

**Sidnie Olson**

---

**From:** Rob McBeth [rmcbeth@omindustries.com]  
**Sent:** Saturday, January 31, 2009 11:14 AM  
**To:** DEIRcomments  
**Subject:** marina center Draft EIR

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

Re Marina Center draft EIR

I have reviewed the draft EIR on the marina center project. I have found the document to be comprehensive and complete. I support the EIR and the project wholeheartedly and urge you to act swiftly on its adoption.

121-1

Sincerely Rob McBeth

Rob McBeth  
O&M Industries  
5901 Ericson Way  
Arcata Ca 95521  
PH 707-822-8800  
fax 707-822-8995

## Letter 121: Robert McBeth

121-1 The comment stating support for the Draft EIR and the proposed project is noted.

**Comment Letter 122**

**Comment Letter 122**

**Sidnie Olson**

**From:** Melvin McKinney [mmckinney@humboldt1.com]  
**Sent:** Sunday, January 25, 2009 6:10 PM  
**To:** DEIRcomments  
**Subject:** Marina Center EIR.

- 1. Would the project expose the public to toxic materials through the open water ditch for storm water that empties into the bay? [122-1]
- 2. Would the project conflict with the Eureka General Plan or any LCP or ordinance protecting wet lands? [122-2]
- 3. Would the project comply with Gen. Plan P6. A6-6A7 and 6.A8? [122-3]
- 4. Would the project comply with State and Federal laws to have a full clean up of the site from toxics? [122-4]
- 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? [122-5]
- 6. Will the project be allowed to be rezoned before the environmental clean up is completed? [122-6]
- 7. Would the project interfere with the public Trust titles on the NCRA rail road properties in the balloon track? [122-7]
- 8. What is the criteria for determining the safe environmental clean up levels versus technically clean standards? [122-8]
- 9. What effect does tidal action have on the seepage of toxic materials from the project site to the bay? [122-9]
- 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? [122-10]
- 11. Would the project allow NCRA to retain the full right of way through the project to operate the Rail Road? [122-11]
- 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? [122-12]
- 13. Would the project cause an economic impact to the community by having a Big Box Retail business on this project? [122-13]
- 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? [122-14]
- 15. Will the project develop a Economic Impact Aecssment for new and old retail business in the city as a result of this project.? [122-15]
- 16. Would the project develop a study on Brown Field Clean up using EPA services? [122-16]

- 17. Would the project install pollution separators an filters on the storm water drains that drain to the bay . [122-17]
- 18. Would the project create a hazard to the public or environment through routine transportation storage or disposal of hazardous wastes traveling thru the project? [122-18]
- 19. Would this project pay for and provide for Water and Sewer for public safety and health because the city does not have existing facilities to serve this project? [122-19]
- 20. Would the project preserve open space and put to a vote of the City any proposed Big Box Project? [122-20]
- 21. Would This project develop a Convention Center as an alternative to a big box project for this Marina center ? [122-21]
- 22. Would this project identify and survey all wetlands and comply with the Coastal Act Standards in their respective zones? [122-22]
- 23. Would this project cause a safety hazard to the traffic flow pattern on hy way 101 as result of entering and leaving this project? [122-23]
- 24. Would traffic flow comulative impacts effect other roads? If so how would you correct them? [122-24]
- 25. What is the time line for completion of this project? [122-25]

5-689

## Letter 122: Melvin McKinney

- 122-1 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.

- 122-2 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.

- 122-3 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.

- 122-4 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.

- 122-5 The comment asks if the project would impact the 150 foot railroad right of way and, if so, how would that be resolved if the railroad will not sell the property. It should be noted that the NCRA does not own the property in fee, but rather holds an easement along the western edge of the project site. Please see response to comment 110-7.

Other than the railroad crossing which are addressed in the Transportation Chapter IV.O of the Draft EIR, the project is not expected to adversely impact the railroad easement. Therefore, no further mitigation or extinguishment of the easement is identified for the project.

- 122-6 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.

- 122-7 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 is approximately 150' wide and 1,000' 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 the area for future uses – included railway uses – would be preserved with the proposed project. Thus, the project does not propose to interfere with the NCRA easement. 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, the substantive chapters of the Draft EIR (e.g., Biological Resources and Hydrology & Water Quality) already address the project’s environmental effects.

- 122-8 The comment asks what the criteria are for safe environmental cleanup levels versus technically clean standards.

The comment make a distinction where none exists. Regulatory agencies would require remediation 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.

- 122-9 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.

- 122-10 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.

122-11 The comment asks whether the project would allow NCRA to retain the full right of way along the project to operate the rail road.

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 do so in the foreseeable future.

122-12 The comment repeats the question made earlier in the comment letter regarding the railroad right-of-way. Please see response to comments 110-7 and 122-5, which addresses the railroad right of way.

122-13 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.

122-14 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.”

122-15 The comment asks whether the project would develop an 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.

122-16 The comment requests detail regarding the hazardous materials remediation. Please see Master Response 4 and new Appendix S.

122-17 The comment asks whether the proposed project would install pollution separators. The proposed project would include bioswales and other stormwater quality control mitigation measures, which may or may not include pollution separators and filters on the stormwater drains. As stated in Chapter IV.H, Hydrology and Water Quality, the proposed project would have a less-than-significant impact on water quality, and the project would avoid any violations of water quality standards or waste discharge requirements.

122-18 The comment questions whether there would be impacts related to transportation, storage, or disposal of hazardous materials. Please see Chapter IV.G for a discussion of hazardous materials. Impact G-1, beginning on page IV.G-19, discusses transportation, use, and disposal of hazardous materials. Please also see Master Response 4.

122-19 The comment asks whether the proposed project would pay for and provide water and sewer services. As stated on Draft EIR page IV.Q-2, there is no water or sewer infrastructure currently on the project site. The proposed project would include

construction of this infrastructure onsite. As stated in Chapter IV.Q, Utilities and Services Systems, the City has adequate water and wastewater service capacity to serve the proposed project.

- 122-20 The project asks whether the proposed project would preserve open space. The proposed project includes the restoration of an 11.89-acre wetland reserve, with associated bike and pedestrian trails.

The EIR does not analyze the potential environmental effects of any big box retailer anywhere in the city. As stated in Chapter I, Introduction, the EIR is a factual document, prepared in conformance with CEQA, and written for the purpose of making the public and decision-makers aware of the environmental consequences of the Marina Center project at the Marina Center site.

- 122-21 The comment asks whether a convention center would be developed as an alternative to a big box retail store. Please see responses to comments 16-239 and 16-243, which discuss the requirement that the Draft EIR include a reasonable range of alternatives. An alternative containing uses similar to those described could be the Convention Center Alternative.

- 122-22 The comment asks whether the project would identify and delineate all wetlands on the project site.

Wetland delineations prepared for the project site are discussed in Chapter IV.D, Biology. The proposed project's consistency with the California Coastal Act is discussed in Chapter IV.I, Land Use and Planning, as well as in Master Responses 3 and 5.

- 122-23 The comment asks whether the proposed project would result in a safety hazard due to traffic flow on U.S. 101.

The Draft EIR evaluated potential traffic safety impacts associated with the proposed project (see pages IV.O-43 and IV.O-44), and determined that with implementation of identified mitigation measures, the project would have a less-than-significant impact on traffic safety.

- 122-24 The comment asks whether traffic flow impacts would occur on other roads. Please see responses to comments 31-1 and 32-9, which address cumulative traffic growth and traffic impacts on nearby streets.

- 122-25 The comment questions the timeline for completion of the proposed project.

The timeline for completion of the project or particular phases thereof cannot be accurately estimated as it is driven by market demand. With that said, the first phase of the project – remediation and wetlands restoration – is expected to be completed within one year from project approval. (Draft EIR, page III-15.) Future phasing has not been

determined yet, but the approximate timeline for each phase is outlined in the Draft EIR at page III-15. For purposes of evaluating the worst-case scenario for project impacts, particularly traffic, the Draft EIR assumes full-build out of all project phases by 2010. Once a precise phasing has been determined, the City would need to evaluate that phasing to ensure that feasible mitigation is likewise phased to address the potentially significant impacts of each phase and to evaluate whether any subsequent environmental review may be required. (Draft EIR, pages III-14 and -15.)

