

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CITY OF EUREKA  
PUBLIC SCOPING SESSION  
MARINA CENTER PROJECT

. . .

Eureka City Council Chambers  
Second Floor, City Hall  
531 K Street  
Eureka, CA 95501

. . .

THURSDAY, APRIL 13, 2006

. . .

4:00 P.M.

PATRICIA E. SENGER, CSR #8351

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

SIDNIE L. OLSON, AICP  
Senior Planner  
Community Development  
531 K Street  
Eureka, CA 95501-1146

DAVID FULL, AICP  
Vice President, ESA

JAMIE SCHMIDT, AICP  
Senior Associate, ESA

1 EUREKA, CALIFORNIA; THURSDAY, APRIL 13, 2006

2 4:00 P.M.

3 . . .

4 MS. OLSON: Pat is our court reporter. I'm  
5 also new at working with a court reporter, so you have  
6 to excuse me with that.

7 I am a city planner with the city of Eureka.  
8 I'm going to be processing the project. Coming to the  
9 podium is Jamie Schmidt. She is with ESA. The  
10 consultant out in the hallway probably will hear me and  
11 wave -- come in -- also with ESA.

12 We're having a public scoping session. What  
13 we're looking for in the scoping session is we're asking  
14 to get your thoughts and opinions on the scope of the  
15 Environmental Impact Report that is being prepared. I  
16 appreciate there are a lot of feelings about the merits  
17 of the project. We'll try to focus on the environmental  
18 effects.

19 We are expecting quite a number of people to  
20 speak, so we envisioned putting a three-minute time  
21 limit on speakers. It's kind of awkward right now, I  
22 know. With the minimum number of folks, it might seem  
23 strange to do a three-minute time limit. If we go  
24 through and all of you have spoken and nobody else is  
25 here, we'll add some more time to that.

1           Pat is our court reporter and transcribing what  
2 we're talking about, and we would ask that you state  
3 your name and spell your name so she gets it right  
4 unless you don't mind having your name butchered. If  
5 you fill out the yellow speaker forms, we can make sure  
6 we tie your name to the comments that are coming in. If  
7 you are not a person that likes to do public speaking,  
8 written comments are fine.

9           Our intent is to have this transcribed so we  
10 have this in the record. It will be available for  
11 public review once it is transcribed.

12           And with that, David, do you have the speaker  
13 cards?

14           Before we get started, let me back up and give  
15 you a description of the project itself; might help you  
16 make sure you're in the right place. The Marina Center  
17 project is a mixed-used development. It's going to be  
18 located on what most people are referring to as the  
19 Balloon Track. Some people refer to it as the Balloon  
20 Tract. Some people refer to it as the Balloon Tract  
21 Track. For this purpose, we'll call it the Balloon  
22 Track.

23           This property is about thirty-eight acres.  
24 What they're proposing to do is, like I said, mixed  
25 used. There will be a total of about five hundred and

1 seventy-five thousand square feet of building or  
2 structure on the property. They will have somewhere  
3 around three hundred and thirty thousand square feet of  
4 retail. There will be about a hundred and four thousand  
5 square feet of office. There is proposed to be a  
6 three-story office building located toward the center of  
7 the project area. That will be used as the headquarters  
8 of Security National. It might actually be more than  
9 three stories. Randy looked like he was telling me --  
10 okay. Might be four stories. Sorry. Restaurants.

11           The anchor store, I think you all heard, is  
12 being proposed to be Home Depot. The EIR won't be  
13 analyzing Home Depot as an individual store, per se.  
14 What we're looking at is the impacts that a large big-  
15 box home improvement store would have on the property.  
16 Some folks may feel one way or the other about Home  
17 Depot and its policies. Those are not things we'll be  
18 looking at in the Environmental Impact Report. We'll be  
19 looking at effects on traffic, air quality, on noise  
20 having a large-scale home improvement store on the  
21 property.

22           The same pretty much goes for all the other  
23 issues that are intended. There are proposed to be  
24 restaurants. At this point I don't have an idea of what  
25 restaurants that would be, but the impacts of

1 restaurants are pretty much -- very similar across the  
2 board. So that's the type of thing we'll be looking at.

