson,  
Please send me receipt that you received these comments regarding the Marina Center.  
Thank you,  
Trisha Shade Lotus  
trishale@sonic.net

From:  
Patricia Shade Lotus  
2425 C Street  
Eureka, CA 95501  
707-476-0173  
trishale@sonic.net

RE: Marina Center and Home Depot project  
January 29, 2009

To:  
City of Eureka  
Community Development Department  
Attn: Sidnie L. Olson, AICP, Principal Planner  
531 K St  
Eureka, CA 95501  
707-441-4265

Questions to address the DEIR of Marina Center

1. Would the project expose the public to toxic materials through the open water ditch for storm water that empties into the bay? [110-1]
2. Would the project conflict with the Eureka General Plan or any LCP or ordinance protecting wet lands? [110-2]
3. Would the project comply with Gen, Plan P6. A6-6A7 and 6.A8? [110-3]
4. Would the project comply with State and Federal laws to have a full clean up of the site from toxics? [110-4]
5. Would the project impact the 150 foot Rail Right of Way and how would that be solved if the Rail Road will not sell the property? [110-5]
6. Will the project be allowed to be rezoned before the environmental clean up is completed? [110-6]

7. Would the project interfere with the public Trust titles on the NCRA rail road properties in the balloon track [110-7]
8. What is the criteria for determining the safe environmental clean up levels versus technically clean standards? [110-8]
9. What effect does tidal action have on the seepage of toxic materials from the project site to the bay? [110-9]
10. What are the likely and potential effects of liquefaction due to seismic activity on the movement of toxics laterally and vertically in the ground from this project? [110-10]
11. Would the project allow NCRA to retain the full right of way through the project to operate the Rail Road [110-11]
12. Would the project expose the city to a long and protracted legal challenge for the taking of NCRA Property resulting in future loss of business. [110-12]
13. Would the project cause an economic impact to the community by having a Big Box Retail business on this project? [110-13]
14. Will the project do a study to address the job base effect on the existing business with in a 20 mile radius of this project. [110-14]
- 15 Will the project develop a Economic Impact Assessment for new and old retail business in the city as a result of this project.? [110-15]
16. Will the project first do a study for the Native American people since artifacts have been found on site, in order to identify findings, and will you allow for Native American people to state their desired wishes and have your cooperation for exploring these findings with a cultural study and whatever they deem necessary. [110-16]

5-658

## Letter 110: Tricia Shade Lotus

- 110-1 The comment asks whether the proposed project would expose the public to toxic materials.

There would be no exposure to the public of any toxic contamination. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and to Appendix S.

- 110-2 The comment questions whether the proposed project would be consistent with the Eureka General Plan or the Local Coastal Program. The proposed project's consistency with applicable policies is discussed under Impact I-2, beginning on page IV.I-13.

- 110-3 The comment asks whether the proposed project would be consistent with General Plan policies 6.A.6, 6.A.7, and 6.A.8. The proposed project's consistency with General Plan policies 6.A.6, 6.A.7, and 6.A.8 is discussed in pages IV.I-54 and IV.I-55 in Table IV.I-2.

- 110-4 The comment questions whether the proposed project would comply with state and federal law regarding the cleanup of toxics.

Yes, the project would do so. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S.

- 110-5 The comment asks if the project would impact the 150' railroad right of way and, if so, how would that be resolved if the railroad will not sell the property.

Other than the railroad crossing, which is addressed in Chapter IV.O of the Draft EIR, the project is not expected to adversely impact the railroad right of way. Therefore, no further mitigation or right-of-way acquisition is required for the project.

- 110-6 The comment asks whether the project could be rezoned prior to environmental cleanup. Yes, properties are permitted to be rezoned prior to hazardous materials remediation. However, construction and occupancy of properties first requires that hazardous materials are remediated to appropriate levels.

- 110-7 The comment asks whether the project would interfere with the public trust titles on the NCRA railroad properties within the project site.