Sidnie Olson

From: TJ McMurray [tjmacjr@pacbell.net]  
Sent: Friday, January 30, 2009 7:34 PM  
To: Sidnie Olson  
Cc: Kevin Hamblin  
Subject: Re: Fw: Marina Center. Draft EIR Notice of Availability

Sidnie: You mentioned in our phone call today that a new flood gate would be constructed at the juncture of Humboldt Bay and Clark Slough that would serve the Marina Center Project and other areas of the City. The City is aware, through our prior correspondence, of the flooding of Washington Street and adjacent properties. This occurs due to a combination of high tides and large surface run-off from the western portion of the City. The flood gates at the Bay close due to the high tides, the surface water backs up and is then stored on adjacent properties and Washington Street until the tide gates reopen and the water begins to recede. Without reviewing the EIR in detail, I would hope that this issue is addressed and solved through a detailed study and an engineered solution. Please acknowledge receipt of this email. Respectfully, Thomas J. McMurray Jr.

123-1

--- On Fri, 1/30/09, TJ McMurray <tjmacjr@pacbell.net> wrote:

From: TJ McMurray <tjmacjr@pacbell.net>  
Subject: Fw: Marina Center. Draft EIR Notice of Availability  
To: "Tom McMurray" <tjmacjr@pacbell.net>  
Date: Friday, January 30, 2009, 4:55 PM

--- On Fri, 11/21/08, Sidnie Olson <SOLSON@ci.eureka.ca.gov> wrote:

From: Sidnie Olson <SOLSON@ci.eureka.ca.gov>  
Subject: Marina Center. Draft EIR Notice of Availability  
To:  
Date: Friday, November 21, 2008, 2:23 PM

Please find attached a copy of the Notice of Availability for the Marina Center Draft Environmental Impact Report. We are providing you with this notice in advance of the actual review dates. The Draft EIR will be available for public review from December 1, 2008 to January 31, 2009. As indicated in the attached Notice, beginning December 1, 2008, the Draft EIR will be available at all local libraries, the County Planning Department, City Hall, and the City of Eureka's website [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

Please feel free to forward this information to whomever you feel would be interested.

Regards,

Sidnie L. Olson

Sidnie L. Olson, AICP

Principal Planner

City of Eureka

Community Development Department

531 "K" Street

Eureka, CA 95501

(707) 441-4265

[solson@ci.eureka.ca.gov](mailto:solson@ci.eureka.ca.gov)

5-695

## Letter 123: TJ McMurray

123-1 The comment questions the adequacy of stormwater drainage facilities for the proposed project.

For further discussion regarding the adequacy of the proposed drainage facilities to accommodate high flows, please see response to comment 3-13, which discusses the flow rate standards of the City of Eureka as applied to the proposed project.

Dec. 20, 2008

Eureka Community Development Dept.

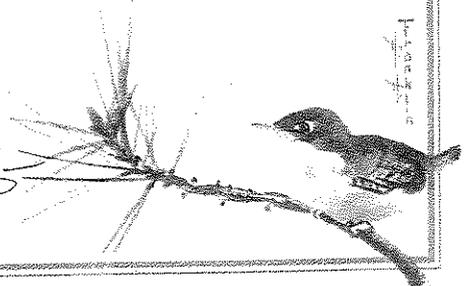
Dear Friends - Esp. Sidnieh Olson

Please consider the future cost of restoring or abandoning a "Marina Center" or any new coastline project - a cost that will be caused by the high water level in our WARMED PLANET.

The loss of structures from high water levels needs to be prepared - for, in establishing a Marina Center plan and budget.

Sincerely,

Eunice Noack  
2141 Tydd St. #315  
Eureka, CA 95504



124-1

## Letter 124: Eunice Nopek

124-1 The comment asks the City to consider the costs associated with sea level rise affecting the proposed project.

For further discussion regarding sea-level rise, please see response to comment 3-15. As stated there, the direction on sea level rise to coastal permit Project Applicants is in flux. Taking historic trends is no longer sufficient, and an upper planning limit has not been established.

5-699

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

Name (print): David F Ogden

Address: 2337 B Street Eureka, CA 95501  
E-mail: goldfinch@humboldt1.com

Page V-5 (bottom, under "1. Extension of urban...etc")  
Statement is made that project will not "require  
ANY MAJOR EXPANSIONS of the [city's] infrastructure.

1) What about "MINOR" expansions?

2) Who decides what is "major" and what is "minor"?

3) What criteria are applied to distinguish between  
"major" and "minor"?

4) Who will be financially responsible for ANY changes  
or expansion of ANY infrastructure?

Signed: David F Ogden

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

125-1

125-2

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

Name (print): David F Ogden

Address: 2337 B Street Eureka, CA 95501  
E-mail: goldfinch@humboldt1.com

Appendix K (Technical Appendix), page 44 (under  
"re-tenanting potential"): the claim is made in the  
first paragraph of this section that "the existing pri-  
mary market area shopping centers have low vacancy  
rates which is an indication of the...area's... ability to  
retain small vacancies as they occur." This is NOT  
true as evidenced by scores of vacancies throughout  
the City and especially the 20 plus vacancies (large  
and small) in the Bayshore Mall. Very out-dated information.

Signed: David F Ogden

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

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JAN 20 2009  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

125-3

5-700

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

Name (print): David F Ogden

Address: 2337 B Street, Eureka, CA 95501  
E-mail: goldfinch@humboldt1.com

RECEIVED  
JAN 20 2009  
COMMUNITY DEVELOPMENT

Appendix K (in Vol II, Technical Appendices), on the map labeled "Exhibit 18a, Representative, etc": A TYPICAL piece of erroneous misinformation prevalent in the CBRE report appears as itemized store #8 "Strictly for the Birds" which is categorized as "Nursery/Flowers." I am the former co-owner of that business and I can attest to the fact that it is NOT a store of that type and does not "compete" with any store proposed for the project

125-4

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

How many other errors of this sort lurk in the appendix and main text???

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

Name (print): David F Ogden

Address: 2337 B Street Eureka CA 95501  
E-mail: EUREKA, CA Goldfinch@humboldt1.com

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JAN 20 2009  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Table IV.0-9 lists only those developments (mostly commercial) on or within a block or two of the Hwy 101 corridor. What about other large planned developments (largely residential) in other parts of the greater Eureka area (p.e.g. McKay Tract and the Forster-Gill project)? These large-scale developments will contribute significantly to cumulative effects of traffic both on 101 and on Eureka's city streets!

125-5

Signed: David F Ogden

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

5-701

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

Name (print): David F Ogden

JAN 20 2009

Address: 2337 B Street Eureka, CA 95501

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

E-mail: goldfinch@humboldt1.com

Mitigation measure IV.0-1j calls for additional turn lanes on Waterfront Drive at the west access driveway into the project area. Waterfront Drive narrows to less than 30 feet just to the south of the proposed access driveway. How can additional turn lanes be provided at that point?

125-6

Signed: David F Ogden

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

RECEIVED

Name (print): David F Ogden

JAN 20 2009

Address: 2337 B Street Eureka, CA 95501

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

E-mail: goldfinch@humboldt1.com

Appendix M in Vol II (Technical Appendices) Exhibit 1 of CBRE Letter "Response to Economic...etc": This list and the resulting calculation of a slightly under 2% vacancy rate is an enormous error of OMISSION and is so out of date that it is totally useless and irrelevant to the discussion. Yet another glaring example of the overall inadequacy of the CBRE report.

125-7

Signed: David F Ogden

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

5-702

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

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

Name (print): David F Ogden  
Address: 2337 B Street Eureka, CA 95501  
E-mail: goldfinch@humboldt1.com

Name (print): David F Ogden  
Address: 2337 B St, Eureka, CA 95501  
E-mail: goldfinch@humboldt1.com

Page IV.0-54 (bottom, under "Finding of significance...")

Page IV.0-4 (top, under "Waterfront Drive")

"... the project applicant is only required to pay its fair share, and there is no program in place or funding otherwise identified to insure completion of the mitigation measures within the time period necessary to avoid the impacts."