3 Right now there is a proposal for forty  
4 multifamily dwelling units. These may very well become  
5 condominiums as per the proposal. We also have some  
6 light industrial use of the southwest corner of the  
7 property. I know there's been some talk about working  
8 with the Lost Coast Brewery.

9 Again, we're not looking specific to who is  
10 going to occupy the site. We're going to be looking at  
11 the impacts of light industrial uses on the property.  
12 It's advantageous for us to know who is going to be  
13 located there because we might be able to specialize  
14 some of the impacts we're looking at.

15 There is proposed to be a three-level parking  
16 structure so we won't have as much large a surface of  
17 parking area as there would be without the structure.

18 There are other amenities that are being  
19 proposed in the project, a public trail, some new road  
20 systems, taking Fourth Street and extending to  
21 Waterfront Drive, hopefully opening up some more coastal  
22 access for those who want to get down to Waterfront  
23 Drive.

24 I'm going to do one more thing before I take  
25 the public comment. I wanted to give you a brief idea

1 of what my role in all of this is. As senior planner,  
2 my job is to process this project. If I'm advocating  
3 for anything it's for the process. My personal views  
4 don't come into play at all. I'm not a decision maker.  
5 I'm a clearing house of information. I'm there to help  
6 the public understand the process, understand the  
7 project itself. So I'm available to anybody who wants  
8 to talk to me. I'm not working for the private sector.  
9 I work for the city of Eureka. Those are my bosses, the  
10 City Council. So thank you.

11           Having said that, the speaker cards I have,  
12 we'll just kind of do them in this order: Ken Barr, Tom  
13 Peters and Patrick Eytchison.

14           So if I can ask Ken to come to the podium.

15           I'll just again ask you to state and spell your  
16 name, and we're going for a three-minute time limit.

17           Mr. Barr.

18           MR. BARR: Ken Barr, B-A-R-R.

19           I guess I should be down at the other meeting,  
20 but the reason that I wanted to speak here is -- there's  
21 a lot of things that I'll submit in writing, but I want  
22 to submit to you that one of the most important factors  
23 on this parcel is the public trust value. It's zoned  
24 public for a reason, many reasons actually, but one of  
25 the reasons is that it's subject to the public trust,

1 and that's an evolving doctrine in the law that becomes  
2 more and more significant in development along the  
3 coast.

4           That changes the whole aspect of how this  
5 particular parcel can be used, I believe, subject to all  
6 of the Coastal Act restrictions, but it's also subject  
7 to public trust restrictions, so that everything that  
8 you analyze in terms of what is going to happen here has  
9 to be seen in terms of the public trust value, the  
10 traffic patterns, the aesthetic values, all that.

11           Am I overtaking my time? Okay.

12           One aspect of the public trust is that this is  
13 an enormously significant parcel on the Eureka  
14 waterfront. It has been in a public service status for  
15 many, many years. Whether or not considering how the  
16 railroad got the property in the first place and whether  
17 the public trust values are -- how they're seen in the  
18 light of this, I could see this case becoming as  
19 significant as the Friends of Mammoth case. That was a  
20 significant case in the interpretation of CEQA.

21           I want to strongly stress that everything in  
22 here is related to that trust value, all the analyses  
23 that you have to do, and it's -- I would be interested  
24 in -- I even question whether legal title could be

25 conveyed on that property away from the railroad because

8

1 of the public trust. So there are a lot of significant  
2 factors in here.

3           The one last thing that I want to say is  
4 because of its location, because of the surrounding  
5 infrastructure, because of its present status, one of  
6 the things that the CEQA process will have to analyze is  
7 the public value. There's a proposal for a particular  
8 type of private uses on the property, but there are also  
9 a number of possible public uses on that property, and  
10 those will have to be carefully evaluated, requiring not  
11 only aspects of the biological analysis and relationship  
12 to the whole bay water system, but -- well, I don't want  
13 to go on. I think you see what I mean.

14           Maybe you can tell me because I don't think  
15 CEQA has addressed the public trust factor that's still  
16 evolving in the law. There have been cases involved;  
17 but whether the CEQA guidelines that you're using  
18 address that, I don't know. So I assume that since it  
19 has to be done in this case that that's one aspect of  
20 what the city is going to do.