The comment is unclear as to what it refers to with regards to "public trust titles on the NCRA railroad properties" within the project site. The North Coast Railroad Authority (NCRA), a state agency, owns a non-exclusive easement along the western edge of the project site. The easement area varies in width, but is generally 150 feet wide and 1,000 feet long. Fee title to the underlying property is held by the Project Applicant, CUE VI. There are remnant tracks still within the easement area, but it is not in use and

has not been for years. The easement and the availability of the area for future railway uses would be preserved with the proposed project.

Whatever occurs with the easement, and as explained in response to comment 8-1, the State also claims title to or a public trust easement over a portion of the project site, though the extent of that claim is unclear. The Project Applicant, City, and State Lands Commission are continuing to resolve the extent of the State's claim through a negotiated title settlement. Even if the area within NCRA's easement is impressed with a public trust easement, however, the remediation and restoration would be consistent with that easement and the area should remain unaffected by the proposed development. But while the public trust may be a title question, it is not a CEQA issue, as there are a host of public trust uses – such as maritime industrial uses – that would have adverse environmental consequences far and above the proposed project. To the extent there are other public trust resource values at issue, Chapter IV of the Draft EIR (e.g., Biological Resources and Hydrology & Water Quality) already address the project's environmental effects.

- 110-8 The comment asks what the criteria are for safe environmental cleanup levels versus technically clean standards.

The comment makes a distinction where none exists. Regulatory agencies would require cleanup to meet technical standards for cleanup, and those standards are considered safe by the regulatory agencies.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S.

- 110-9 The comment asks what effect tidal action has on seepage of toxic materials into the Bay.

For further discussion regarding contaminant levels and their relationship to groundwater and tidal influence, please see Master Response 4, which addresses subsurface chemical migration.

- 110-10 The comment questions what the impacts would be on toxic contamination due to liquefaction during a seismic event.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 of this document.

Please also see response to comment 16-35 for discussion of liquefaction hazards at the project site. Also note that the contamination present at the project site is an existing condition and was not or would not be caused by the proposed project.

- 110-11 The comment asks whether the project would allow NCRA to retain the full right of way along the project to operate the railroad.

NCRA owns a non-exclusive easement along the western boundary of the project site. Should NCRA wish to renew operations within that easement, NCRA would have sufficient easement to do so. It should be noted, however, that the easement is currently not in use, and there are no concrete plans to use it in the foreseeable future.

- 110-12 The comment repeats the question made earlier in the comment letter regarding the railroad right-of-way. Please see response to comment 110-5.
- 110-13 The comment asks whether the proposed project would have an “economic impact” to the community. It is unclear what is meant by “economic impact” in relation to CEQA. However, an urban decay analysis is provided in Chapter IV.P. Please also see Master Response 1, which answers specific comments made on the Draft EIR in relation to the urban decay analysis.
- 110-14 The comment asks whether the proposed project would do a study to address the “job base effect” on existing businesses within a 20-mile radius of the proposed project. Please see Master Response 1, under “Jobs / Wages Impacts.”
- 110-15 The comment asks whether the project would develop a Economic Impact Assessment for new and old retail businesses in the city as a result of the project. It is unclear what is meant by an Economic Impact Assessment in relation to CEQA. However, an urban decay analysis is provided in Chapter IV.P. Please also see Master Response 1.
- 110-16 The comment asks whether the project would first do a study for Native American people of the project site.

As noted in the Draft EIR page IV.E-16, no archaeological materials associated with the Wiyot ethnographic village sites were found during the surface survey conducted by Roscoe et al. (2006). However, ethnographic evidence indicates that two village sites may be located within the project area. Implementation of a subsurface survey program would help determine whether archaeological materials are located within the predetermined culturally-sensitive areas. Please also see Master Response 9, which includes updated mitigation measures for archaeological investigation.