"Waterfront Drive is a 48-foot wide two lane street..." This is incorrect. Waterfront Drive starts out (at the Commercial St end) at about 48 feet but NARROWS to LESS THAN THIRTY FEET just south of the boat ramp entrance and remains that narrow all the way past Marina Drive and the Wharfinger. This constriction will cause serious problems at the 4th Street exit from the project.

Is the City of Eureka expected to open its wallet and subsidize this project to the tune of who knows how many hundreds or thousands of dollars?

Signed: David F Ogden  
Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Signed: David F Ogden  
Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

125-8

125-9

125-10

Comment Letter 125

Comment Letter 125

DAVID F. OGDEN  
2337 B Street  
Eureka, CA 95501

RECEIVED

JAN 30 2009

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

January 30, 2009

Sidnie L. Olson, Principal Planner  
Community Development Dept.  
CITY OF EUREKA  
531 K Street  
Eureka, CA 95501

Dear Ms. Olson:

Upon reviewing Part IV.O of the Marina Center DEIR, I find numerous references to the idea of "diverting" vehicular traffic away from the US Hwy 101 corridor onto various city streets. The mitigation measures described in IV.O (pages 39ff) numbered O-1 specify the following streets:

- Hawthorne Street (Mitigation Measure O-1c)
- Waterfront Drive, Second and Third Streets (O-1f)
- Harris Street, with particular mention of STAA trucks (O-1g)
- Fairfield Street (O-1g)
- Washington and Summer Streets (O-1h)

In addition to those streets specified in the report, there is a considerable likelihood that numerous other City owned rights of way will be implicated in this attempt to keep traffic off the 101 corridor.

My concern in this regard lies in the increased amount of wear and tear which will be occasioned by adding considerable burden to these rights-of-way for which the City is responsible for maintenance and periodic repaving. (The US 101 corridor is Caltrans' responsibility so it does not enter into this discussion). As the chairman of the City's Finance Advisory Committee and a long time student of the City's budgetary process, I am painfully aware of the implications which this will have on future budgets and the City's ability to meet the cost of additional road maintenance and repaving operations. Although some funds for this purpose are supposed to come from the State, given the State's terrible financial condition now and for the foreseeable future, I would not depend on that source. Which will put an ever increasing burden of financial responsibility on the City. If all this increased volume of traffic on our streets (as opposed to those which are Caltrans' responsibility) results in having to step up

intervals for resurfacing and other major repairs from their current levels, then the City will be hard pressed to finance all of these needs as they arise. ↑ 125-11 cont.

Furthermore, I do not believe the "urban myth" promulgated by the CBRE report contained in Vol. 2 of the report: these type of developments DO NOT generate the huge amounts of additional tax revenue as claimed by the report. They never have in the past, and there is no reason to believe that they ever will in the future. All of CBRE's mathematical hocus-pocus notwithstanding, the fact of the matter is there is only a finite number of dollars to be spent in retail trade and all that another retail development does is move those dollars from one part of town to another. 125-12

I submit that we be provided with a FACTUAL analysis of the projected costs to the City for the additional costs that will be incurred as a result of this diversion of traffic off of the US 101 corridor and onto City streets. This will enable both my committee and the City Council to evaluate the potential fiscal impact which this project will have on the City's financial resources.

Sincerely yours,

David F. Ogden, Chairman  
Finance Advisory Committee

5-703

125-11 ↓

## Letter 125: David Ogden

125-1 The comment questions the definition of “major” expansions of infrastructure.

Major expansions of infrastructure generally involve new roads, utilities, or treatment plants to accommodate substantial new development on the urban fringe. The proposed project includes 558,000 square feet of development on a project site that is in an already developed area of the city. The utility service connections for the proposed project are already available immediately adjacent to the project site. Therefore, the project does not require major new expansions of infrastructure.

Given that site plan for the project has yet to be finalized, the project could require minor expansions of utility infrastructure in the bed of the Second Street or Fourth Street extensions to provide service to buildings farther east. These extensions would both be less than one-quarter of a mile, and they could only be used to serve the project site. Therefore, they would be considered minor expansions.

125-2 The comment asks who would be financially responsible for expansions.

The proposed project would be required to pay its fair share toward those extensions.

125-3 The comment questions the vacancy rates stated in the urban decay analysis in Appendix K of the Draft EIR. Please see Master Response 1, under “Vacancy in the City of Eureka.”

125-4 The comment states that the classification of the former store “Strictly for the Birds” as “Nursery / Flowers” in the CBRE report is a mistake. The comment further states that this business would not compete with any store in the proposed project.

The comment is noted. Of the classifications used in the analysis, “Nursery / Flowers” is the most similar to the uses of the “Strictly for the Birds” store, which is a specialty store selling bird houses, feeders, seed, accessories, books and CDs. The business would be considered a competitor of the proposed project’s anchor tenant because the anchor tenant would also sell bird houses, feeders, seed, and accessories.

125-5 The comment states that Table IV.O-9 lists only those developments on or within a block or two of the U.S. 101 Corridor. The comment states that projects such as McKay tract and Ridgewood Village project should be considered in the cumulative analysis.

For the cumulative study of the project, the County’s Greater Eureka Area Traffic Model (GEATM) was used. GEATM runs through future year of 2025 and includes the Marina Center project and future traffic growth, including expected developments in the County. Utilizing the GEATM, project trips were traced through Eureka and surroundings. The volume and location of trips are portrayed in Appendix H. As can be seen in Traffic Impact Study Appendix H, project trips are shown throughout the City, although the vast

majority of project trips are on U.S. 101 east and south of the project. Project traffic on Sixth and Seventh Streets is relatively small. Project traffic dissipates beyond the study intersections to a level of less than significant, and therefore no additional analysis is warranted.

- 125-6 The comment states that Mitigation measure IV.O-1j calls for additional turn lanes on Waterfront Drive at the west access drive. The comment states that Waterfront Drive narrows to less than 30 feet just to the south of the proposed access driveway and asks how a turning lane can be provided at that point.

The report will be revised to provide more information regarding the cross section of Waterfront Drive. The roadway width on Waterfront Drive:

- Near the S curve between Washington Street and 14th Street narrows to about 44 feet curb to curb.
- At Commercial Street is about 48 feet.
- At Washington Street is about 48 feet.
- At 14th Street is about 44 feet.

Waterfront Drive narrows to 28-30 feet curb to curb for approximately 700 feet just south of the proposed intersection of Fourth Street Extension. Parking should not be allowed on one or both sides of the street in this section. See response to comment 16-205.

This information clarifies the information already provided in the Draft EIR, but it does not identify or result in any impacts of the project that have not already been evaluated and mitigated in the Draft EIR. Therefore, no further analysis or text in the EIR is necessary.

- 125-7 The comment expresses disagreement with the vacancy rate included in Appendix M of the Draft EIR. Please see Master Response 1, under “Vacancy in the City of Eureka.”
- 125-8 The comment asks whether the City of Eureka would be required to pay for traffic mitigation measures.

Please see Master Response 6 regarding traffic impacts and identified mitigation measures.

The proposed project would include construction of this infrastructure onsite, the fair share of which would be paid for by the Project Applicant. The owner of the property would also pay monthly rates, depending on usage, for utilities, as well as taxes to local, state, and federal agencies. The City of Eureka would not subsidize infrastructure for the proposed project.

- 125-9 The comment questions the Draft EIR’s characterization of the width of Waterfront Drive as 40 feet.

There are several cross sections along Waterfront Drive while only the cross section near the proposed Fourth Street Extension is provided in the Draft EIR. The report will be revised to provide more information regarding the cross section of Waterfront Drive as such:

- The roadway width near the S curve between Washington Street and 14th Street narrows to about 44 feet curb to curb.
- The roadway width on Waterfront Drive at Commercial Street is measured to be about 48 feet.
- The roadway width on Waterfront Drive at Washington Street is measured to be about 48 feet.
- The roadway width on Waterfront Drive at 14th Street is measured to be about 44 feet.
- Railroad Avenue is measured to be about 44 feet wide to Del Norte Street.
- Waterfront Drive narrows to 28 to 30 feet curb to curb for approximately 700 feet just south of the location for the proposed intersection of the Fourth Street Extension and Waterfront Drive. Parking should not be allowed in this section, at least on one or the other side of the street. No parking restrictions are noted in recent field checks, nor were any parked vehicles sighted.