21           Thank you.

22           MS. OLSON: Thank you.

23           MR. PETERS: Hi. My name is Tom Peters, T-O-M  
24 P-E-T-E-R-S. I've lived in Eureka for twenty-three

25 years and the area for thirty-eight years.

9

1           I have many concerns about the pollution  
2 problems, traffic and congestion problems, loss of  
3 public space and appropriateness of massive retail  
4 development in a town our size. I have addressed many  
5 of these in written comments I've submitted, but there  
6 are a couple of points that are not mentioned that I  
7 would like to bring up.

8           I'm very concerned with the impact of this  
9 proposed change on Waterfront Drive, particularly in  
10 view of the city's long-term intention of extending this  
11 road and increasing the traffic it carries. This street  
12 is a narrow two-lane road with limited parking only in  
13 certain sections. The section from Washington Street  
14 south is heavily used by big-rig truckers as a staging  
15 area and sometimes for overnight parking. Eureka no  
16 longer has a truck stop for this purpose. Any major  
17 increase in the traffic there will have an impact on the  
18 truckers. They have no other place to go.

19           The area of Waterfront Drive adjacent to the  
20 project serves the marina, the boat ramp and the fish  
21 plant and associated businesses. During the summer  
22 months, this area gets heavy use. Boat ramp users are  
23 often forced to park as far away as C Street or down at

24 the Wharfinger lot. There is a lot of congestion with  
25 trucks and trailers lined up down the road waiting to

10

1 launch.

2           To the extent that the proposed project would  
3 increase traffic and use up parking, it would have a  
4 major impact on those other uses. I would like to know  
5 what, if anything, is being proposed to mitigate that  
6 particular impact to Waterfront Drive and its users.

7           In addition, increased traffic on Waterfront  
8 would most likely use First Street as a thoroughfare to  
9 H Street and on to Highway 101. What affect will this  
10 have on local businesses, parking, pedestrian use, road  
11 condition and the possible future restoration of the  
12 railroad, which shares that First Street corridor?

13           The project proposes to zone some of the  
14 property for residential use. The area proposed is  
15 directly downwind from the Pacific Choice Fish Plant  
16 with its not always pleasant aromas. The area is also  
17 surrounded by light industrial businesses. Is this an  
18 appropriate place for residential zoning?

19           I'm also concerned about the aesthetics of this  
20 proposal. Without debating the merits of the sketches I  
21 have seen, at the very least this project will cut off  
22 scenic access to the bay. That is, the large part of  
23 Eureka that now enjoys a view of the water will lose it

24 to a view of large buildings of no particular  
25 architectural significance. This is certainly impact on

11

1 those affected.

2           Lastly I'd like you to investigate the effects  
3 on storm water runoff and pollution from vast areas of  
4 buildings and pavement. This a big area; and especially  
5 in winters like this one, it receives a lot of water.  
6 When it is all built up, that water will run off,  
7 carrying parking lot pollution like gasoline and  
8 antifreeze into the bay.

9           This project will change the nature of Eureka  
10 forever, so let's be fully aware of what this change  
11 would do. I look forward to seeing how these issues  
12 will be addressed.

13           If you want this copy, you're welcome.

14           Thank you.

15           MR. EYTCHISON: Patrick Eytchison,  
16 E-Y-T-C-H-I-S-O-N, and I and my wife live on the 900  
17 block of California Street, so I'm speaking as a  
18 resident very likely affected by the project directly if  
19 it goes through. So I offer these questions from that  
20 point of view.

21           First, air quality: Will the proposed  
22 development create such significant new traffic flow in

23 northwest Eureka as to negatively impact the quality and  
24 health risk level of the air my wife and I breathe?

25 Two of Humboldt County's four main stationary

12

1 sources for toxic air contamination, Fairhaven power  
2 facility and Evergreen Pulp Mill, are located near the  
3 Balloon Track and near our home. Highway 101 traffic is  
4 an additional source of air contamination in our  
5 neighborhood. This toxic mix and its effects on  
6 residents of west Eureka has not yet been properly  
7 studied. One question I have is will additional traffic  
8 flow created by the Marina Center development  
9 significantly add to this toxic impact, recognized but  
10 not yet adequately studied?