Previous plans at the City show that the right of way is 60 feet wide with a sidewalk area that varies from six feet to eight feet on both sides. The right of way is 50 feet wide where the roadway narrows near the Marina. The existing roadway width on Waterfront Drive is adequate for travel lanes and widening is not needed.

125-10 The comment states that the narrowing of Waterfront Drive would cause a restriction at the Fourth Street exit from the project site. Please see response to comment 125-6 regarding the narrowing of Waterfront Drive at that location.

125-11 The comment state that the increase in traffic volume would add to the cost of maintenance of the City's roadways (other than Broadway, which is Caltrans responsibility).

Utilizing the County's Greater Eureka Area Traffic Model, project trips were traced through Eureka and surroundings. Project trips were distributed onto all streets in the greater Eureka Area. By far the majority of project trips are assigned to U.S. 101 and a few other arterial routes into Downtown. Project traffic on other streets is relatively small as can be seen in Appendix H, where project trips for both a.m. and p.m. peak hours are shown in plots from the model. Generally, wear and tear on public streets is a function of truck traffic, not passenger cars, pickups and light trucks. No significant increase in truck traffic on City streets is anticipated as a result of the proposed project, and maintenance costs are not expected to increase in any significant amount.

125-12 The comment states that the proposed project would not generate substantial tax revenue for the City of Eureka. Please see Master Response 1, under "Fiscal Impacts to the City of Eureka and Other Jurisdictions."

**Comment Letter 126**

**Comment Letter 126**

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

*RECEIVED*  
 JAN 9 12 09  
 DEPARTMENT OF  
 COMMUNITY DEVELOPMENT

29 January 2009

We reviewed Volume I section IV of the Marina Center EIS and the Appendix G Table 2 Animal Species Observed on the Project Site or Expected to Utilize the Project Site.

We find the CNDDDB list not useful due to the scale of the query, which includes all of Humboldt County. The CNDDDB lists are typically viewed as evidence of absence of particular species in a project area. Rather, the government agency, CNPS, and other lists of species of concern should be utilized as a starting point, with input from various knowledgeable people and the literature, to determine which species should be considered. Inclusion of superfluous species lists is interesting but is not helpful.

We view these lists as not only species that could be negatively impacted by the project, but those that could potentially benefit from the project as well. We did not review plant species because this is outside our area of expertise.

On the List/Proposed Threatened and Endangered Species for the Eureka Quad, we would delete all species except the following list, since these are the only ones that would potentially be affected by the Marina Center project:

- Tidewater goby
- Coho salmon
- Steelhead
- Chinook salmon
- Western snowy plover
- Yellow-billed cuckoo
- Bald eagle (although this species is no longer listed under the Endangered Species Act)
- Brown pelican.

The CNDDDB query did not produce records of sandy beach tiger beetle, Indian Island rookery, and California clapper rail, but these are worthy of consideration and would have been identified if a good literature review of the area were done. Species covered by the Migratory Bird Species Act also must be considered.

California Species of Special Concern (SSC) lists need to be consulted. I am not aware of any California SCC mammals that should be included. The following list of birds from the 2008 Bird SSC list should be considered:

- Brant
- Redhead
- Northern harrier
- Yellow warbler
- Bryant's savannah sparrow

From the 1994 Amphibian and reptile SSC list northern red-legged frog should be included.

126-1  
 126-2  
 126-3  
 126-4

From the 1995 Fish SSC coastal cutthroat trout should be considered.

The EIS cites the following herptofauna species as seen during a survey on page IV, D-1. "Despite looking under boards and other objects, the only amphibian or reptile observed was the Pacific treefrog during the July 9, 2006, summer survey. Other reptiles that could potentially use the site include Western fence lizard, common garter snake, and gopher snake." In surveys of similar rural areas immediately adjacent to Humboldt Bay in March 2003 I found rough-skinned newts and northwestern salamanders. Southern and northern alligator lizards are much more common in local coastal areas than western fence lizards. I have wandering salamanders and California slender salamanders in my flowerbeds and under planters at my properties, two of which are within 1/2 mile of Humboldt Bay.

In review of plants to be included in plantings on the proposed wetland and mitigation area of the project area we would encourage native shrubs and trees adapted to the local area which have wildlife values such as coyote bush, silk tassel, willows, alders, spruce, and grand fir. Other plants will seed in naturally or be introduced by birds. Unfortunately we have a problem with human transients and homeless who may desire to inhabit densely vegetated areas. By providing judiciously placed trails the project may encourage diversity of plant species but discourage human habitation.

I find the DEIR section on Environmental Assessment, where a Health Risk Assessment is cited, to be lacking in information on current toxicity values as stated by the EPA. The Assessment that is cited is not current. It appears to only apply to health effects to transients and individuals to be working on construction of the retail establishments. Little to no mention is made of potential effects to people frequenting retail establishments at the site over time, residents of the site, people and wildlife in any park or wetland area on the site. This is a serious oversight and should be addressed through an updated and expanded Health Risk Assessment before the FEIR. No ecological risks to wildlife are mentioned, particularly those from exposed soils and groundwater intrusion.

Due to the information lacking on human and ecological impacts it is not possible for CEQA's purpose of ensuring fully informed decision-making with regard to significant effects on the environment. It is not possible for any Regional Board to make an informed decision on whether site remediation is an adequate mitigation measure either as the list of toxic contaminants reported from the site is extremely limited. Recent sampling by Humboldt Baykeeper found dioxins and furans in site soils, sediment and fish; no source for these toxics is identified in the DEIR. Additionally, the DEIR does not include information on the levels of any contaminants found onsite (IV.G-1-IV.G-11).

Air Quality Impacts C-1 to C-3 are stated as "Significant and Unavoidable" levels of Significance. The project is estimated to produce 38 tons per year of fine particulate matter, which is in exceedance of the North Coast Unified Air Quality Management District threshold of 16 tons per year. This would make a retail center the single largest producer of PM10 in the County, this is unacceptable. Mitigation is required under the Federal Clean Air Act and State Law. The DEIR states that mitigation that is inadequate to reduce the problem is allowed because none of the described mitigations are technically or economically feasible. Not considered forms of mitigation are installation of solar panels and wind turbines and other such offsets that would reduce the carbon footprint of the project. Mitigations do not reflect State requirements to upgrade pollution output by diesel trucks or to ban idling of such trucks on the site.

126-4 cont.  
 126-5  
 126-6  
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 126-9

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Comment Letter 126

Comment Letter 126

Mitigation that is offered as examples in C-2a include placement of some electrical outlets for cars, synchronized traffic signals, and bicycle and pedestrian travel zones. However, no information is provided on the number or placement of the electrical outlets or on the use of solar panels to power them. California Department of Transportation is in charge of synchronizing the signals nearest the project site, the Marina Center proponents cannot take responsibility for work that CALTRANS already performs. Bicycle and pedestrian travel zones are not adequate. Options offered are too limited, unsafe for crossing Broadway for travel northward, including requiring travel on a sidewalk against the flow of traffic which is not legal. The DEIR does not include substantial specific information or concrete evidence of potential additional costs or low profitability that would be sufficiently severe enough to warrant a finding of "unavoidable" impacts.

126-10

The Health Risk Assessment for Diesel Emissions Associated with Wetlands Construction and Delivery Operations data sets are inadequate as they omit analysis of air quality impacts associated with the excavation and removal of contaminated soil. It omits an analysis of toxic levels of pollutants concentrated in the project parking area. The DEIR analysis ignores the high ranking of Humboldt County for cancer incidence in California. Further, cumulative impacts are inadequately described and analyzed. It omits listing current PM10 contributors such as Evergreen Pulp and Fairhaven Co-Generation Plant. It omits known adverse effects of PG&E's repowering plant which uses Air District models to allow for just below 10 in one million cancer risk. It omits transportation corridor effects outside the immediate vicinity of the project area. Two of my homes are located on Washington Avenue, just outside the project area. Impacts of increased pollution due to increased traffic are not analyzed for the neighborhood due east of the project area, which is the primary area that will be impacted by blown pollutants produced on the project site.