11 Will all of the relevant factors, facts and  
12 issues such as reduction of air pollution from vehicular  
13 emissions noted in Section 9, Air Quality, of Humboldt  
14 21st Century, County General Plan Update be given  
15 serious and thorough attention in the EIR in question?

16 As it has been acknowledged -- excuse me -- as  
17 it has been acknowledged in public by the North Coast  
18 Air Quality Management District APCO that present  
19 ambient air monitoring in Eureka is not adequate, will  
20 the EIR include a schedule for ambient air testing in  
21 west Eureka to establish a data base for assessing the  
22 impact of additional traffic emissions created by the

23 project?

24           And I don't have this in my written statement,  
25 but I also understand that California law requires

13

1 assessment of the impact of diesel fuel emissions during  
2 the construction period.

3           Two, Energy: Various local planning documents  
4 acknowledge the issue of growing global energy scarcity  
5 or peak oil, as it's called, and it's special relevance  
6 to Eureka and Humboldt County due to our area's  
7 geographic isolation. Will the EIR give attention to  
8 the degree to which the proposed Marina Center project  
9 is designed to function in an energy-scarce world;  
10 perhaps even eventually a world where there be few  
11 private automobiles?

12           Will the EIR examine the extent to which the  
13 Marina Center project incorporates maximum conservation  
14 technology, alternate energy sources that do not produce  
15 emissions of greenhouse gases?

16           Will the EIR examine how well the proposed  
17 design considers the question of long-term maintenance  
18 and repair of buildings, surfaces and devices in a  
19 future energy-scarce world?

20           Will the EIR assess the possibility of  
21 abandonment of the Marina Center should it become

22 financially or physically not maintainable under future  
23 energy conditions?

24 In all, what is the energy budget of the Marina  
25 Center as proposed and how compatible is this budget

14

1 with future energy availability?

2 Finally, Number 3, Capping: As the project in  
3 question has proposed capping as a primary means for  
4 containing toxic contamination on the site, will the EIR  
5 consider the relationship between future reduced energy  
6 availability and future containment and maintenance  
7 particularly in such extreme cases as earthquakes or  
8 tsunamis; how will future liquefaction issues be handled  
9 given energy scarcity?

10 MS. OLSON: Thank you, Mr. Eytchison. We  
11 really appreciate that. Is that something, Mr.  
12 Eytchison, we could hand to Pat?

13 I don't have any more speaker cards in front of  
14 me. Jamie is going to check and see if there are more  
15 out there. No more speaker cards. Okay. Yes, sir?

16 MR. SCHWABENLAND: Is it possible --

17 MS. OLSON: Could you please come up to the  
18 mike again. If you could state your name and spell it.

19 MR. SCHWABENLAND: Mike Schwabenland,  
20 S-C-H-W-A-B-E-N-L-A-N-D, and my question is about the  
21 procedural boundaries of the EIR. In lieu of speaking,

22 we can also submit or submit written questions for the  
23 EIR proposed, correct?

24 MS. OLSON: Absolutely. You can either do it  
25 in writing or e-mail them to me.

15

1 MR. SCHWABENLAND: I will do that.

2 There is also some confusion about what the EIR  
3 should contain. The gentleman who represents the  
4 company who is doing the report answered my question.  
5 My question was to him: I'm very concerned about the  
6 economic impact of big-box development in Eureka and  
7 specifically what it would do to the construction and  
8 building retail infrastructure. He said that was  
9 appropriate to propose as a question. Is he correct?

10 MS. OLSON: We are here to receive any comments  
11 that you have. If that is a comment, we received it.

12 Is there any chance I could convince you to  
13 fill out a yellow card for us?

14 MR. SCHWABENLAND: Coincidentally, I might as  
15 well speak, I guess.

16 MS. OLSON: Great. We can do that.

17 MR. SCHWABENLAND: The first issue that I have  
18 a problem with, and it's my problem because I'm not all  
19 that convinced because I don't really have specific and  
20 accurate data about the environmental problem on the

21 track because there's a lot of issues rolling around the  
22 environmental problems that track has. In fact, in many  
23 ways it seems different parties have different  
24 conflicting environmental data. Betty Keeper has one  
25 set of data perhaps more than the Regional Water Quality

16

1 Board. They seem to be in opposition.

2           So I'd like the EIR to address, you know, real  
3 concrete environmental data so that everyone, I guess,  
4 in this community can understand if there are problems,  
5 significant problems and if they can be corrected even  
6 with capping. Capping may cause more problems down the  
7 road. I don't know. So that is one question I have.

8           Land use: It seems as though, you know, given  
9 -- I always like to think about worst case scenarios.  
10 After you reach the age of thirty, you've been through,  
11 Gosh, I didn't think of that. That was so stupid. I  
12 didn't think about worst case scenario. That's exactly  
13 what I think we should all think about, specifically  
14 land use. It seems as though this large commercial  
15 retail development with residential arms and office  
16 business legs seems to be just a bad fit because most of  
17 it, correct me if I am wrong, is light industrial as  
18 well as, of course, public use. The Wharfinger is there  
19 and other things. So it seems as though it's sort of a

20 black sheep.

21           And related to land use, of course, would be  
22 the traffic problem. It seems to me unless, you know,  
23 the city of Eureka really, really widens the roads and  
24 increases some sort of access off of Broadway that  
25 traffic could be a significant problem in the area.

17

1           And, lastly, basically one of my first  
2 questions to you: I'd like the EIR to really study an  
3 intensive effect of what this development would have on  
4 both the proposed Home Depot, which would, of course,  
5 include the issues of home supplies, building supplies;  
6 and not only that, Home Depot seems to be moving into  
7 home services, so they offer construction and  
8 contractors and supplier-related services as well so --  
9 and, of course, if Best Buy is an included retailer, we  
10 would also look at what Best Buy's activities would do  
11 to the home electronics and computer sales in that kind  
12 of area within the city.

13           So there's a promise that, you know, employment  
14 would increase, that the retail -- the retailers would  
15 create employment; but if you look maybe on both sides  
16 of the argument, there's a possibility that they also  
17 could create unemployment if small business fails.

18           Lastly as a conclusion, I'd like to say that I

19 think, you know, there's two sides to every story. I'm  
20 glad to see my friend Rick Bennett is here. I think  
21 we've already seen the police step up and support the  
22 project. It's a terrible problem for the city. It's a  
23 piece of land that should be utilized because it's a  
24 drain on city services, specifically police and fire  
25 and --

18

1 But I think that lastly the EIR should really  
2 concentrate -- again, I don't know if it's within the  
3 boundaries of the EIR to include alternatives, what  
4 other things could we possibly use that land for.

5 Thank you very much.

6 MS. OLSON: Thank you. Could you take that  
7 yellow card and hand it to David out in the hallway.  
8 Thank you very much.

9 I have another speaker, Mark Konkler. Thank  
10 you.

11 MR. KONKLER: My name is Mark Konkler. I live  
12 in Eureka. M-A-R-K K-O-N-K-L-E-R. Okay.

13 Everybody here has pretty much spoken on things  
14 that I really wanted to say, so I definitely encourage  
15 you to listen to a lot of what has been said here.

16 On that note, I would like to somewhat -- maybe  
17 get somewhat of a response from you guys and maybe  
18 everybody here on exactly what the status now of the

19 Eureka Waterfront Drive development is.

20           As far as the EIR, my personal main concern is  
21 obviously the traffic, and that could also relate into  
22 the waterfront project. What I'm concerned about not  
23 only is just the increased traffic of vehicles coming in  
24 and out, but we're going to have an increased traffic,  
25 and a lot -- most of what is going to be coming into

19

1 that area are logging trucks and big trucks. These  
2 aren't vehicles that are getting twenty-five to thirty  
3 miles a gallon. We have the vehicles which are getting  
4 at best eight miles a gallon sitting spewing fumes up  
5 into the air.

6           Simpson is really going to be affected by this  
7 and the land around there. As far as I know, Simpson is  
8 -- I would like to also include in the EIR report the  
9 added congestion from trucks sitting there combined with  
10 the toxins that are coming from stored wood that has  
11 been sitting outside of Simpson which is going to be  
12 sitting right next to the proposed development.