126-11

The Transportation Section Chapter IV-O anticipates over 15,000 new vehicle (one-way) trips to the project site per day. These numbers are based on a traffic study performed in non-tourist times of year. Traffic during tourist months is much higher, the analysis should reflect the full range of traffic levels throughout the year. At times 4<sup>th</sup> and 5<sup>th</sup> streets are virtually impassable without a traffic light now, with the projected increase of 300% in peak traffic in the afternoon if is unlikely that most streets located in the city core and adjacent neighborhoods would be permeable to cross traffic. Levels of pedestrian accidents are already higher than many larger cities in California and the DEIR does not propose mitigations to avoid increasing the incidence of these accidents. Level of Service calculations assumed that much of the exiting traffic would use Waterfront Drive to Hawthorne or to 2<sup>nd</sup> and 3<sup>rd</sup> streets into old town. This ignores the likelihood of vehicles exiting into the adjacent west side neighborhoods up Washington and spreading out from there. Waterfront drive takes people far out of their normal paths of travel and is unrealistic. A new analysis should be performed that contains more realistic paths of travel. Broadway congestion values appear extremely understated.

126-12

I would like to address Urban Decay. Negative impacts of the Bayshore Mall are still being felt in the Old Town and Henderson Center Shopping areas. With the current economic downturns, the number of vacant shopfronts has spiraled ever higher. The DEIR does not adequately identify the number of such vacancies and look at the length of time that many have been in existence. New retail spaces would further compete for shops to use them. The current pool varies widely in size and configuration and yet this project proposes to add still more. Many currently proposed sites for infrastructure development remain undeveloped, such as the waterfront. Investment in building up these areas would better serve the people of Eureka.

126-13

I would like to end with a brief comment on Cultural Resources. The Wiyot people have lived in the area around Humboldt Bay for much longer than this area has been settled by Europeans. Two villages are anticipated to be located on the project site. This was not arrived at by supposition, historical evidence has been presented to indicate the veracity of the Wiyot claims. I find it highly inappropriate to mitigate by looking for cultural resources while constructing. The villages should be located and properly planned around prior to ground-breaking activity. It is the only proper method to ensure protection of those resources. It should be done with the assistance and oversight of Wiyot cultural analysts with backgrounds in protection of cultural resources and archeologists. A contractor cannot be trained adequately to perform the work of experienced archeologists and cultural resource recovery and protection experts with decades of experience.

126-14

Respectfully,

Lisa Ollivier  
Resident of the Eureka West-side  
824 B Street  
Eureka, CA 95501



## Letter 126: Lisa Ollivier

126-1 The comment indicates that the broad search area for the CNDDDB lists is not helpful and suggests that these lists are often used to provide evidence of the absence of particular species from a project area. The comment further states that government agencies and CNPS lists, etc., should be used as a starting point and used in conjunction with knowledge of species experts and the literature to determine which species should be considered.

Appendix D of the Draft EIR includes the referenced list of all listed or proposed threatened and endangered species in Humboldt County. In addition, the work conducted for the Biological Assessment included a search of the CNDDDB to include as many as six USGS quadrangle map areas specifically to encompass a wide area in an effort to include all special status species occurring in the area of the project in the special status species evaluation. This literature review pertaining to special status species intentionally encompassed a wide area to allow an evaluation of whether the habitat requirements of species could be satisfied by habitat conditions existing on the project site for the greatest number of potential species. The Draft EIR and Biological Assessment were prepared to err on the side of inclusion.

126-2 The comment suggests deleting all species from the evaluation with the exception of tidewater goby, coho salmon, steelhead, chinook salmon, western snowy plover, yellow-billed cuckoo, bald eagle and brown pelican.

Comment noted. Information on each of the species mentioned by the comment is provided below. Other species were evaluated as deemed relevant by the Lead Agency and EIR authors.

- Tidewater goby is discussed on page IV.D-6 and IV.D-19 of the Draft EIR. The tidewater goby is not known to occur near the project site and the nearest designated critical habitat for the species is located in Southern California. A survey for tidewater goby within Clark Slough conducted by H.T. Harvey and Associates for Baykeeper found no individuals of this species in the slough. No impacts to tidewater goby would result from the project.
- Coho salmon, steelhead and chinook salmon are addressed in the Biological Assessment for the proposed project under the discussion of Special Status Salmonid Species beginning on page 11. This section discusses the fall chinook salmon from the California Coast ESU, spring coho salmon from the Southern Oregon and Northern California Coast ESU, and steelhead from the Northern California ESU, all species that could be expected to migrate through Humboldt during certain times of the year. Restrictions on the timing of pile driving as recommended in Draft EIR Mitigation Measure D-1b, along with the implementation of a SWPPP, the Stormwater Management Plan and Best Management Practices would ensure that impacts to these species do not occur.

- Western snowy plover is addressed on pages IV.D-7, IV.D-8 and IV.D-18 of the Draft EIR. Western snowy plovers have not been known to historically occur in the vicinity of the project site, and the habitat at the project site is not suitable to support the species. No impacts to western snowy plover would result from the project.
- In California, the western yellow-billed cuckoo inhabits dense riparian habitats of the Central Valley and southern deserts. Although vagrants may occasionally be found in riparian habitats along the coast, this species is not reported in the CNDDDB for the project area, and would not be expected to occur in the degraded riparian habitats found at the site. No impacts to western yellow-billed cuckoo would result from the project.
- Bald eagles in California nest and winter at inland lakes, and would occur along the Humboldt County coast only as a rare migrant. This species is not reported in the CNDDDB for the project area. No impacts to bald eagle would result from the project.
- Brown pelican is found in estuarine, marine, subtidal, and marine pelagic waters along the California coast. Although considered common within Humboldt Bay at certain times of year, nesting or foraging habitats for this species are not found at the project site. No impacts to brown pelican would result from the project.

126-3 The comment states that additional species worthy of consideration include sandy beach tiger beetle, Indian Island rookery and California clapper rail. Also need to consider species covered by the Migratory Bird Species Act.

Species covered under the Migratory Bird Species Act (MBTA), which include a multitude of common bird species found throughout North America, are considered in evaluating the potential adverse affects of the project on biological resources. Mitigation Measure D-8a beginning on page IV.D-33 of the Draft EIR is included to ensure compliance with the Migratory Bird Treaty Act. The sandy beach tiger beetle, Indian Island rookery and California clapper rail are addressed below:

- The sandy beach tiger beetle is discussed on page IV.D-6 of the Draft EIR. This species is thought to be extirpated from the portion of Humboldt County near the project area; therefore, no impacts to this species would result from the project.
- The Indian Island heron and egret rookery is discussed on pages IV.D-6, IV.D-7 and IV.D-19 of the Draft EIR. The construction of the project would not result in significant adverse impacts to species nesting at the rookery, and after construction of wetland restoration the quality and quantity of foraging habitats for these species could improve.
- California clapper rail is discussed on page IV.D-7 of the Draft EIR. The last reported nesting by California clapper rail anywhere near the project site was at Indian Island in 1932. No salt marsh habitat suitable to support this species occurs at the project site, and thus no impacts to California clapper rail would result from the project.

- 126-4 The comment states that the EIR should consider the following state species of special concern: brant, redhead, northern harrier, yellow warbler, Bryant's savannah sparrow, northern red legged frog, and coast cutthroat trout. A consideration of these species is requested in comment 26-3. See response to comment 26-3 for analysis of these species.
- 126-5 The Draft EIR indicates that Pacific treefrog was observed at the project site and that western fence lizard, common garter snake and gopher snake could potentially occur. The comment suggests that rough-skinned, northwestern salamander, wandering salamander and California slender salamander could also occur and that southern and northern alligator lizards would be more common at the project site than western fence lizards. This same comment is made in comment 26-4. See response to comment 26-4 for a discussion of the mentioned species.
- 126-6 The comment states that plantings within the proposed wetland and mitigation area should include native shrubs and trees adapted to the local area which have wildlife values. With plantings, judiciously placed trails could encourage a diversity of native plant species and discourage habitation by homeless and human transients who might try to inhabit densely vegetated areas.