13           Other than that, I really can't come up with  
14 anything other than the amount of traffic. It's just  
15 going to be really, really insane. I think that  
16 probably has not been stated enough during this whole  
17 process. As far as I would see it now, if individuals

18 traveling from the south going northbound in here would  
19 be turning left onto, as the way it stands now,  
20 Washington Drive, which is nothing but commercial  
21 businesses down there, it's a one-way street going in  
22 and out one way, so traffic going in is going to be --  
23 obviously going northbound is going to be affected  
24 there, and then traffic obviously coming from Arcata  
25 down south through there is going to have to deal with

20

1 that; something to look into.

2 And I thank you for your time.

3 MS. OLSON: Thank you.

4 I guess I'm at a pausing point. I don't have  
5 any more speaker cards, so I guess we're going to be  
6 taking a break unless somebody else wants to speak.  
7 We'll be here till seven; doesn't mean I'm shutting the  
8 business down.

9 AUDIENCE MEMBER: We could write more.

10 MS. OLSON: You can write more. You can speak  
11 more.

12 We'll pause till someone says they would like  
13 to speak.

14 MR. EYTCHISON: If I could amplify?

15 MS. OLSON: If you could come up to the  
16 microphone. I don't think anybody is going to object to

17 you speaking longer. Again, if you could please state  
18 your name.

19 MR. EYTCHISON: Patrick Eytchison,  
20 E-Y-T-C-H-I-S-O-N.

21 I guess one of my kind of really deep concerns  
22 about this project, and I've had it from the day I first  
23 heard about it here at one of the city council meetings,  
24 is a kind of vision I have, which may be right or wrong,  
25 of the whole thing at some point simply becoming

21

1 abandoned and becoming a more glorified Balloon Track,  
2 so to speak because, as I see it, the whole idea of the  
3 project is based on the idea that our present economy is  
4 going to continue as is, and probably most of us would  
5 hope that is true. But there are, you know, many  
6 serious people in and out of government who are saying  
7 that mainly because of scarce fossil fuels our basic  
8 economy is going to have to make some drastic changes  
9 during this century probably, you know, by mid century  
10 maybe, before or after.

11 And so here we have basically a big urban  
12 shopping mall multiuse complex. It's based around  
13 conventional economic thinking. It's based around  
14 fossil fuels. What if our energy base changes? There  
15 are serious respected people who are saying this is very  
16 likely to happen as early as mid century. Just

17 physically, throw in dynamically, that kind of economic  
18 facility can't function very well.

19           And, you know, in any city you see abandoned  
20 buildings, you see brown fields, some here in Eureka.  
21 You have an example of the Balloon Track where one old  
22 economy, a railroad economy, the steam engine economy  
23 was abandoned because it was no longer economically or  
24 physically viable. If investors pour millions of  
25 dollars into this and we end up with a bunch of

22

1 buildings and businesses going down the tube because of  
2 ecological factors, we have abandoned buildings, we have  
3 created a more vast structure for homeless people and  
4 indigents.

5           And so we've gone through, you know, a couple  
6 of decades of congestion and more air contamination from  
7 high traffic, and then we have basically the same thing  
8 we started with but maybe like a higher level.

9           I wrote a letter, I think it was published in  
10 the Eureka Reporter, that mentioned that -- I mentioned  
11 that same concern when I first spoke about this to the  
12 city council. That's one of my gut concerns about this.

13           Thank you.

14           MS. OLSON: Thank you.

15           Mr. Peters, did you finish your comments? You

16 did. Okay.

17 Again, we are going to take a break till we  
18 have another speaker. Thank you.

19 (Pause in proceedings.)

20 MS. OLSON: All I ask is that you state your  
21 name.

22 MR. PETERS: My name is Tom Peters.

23 I don't know if this is within CEQA or not. I  
24 do have a major concern about the EIR, which is that  
25 while the city can choose the companies that do the

23

1 work, as I understand it, is to be paid by the proponent  
2 of the project; and as we all know, the one who pays for  
3 it tends to get what they're looking for; at least there  
4 is a bias there. I would like somewhere in the CEQA  
5 thing to mention the fact that there is a potential --  
6 I'm not saying there is. I'm not throwing stones at  
7 particular people, but there is a potential for bias  
8 because I've seen enough studies paid for by enough  
9 people, and the person that pays tends to get what they  
10 pay for, so I am concerned about that.