Mitigation Measure D-3b requires use of native species in the wetland mitigation/restoration area and Mitigation Measure D-3f requires implementation of a program to control non-native species at the project site. The combination of planting natives and controlling non-natives would result in a wetland mitigation/restoration area with a diversity of native plant species of value to wildlife species. Use of the project site by transients is considered a social rather than biological concern, and is not considered an adverse affect of the project. This is particularly true since the project aspires to clean up and redevelop the project site and to reduce the propensity of vagrants and others using the property for illicit purposes.

- 126-7 The comment questions the ecological risks of the proposed project.

Regarding ecological risks, please see response to comment 52-33. As stated there, Impacts G-1 through G-9 (pages IV.G-19 through IV.G-26) discussed potential impacts related to hazards and hazardous materials. In addition, potential impacts to wetlands and associated habitats are discussed under Impacts D-1 through D-8 on pages IV.D-18 through IV.D-34. Note that the contamination on the project site is an existing condition, and that the proposed project would excavate and remove contaminated hot spots, as well as remove exposure pathways. For more details, please see Master Response 4 and new Appendix S.

- 126-8 The comment states that the hazardous materials analysis is note adequate because it does not address ecological risks and does not include the levels of contaminants at the project site.

Regarding ecological risks, please see response to comment 126-7, directly above. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S, which discuss levels of contamination. The draft Supplemental Interim Remedial Action Plan included in Appendix S has received concurrence from the Regional Water Quality Control Board.

- 126-9 The comment criticizes the Draft EIR for not considering additional mitigation measures, such as solar panels and wind turbines and offsets to reduce the carbon footprint of the project.

Please See response to comment 3-7, which discusses the possibility of carbon offsets. Please see also response to comment 22-3, which states that most emissions from the proposed project would be mobile-source emissions associated with vehicles so solar panels would have minimal effect

The comment also suggests that the mitigation measures should reflect State requirements to upgrade pollution output by diesel trucks or to ban idling of such trucks on the project site. However, there is no need to require mitigation measures for restrictions that are already required by State law. Please also see response to comment 12-8.

- 126-10 The comment requests specific details about the number of electrical outlets and synchronization of traffic signals.

The number of outlets and their location has not yet been determined. Please see response to comment 33-3 regarding the synchronization of traffic signals.

- 126-11 The comment states that the HRA data sets are inadequate because they omit analysis of air quality impacts associated with various activities at the project site and nearby. Please see Master Response 2, which discusses the adequacy of air quality data used in the analysis.

- 126-12 The comment makes charges against the traffic impact study's adequacy.

With respect to traffic crossing Fourth and Fifth Streets, additional signals are proposed at C Street and Commercial on both Fourth and Fifth Streets because of this need. Currently, signals are not warranted at these intersections. Please also see the response to comment 66-7, which discusses the date and time of traffic data collection in relation to traffic impact assessment methodology.

Regarding the comment concerning impacts to pedestrians, please see responses to comments 33-3 and 49-2, which conclude that the proposed project would have a beneficial effect on pedestrian circulation and safety.

Regarding impacts on neighborhoods west of the project site, please see the response to comment 40-2, which states that in the EIR analysis, the project traffic was distributed

onto all streets within the Greater Eureka Area Traffic Model, and the volume and location of those trips are portrayed in Appendix H. As can be seen in Appendix H, project trips are shown throughout the City, although the vast majority of project trips are on U.S. 101 east and south of the project site. These volumes are all within the existing capacity of the City streets.

The comment states that Broadway congestion values are understated. Please see response to comment 31-1, which states that the 33 percent increase in traffic on U.S. 101 will occur with or without the project, and implementation of the proposed project would result in impacts that could, for the most part, be mitigated. Please also see response to comment 38-4 regarding impacts to Henderson Street and Harris Street. Finally, please see response to comment 49-1, which states that the proposed project provides the means to accommodate the higher future traffic volumes on Broadway, while no plan is currently in place to accommodate future traffic without the proposed project.

126-13 The comment states that the Bayshore Mall caused vacancies in the City of Eureka and questions the vacancy rate found at the time of the urban decay analysis. Please see Master Response 1, under “Vacancy in the City of Eureka,” “The Effect of the Bayshore Mall on Local Businesses,” and “Potential Local Store Closures.”

126-14 Comments regarding the historical evidence that two Wiyot village sites may be located within the project area are noted. Please see Master Response 9 and revised Mitigation Measure E-2, as well as responses to comments 11-1, 69-1, 69-2, 69-10, 69-13, and 69-17. This investigation would commence when engineering and soil remediation plans are finalized, and prior to project construction.

Comment Letter 127

Comment Letter 127

Sidnie Olson

From: jamie orr [no.unsolicited.commercial.email@gmail.com]
Sent: Friday, January 30, 2009 6:27 PM
To: Sidnie Olson
Subject: Marina Center Cultural Resources

110 Dandy Bills Ave
Loleta, CA 95551
30 January 2009

Ms. Sidnie L. Olson, AICP, Principal Planner Community Development Department City of Eureka,
531 K Street
Eureka, CA 95501-1165
Email: solson@ci.eureka.ca.gov

Anent: Cultural Resources

While in general I believe there is a lot of good information collected in the DEIR, as far as the cultural resources portion there seem major reasons for concern--it is too weak.

My friend the late Irving James (1900-2000) use to frequently talk about going into "Chur-Ru-Chic-Chi" (as I recall) [djerochichiwil which has multiple spellings] referring to Eureka. He and his family were long (and are) a source of information about this area. I'd never knew where exactly this was as I supposed there were likely a lot of Wiyot settlements (over their 2000? years) in the Eureka area. Earlier this month I found that this significant settlement was likely on Marina Center site.

5-714 Sadly the Wiyots have suffered badly from White Americans. Likely they were decimated by the massacres, internments, relocations, and disease. Too often expediency and self-interest (by enlarge short-term) seem a foundation of our actions.

The proposed plan to protect the archeology of the area seems incredibly naive. Our normal patterns have minimal (if any interest) in archeology. Business is business and doesn't like distractions. Jobs in Humboldt have long been a challenge for workers. Now especially in our current economic straights where jobs are being so cut back, it is highly questionable if a worker would want to thwart the project by raising problems--and risk losing their income. 127-1

1. Archaeologists should be on site in addition to training of the workers. Considering the size of the project (with the need to not be in the way excessively), multiple trained Wiyot observers should be at each construction site while activity is going on. 127-2

2. Preliminary assessment should be done with remote sensing (ground penetration radar if applicable), trenching, and careful excavation. 127-3

3. Piledriving, undergrounding of utilities and other subsurface activity should be included in this protect. 127-4

4. In as much as the finished project will bar future access to unknown pre-1850 archaeological materials, an evaluation needs to be done before further activity on the site. 127-5

Sincerely,

"Jamie" Orr

Sidnie Olson

From: jamieorr2@juno.com
Sent: Saturday, January 31, 2009 11:59 PM
To: Sidnie Olson
Subject: Marina Center DEIR comments

RFD 1 Box 66
Loleta, CA 95551
31 January 2009

Ms. Sidnie L. Olson, AICP, Principal Planner Community Development Department City of Eureka,
531 K Street
Eureka, CA 95501-1165
Fax: (707) 441-4202

Anent: Marina Center DEIR

There has been a lot of effort done on this DEIR; making something constructive with a brownfield, public nuisance is laudable.