11 Thank you.

12 MS. OLSON: Thank you.

13 Gentlemen, Mr. Peters, we've got another  
14 speaker. If I could interrupt you. Thank you.

15 We will reconvene. We do have a speaker.

16           We ask that you state and spell your name for  
17 Pat who is doing the court reporting.

18           MS. HERBELIN: I'm Maggy Herbelin, 2619  
19 Ridgewood Lane, Eureka, California. M-A-G-G-Y is the  
20 first name, and Herbelin is H-E-R-B-E-L-I-N.

21           Thank you for holding this hearing and for the  
22 opportunity to speak.

23           As you know, I've been long involved with  
24 issues of the bay, and the bay is something I love very  
25 dearly. And one of the things that is so important to

24

1 remember about our bay is it is a public trust held  
2 piece of property here or entity, I guess is a better  
3 word; and even though the state did sell the underlying  
4 fee titles to some of the public trust properties that  
5 belong to the bay, the courts have said that they can  
6 never overrule the public trust responsibilities.

7           And the land that we're looking at developing  
8 for this Marina Center is public trust property, and I  
9 think that should be addressed in the EIR. And some of  
10 the questions I have for that is the coastal dependent  
11 uses are supposed to be of the highest and best use for  
12 public trust properties. That's part of what the  
13 Coastal Act has asked us to look at as a group deciding  
14 on doing anything along the coast. I would like the EIR

15 to address how this project is going to benefit the  
16 state as a whole taking up a piece of public trust  
17 property.

18           So I guess that's mostly what I wanted to add  
19 at this time. I will be writing a letter that expands a  
20 little bit more on this.

21           Thank you.

22           MS. OLSON: Thank you.

23           (Pause in proceedings.)

24           MS. OLSON: I want to thank you all for coming  
25 this evening. It was kind of our second wave of folks

25

1 that are here to speak for the public scoping session.

2           My name is Sidnie Olson. I am the senior  
3 planner that will be processing this project. We have  
4 David Full with ESA, and out in the hallway, you met  
5 Jamie Schmidt, who is also with the ESA and will be  
6 reporting on the EIR.

7           Briefly you're here to provide public comment  
8 on the EIR for the Marina Center. I don't think I have  
9 to go into a lot of detail. I think you're fairly  
10 familiar with what this project proposes. It's about  
11 thirty-eight acres for mixed use. There are going to be  
12 some major retail centers, restaurants, offices,  
13 parking, residential, industrial -- light industrial.

14           What we're asking tonight is to receive your

15 comments on the scope of the EIR. Earlier in the  
16 evening when we started, I asked everybody to stay  
17 within a three-minute time limit. There aren't nearly  
18 as many people as I expected. I don't believe we need  
19 to hold it to the three-minute time limit.

20 Be fairly specific in your comments in case  
21 there are more people showing up that we have enough  
22 time for everyone. I'll eliminate the three-minute  
23 limit and leave it to your good judgment. We ask that  
24 you do speaker cards.

25 Our court reporter, Pat, is asking that you

26

1 state and spell your name before you begin to speak. We  
2 are also asking that you do the speaker cards. That  
3 keeps track of who spoke and in what order. This is  
4 part of the public record. This helps us complete that  
5 record. We appreciate your filling out those forms.

6 I have speaker forms for Mark Lovelace, then  
7 I'll be asking Larry Evans to speak after that. And  
8 anybody else who wants to give us a speaker card we'll  
9 be more than happy to have you come forward.

10 As you're aware, Mark Lovelace. Spell your  
11 name, please.

12 MR. LOVELACE: L-0-V-E-L-A-C-E.

13 I thought I might have a little time to sit and

14 collect my thoughts before getting up here, but so be  
15 it. I will be providing some lengthier comments in  
16 written form.

17           There are a few things I want to speak on,  
18 which is the range of alternatives for the project, the  
19 geographic scope of the project and basically how the  
20 project is being defined for the EIR.