However the Urban Decay portion which claimed less-than significant impact seems tainted. One only has to drive along downtown 101 to see troubling vacant spaces, and there are more elsewhere. Considering the change in our current and national economic situation, a realistic reappraisal needs to be made--i.e., more than hints of the second Great Depression. Home Depot is closing stores and has laid off 7000 people. An economic downturn may curtail interest in all this development. Certainly national chain big boxes do nothing for Eureka's individual uniqueness, and the tract needs to support our exceptional environment. 127-6

CalTran's 101 ByPass through Eureka was vetoed by Eureka in the 1970's. Eureka's traffic has suffered. Now at one of our worst bottlenecks, commerce (albeit a different branch) plans to exacerbate the problem. Their plans for remediation are inadequate or deliberately blithe. 127-7

The number of new traffic lights is going to slow the flow of traffic. The number of stoppages and bumper-to-bumper crawling incidents will increase. Waterfront Dr. can certainly be part of a resolution, but more planning (& consideration) is required. That would make more sense than causing problems on Koster (Koster & Wabash were cited). The railroad there in the future could worsen congestion, but could do more for the area than a big box. Eureka and the Project need to be more creative with mitigation. Previously there have been discussion of improving Waterfront Drive to an improved traffic artery, shouldn't that be an alternative for exploration? 127-8

Eureka is not the world, but it is extremely disingenuous to dismiss negative consequences as less-than-significance regarding Green House Gases. What happens here contributes to problems beyond the local. Our being mindful of our local responsibility has prudence beyond just our local area. How much will gridlocked traffic support the California Global Warming Act? How much fuel economy/efficiency results with increased traffic signals? Vehicles impact our having reached Peak Oil. Eureka is not isolate; we are part of the world, consideration the part we play is required (beyond expediency and short-term self-interest). 127-9

Putting residential housing into a Tsunami area seem short sighted. Considering Peak Oil and the many more countries aspiring to increase use of petroleum, the plan cheerfully, optimistically ignores this. Bicycles and pedestrians are getting short shrift. 127-10, 127-11, 127-12

A more limited footprint facility would help reduce adverse impacts on transportation, reflect the California's 127-13

### Comment Letter 127

coastal-dependent and coastal-related development emphasis and offer potentially better visitor-serving recreation. Options for other places for a big box besides here need more exploration. The No Project seems very limited; why couldn't environmental effects be a part of this. A park did not seem to have been given sufficient consideration. Incorporation of the railroad, tourism and the tract might beneficially be considered. Hazardous Material should include a broader survey of other hazardous materials. Diesel pollution reduction should have more importance. Is there a roll for the tract to support increased barge shipping?

↑ 127-13  
| cont.  
| 127-14  
| 127-15  
| 127-16  
| 127-17

Hoping for our best,  
James Orr

-Page Break-  
P.S.

Ms. Sidnie L. Olson:  
I tried to fax this, but your fax number is not available tonight. I live in a rural part of our rural county and do not have direct Internet access. Driving into town to do this now would be onerous and problematic. I won't be able to do so tonight, or I would as I value my privacy. Would you be able to redact my e-mail address, please? If you need one, no.unsolicited.commerial.email@gmail.com would be my preference. Thanks!

5-715

## Letter 127: Jamie Orr

- 127-1 The comment states that the proposed plan to protect archaeological resources should be improved. Revisions to Mitigation Measure E-2a include archaeological and Native American monitoring of ground-disturbing activities in locations predetermined to be culturally sensitive. Areas outside these locations would be subject to Mitigation Measures E-2b and E-2c that includes provisions for unanticipated discovery of artifacts and human remains. Please see Master Response 9, Chapter 2 Errata, and responses to comments 97-3, 69-7, and 69-2.
- 127-2 The comment states that the proposed plan to protect archaeological resources should be improved. Please see Master Response 9 and responses to comments 69-7, 69-13, 69-16, and 127-1.
- 127-3 The comment states that preliminary assessment of archaeological resources should be done with remote sensing. Implementation of a subsurface survey program would help determine whether significant archaeological sites exist in the project area. Please see responses to comment 11-1 and Master Response 9, which includes revised Mitigation Measures E-2a and E-2b, which further discuss subsurface investigations.
- 127-4 The comment states that all subsurface activity should be included in the archaeological monitoring. Certain ground-disturbing activities within areas predetermined to be culturally sensitive would be monitored by an archaeological consultant. Please see Master Response 9, which includes revised Mitigation Measures E-2a and E-2b.
- 127-5 The comment states that inasmuch as the project would bar future access to unknown archaeological resources, an evaluation needs to be done before further activity occurs on the site.

Please see response to comment 69-1, which explains that once the remediation plan is finalized, a subsurface investigation would be completed in the discrete areas identified as culturally sensitive to help determine the presence or absence of cultural resources associated with the two Wiyot ethnographic village sites which may or may not exist on the project site. In the meantime, it would be impractical to require significant trenching, boring, and excavation now, in advance of project approval, and before the specific areas of disturbance are ascertained, particularly given the fact that the project site may not contain any significant archeological materials. Such extensive testing would itself require the sort of permits from regulatory agencies that the project is seeking to obtain (e.g., a wetland fill permit).

Subsurface investigations would not occur in areas that are not to be disturbed by the proposed project and/or are not within the discrete areas identified as culturally sensitive. Please see Master Response 9 and Mitigation Measures E-2a through E-2c, which include construction monitoring for archaeological resources.

Finally, it is in the excavation of materials that archaeological resources can be damaged or compromised. If materials remain undisturbed, then they remain protected from damage and would not be impacted by the proposed project. Therefore, any unknown materials that are not disturbed by the proposed project would remain protected.

- 127-6 The comment questions the urban decay analysis prepared. Please see Master Response 1, under “Jobs / Wages Impacts,” “New Recessionary Conditions,” and “Vacancy in the City of Eureka.”
- 127-7 The comment states that the proposed project would exacerbate traffic problems on U.S. 101. Please see response to comment 31-1, which states that the 33 percent increase in traffic by 2025 would occur with or without the proposed project. The response also states that mitigation measures would address almost all significant impacts.
- 127-8 The comment raises various concerns about traffic conditions, including a claim that proposed new traffic signals would slow the flow of traffic, and a suggestion that use of an improved Waterfront Drive to accommodate traffic should be explored.

Most of traffic signals would be synchronized, to make sure the flow of traffic is smooth. However, additional traffic signals do imply slower speed operations than without such signals. Even without the project, however, there would still be a need for signals on both Fourth and Fifth Street at C Street. One new signal that may slow traffic would be added at Broadway and Fourth Street. The additional signal at Hawthorne, however, would actually improve traffic flows because elimination of the Fairfield approach at Wabash Avenue and Broadway increases total intersection capacity. Currently, signals along Broadway are not synchronized because of the long cycle lengths required for the Broadway intersection of Wabash Avenue and Fairfield. Accidents are a function of total traffic entering into an intersection plus traffic controls. The mitigation measures in the Draft EIR would help improve traffic operations and would likely reduce accident rates, but overall, traffic accidents are likely to increase with or without Marina Center by 2025 due to projected traffic growth. With the mitigation measures implemented by Marina Center, it is likely that the number of accidents in the future would be less with the Marina Center project than if the project is not built and its mitigation measures remain unimplemented. Waterfront Drive is already classified as a Major Collector by the City of Eureka, and as such is intended to carry significant volumes of traffic from traffic generators to the principal arterial system.

- 127-9 The comment states that the greenhouse gas (GHG) analysis is inadequate. Comment is noted. As discussed in pages IV.C-19 through IV.C-22, the proposed project would not make a cumulatively considerable contribution to GHG emissions. Please also see response to comment 16-22, which further explains the determination of significance for cumulative GHG emissions.
- 127-10 The comment regarding housing in a tsunami area are noted. As stated on Draft EIR pages IV.H-22 through IV.H-24, the potential for the Marina Center project to result in

adverse impacts due to inundation of seiche, tsunami, or mudflow would be less than significant.

- 127-11 The comment states that the project plan “cheerfully and optimistically “ ignores “Peak Oil” and that many countries are aspiring to increase the use of petroleum.

“Peak Oil” is a term used to describe a theoretical era during which the annual total quantity oil supply is at its peak, and that in the near future (after the peak) the annual supply is going to begin decreasing.

The proposed project, while inclusive of parking lots, is an infill development directly adjacent to a city’s downtown, which can encourage use of alternative modes of transportation to the project site. The total global supply of oil, as well as the increased oil use in other countries, is beyond the scope of CEQA.

- 127-12 The comment states that bicycles and pedestrians are getting the “short shrift.” The comment is noted. As discussed on pages IV.O-45 through IV.O-48, the proposed project, with identified mitigation measures, would have a less-than-significant potential to conflict with adopted plans, policies, or programs supporting alternative transportation.

- 127-13 The comment advocates for a reduced project with a smaller footprint than the proposed project. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI.

- 127-14 The comment states that the No Project Alternative is too limited. Please see response to comment 16-241, which discusses the requirements of the No Project Alternative and why it cannot include uses not yet planned or proposed for the project site.

- 127-15 The comment suggesting other uses for the project site are noted. An analysis of alternatives to the proposed project is provided in Chapter VI of the Draft EIR. Please see responses to comments 16-9, 16-239, and 16-242, which discuss the requirement for a reasonable range of alternatives. Alternatives containing uses similar to those described could be the Tourism Use Alternative, the Convention Center Alternative, Wetlands Restoration and Public Park Alternative, and the Limited Industrial Zoning Alternative.

- 127-16 The comment states that hazardous materials should be further investigated. For further discussion regarding the Remedial Action Plan for the proposed project, as well as other investigations performed to date, please see Master Response 4 and new Appendix S.

- 127-17 The comment states that diesel pollution reduction should have more importance. The comment is noted. Diesel pollution is discussed in Chapter IV.C, Air Quality.

- 127-18 The comment suggesting barge shipping for the project site is noted. An analysis of alternatives to the proposed project is provided in Chapter VI of the Draft EIR. An alternative containing uses similar to the described “barge shipping” could be the Coastal Dependent Industrial Zoning Alternative.

Sidnie Olson

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**From:** Jean Paulson [flyin-lion@humboldt1.com]  
**Sent:** Friday, January 30, 2009 2:11 PM  
**To:** DEIRcomments  
**Subject:** Marina Ctr.

I'm concerned about the presence of contaminants in this site, about the increased traffic flow (which hasn't been clearly addressed), but more than these issues, about the creeping and irreversible mall-ing of our area. Having lived in two similar areas (outside Madison, Wis. and Warwick, N.Y.) and watched them succumb to urban sprawl, replete with big box stores, and the attendant loss of vibrant, unusual, local businesses, I mourn, and am angered by the idea of a similar fate befalling this remarkable place. Home Depot is in trouble...why would we want them here? Why are we not more concerned with protecting our own? What about a center for business incubation (as in Arcata), a tech center, etc. Not more big stores, over-priced housing etc. on a lot that has yet to pass EIR muster. NO!

Sincerely, Jean Paulson(Eureka)

128-1

128-2

## Letter 128: Jean Paulson

128-1 The comment states concern with hazardous materials, traffic, and “mallng” of the City.

The proposed project’s potential impacts to hazards and hazardous materials are discussed in Chapter IV.G. Please also see Master Response 4 and new Appendix S. The proposed project’s potential impacts to traffic are detailed in Chapter IV.O.

As stated on Draft EIR page III-16, one of the Project Applicant’s objectives is to discourage sprawl by promoting an infill development project. The project site vicinity is largely built out. As stated on Draft EIR page IV.I-12, the proposed project “embodies most of the major principles of smart growth, including infill of a brownfield in the city center using a mixture of land uses in a walkable environment adjacent to open space.”

Please see Master Response 1. Although big box stores are frequently associated with urban sprawl, that association is not always accurate, especially when development adheres to some of the smart growth characteristics listed above. For example, there are several big box stores in Manhattan (including two Home Depot stores), San Francisco, and Chicago—three places known for high-density, compact development.

128-2 The comment criticizes the inclusion of Home Depot and suggests alternative development projects. The comment is noted. Please also see Master Response 1. Alternatives to the proposed project, some of which include the components in the comment, are in Chapter VI of the Draft EIR.

Sidnie Olson

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**From:** Susan Penn [spenn@quik.com]  
**Sent:** Friday, January 30, 2009 3:17 PM  
**To:** DEIRcomments  
**Subject:** Marina Center DEIR

They DEIR states that the project will not contribute to urban decay. It also states that urban decay can be the result of business closures when the vacancies are not filled in a reasonable time, and result in boarded windows, etc. The report goes on to praise our low commercial vacancy rates. The square footage of vacancy may be considered low, but the number of vacancies is high (by my standards, since there were no comparative numbers given.) There are over 100 vacant store fronts now. How many more would the new Marina Center create?

129-1

When the Bayshore mall opened, the effect on downtown Eureka was devastating. Many stores were indeed boarded for a period of time, windows broken, etc. Many dollars and efforts later, Old Town is starting to recover. Haven't we learned our lesson? Do we want to try to do it all again?

Susan Penn  
PO Box 1036  
Eureka, CA 95502

## Letter 129: Susan Penn

129-1 The comment relates to urban decay questions the urban decay analysis. 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.”

Sidnie Olson

**From:** Jamie Peterson [cr\_princess\_1501@yahoo.com]  
**Sent:** Friday, January 30, 2009 8:02 PM  
**To:** DEIRcomments  
**Subject:** Marina Center

I would like to state my opinion on the current plans for the Marina Center DEIR.

I think the traffic issues have not been addressed adequately. I believe that there is Too much traffic going on to Waterfront drive. What would the traffic look like on Broadway if we add the trains with trucks moving their containers?

130-1

I believe the big box stores are more suited outside the city. We want a good tourist environment that does not cause urban decay. Stores are closing right and left. Do we think by the time this is built the economy will be any better? We need to Help our some nick business to thrive in our quaint town.

130-2

One of my main concerns having lived here for 30 years is the way the bay has been polluted. I used to love to fish the bay but I am concerned of the toxic water that is in the bay and how it touches the fauna. I don't see capping the ballon track as a solution or leaving it the way it is currently either. The report did not address the dioxins in the soils and their levels. The toxics are seeping into the bay. What about a family living in that waste. It does not say if they will rip up the asphalt or what. What will be the means for building the structures on the site?

130-3

The studies that were sited were long ago and as we know one can skew statistics with leaving out variables.

130-4

I don't see any definite plans for really having the electric cars, and how many. Our PM10 rate for air quality is over now. I am afraid this would add to it.

130-5

Please reconsider the use of this land. YOU have done such a wonderful job with the boadwalk and newer building near the water.

Thanks you,

Jamie Peterson

## Letter 130: Jamie Peterson

130-1 The comment states that the Draft EIR does not adequately address traffic issues on Waterfront Drive. Waterfront Drive is already classified as a Major Collector by the City of Eureka, and as such is intended to carry high volumes of traffic from traffic generators to the principal arterial system. The proposed project would add approximately 400 vehicle trips to Waterfront Drive south of the Fourth Street Extension, and about 480 vehicle trips to Waterfront Drive north of the Fourth Street Extension during the p.m. peak period in 2025. The capacity of Waterfront Drive at stop controlled intersections is roughly twice the projected traffic volumes even with the parked cars on the street. Even though the traffic volume is expected to grow, the levels of service are expected to remain within the acceptable range established by the City of Eureka. The average speeds along this section of Waterfront Drive may drop because of slower vehicles traveling through the Marina, but the capacity of the street, as described above, is far higher than the projected future use of the roadway determined in the study.

The comment also asks about impact of trains on Broadway. As stated in Draft EIR Chapter IV.O, the proposed project would not interfere with possible future reactivation of the Northwestern Pacific Railroad.

The comment asks generally what the traffic would look like if the City adds “the trains with trucks moving their containers?” The comment is unclear as to which trains and trucks it may be referring to, and therefore a specific response may be speculative. Cumulative projects and growth projections for the City of Eureka do not identify any additional rail container or associated truck traffic. Consequently, this is not a cumulative impact of the project and no further analysis is required. Please also see response to comment 52-18.

130-2 The comment states that the proposed project’s uses are better suited for other locations. The comment is noted. Alternative sites for the proposed project are screened for analysis in Chapter VI of the Draft EIR.

The comment also implies that the proposed project would cause urban decay, put companies out of business, and should not be built considering the current state of the economy. Please also see Master Response 1.

130-3 The comment requests further detail regarding the existing contamination of the project site and the remediation plan, as well as the potential for toxic contaminants to seep into the Bay.

For further discussion regarding the Remedial Action Plan for the proposed project, including a discussion of subsurface chemical migration, please see Master Response 4 and new Appendix S.

- 130-4 The comment regarding previous studies is noted. Please see Master Response 4 and Appendix S for further information regarding the regulatory approval process, as well as information regarding more recent site investigations.
- 130-5 The comment makes a statement that there are no definite plans for having electric cars and that the already high PM10 levels would increase. For a response associated with the outlets for the electric cars component of Mitigation Measure C-2a, see response to comment 12-3. As stated in that response, it is reasonable to assume that the measure would result in some level of emission reductions by making the proposed parking facilities more convenient to electric and hybrid car owners.