21           The range of alternatives first off, of course,  
22 needs to consider no project alternatives under that  
23 definition. You considered all of the what would happen  
24 if this project didn't go forward, and that means given  
25 the other planning that is in place, planning that was

27

1 in place before the project came in, the planning that  
2 was actively in progress before it was tossed aside by  
3 this project was conducting a master planning study for  
4 the project. Typically there's the contract. It's  
5 either this or nothing, and that the property is going  
6 to sit there vacant and toxic, never get cleaned up, no  
7 economic activity by the parcel. That's not the  
8 alternative in this case. There was a process in place  
9 and underway well documented. It's very important that  
10 that's flushed out as a no-project alternative,  
11 recognize that something would happen here.

12           The geographic range that this is going to  
13 cover, that needs to be considered in this. Obviously

14 the property itself and the surrounding properties are  
15 considered in this case given that the nature of the  
16 large retail aspect of the project draws business from a  
17 very large area.

18           The impact needs particularly in terms of  
19 traffic: That's a no-brainer that we need to consider,  
20 the traffic flows, not just Broadway and Fourth and  
21 Fifth Street, but for the larger Humboldt Bay area, what  
22 additional traffic impacts there are going to be and the  
23 air quality, what other services are impacted by that,  
24 but additionally the land use and aesthetics driven by  
25 that because since the nature of the retail portion of

28

1 this project is, again, to draw from this large area and  
2 condense down into one location. We can expect to have  
3 store closures in a broad range of areas, you know, that  
4 even though we may see this blighted area is going to  
5 get developed. Whether that is a plus or minus given  
6 the project depends on who you talk to. There needs to  
7 be a recognition that there will be new blighted areas  
8 created where the business shuts down; maybe  
9 McKinleyville, possibly Willow Creek. That may be a bit  
10 on the far side. Certainly Fortuna. So you're going to  
11 have to really recognize the range in this case and work  
12 on that.

13           Additionally, one thing that is missing in what  
14 has been laid out so far for the areas that will be  
15 addressed as far as what is going to happen on the  
16 property. Of course, there's going to be economic  
17 activity there where there was none before. We don't  
18 need a study to tell us that. Where is it going to come  
19 from? You'll be looking at a type of retail that takes,  
20 depending on the product line, with this specific  
21 company, Home Depot, it can take up to seventy-five  
22 percent of the market in certain ranges, and so that's  
23 going to affect a broad area.

24           So, again, if you have store closures,  
25 aesthetics, economies, are all considered. The decrease

29

1 in the revenue stream for those other communities is an  
2 impact. The transference of that revenue to the city of  
3 Eureka doesn't lessen the impact that happens elsewhere,  
4 and so the fact that -- the fact that there may possibly  
5 be a benefit to the host community itself does not mean  
6 that there is not an impact elsewhere. As the city of  
7 Eureka staff, you have to remove your city of Eureka hat  
8 in considering those impacts. And along with that  
9 impact to the revenue streams are impacts on public  
10 services, utility services and systems in those  
11 communities, additionally impacts on the public services  
12 in Eureka.

13           The cost was outlined in the report done  
14 previously; in fact, it was referenced by David Tyson  
15 just an hour ago at the previous hearing, that the  
16 impacts to the city -- to the host city in this are hard  
17 to calculate, but they will be there. So the revenue --  
18 any increase in the revenue stream carries its own  
19 costs, and those need to be balanced out.

20           I mentioned to you before that there are some  
21 cases which I'm going to have to do some more research  
22 on it because none are quite the same wherein the  
23 general plan amendment and local coastal amendment are  
24 separate from the project. We need to have that prior  
25 to that. That is something that, again, I'm going to

30

1 have to do a little bit more delving into.

2           Certainly we have -- it does raise the issue  
3 that we have a very significant land usage here. We  
4 have decreasing amounts of industrial properties in the  
5 center of Eureka, but coastal dependency is finite. You  
6 can't move away from the coast to create more of it. So  
7 that is a regional impact that needs to be considered  
8 regardless of what project happens here. Regardless of  
9 the specifics of the project, there is that impact in  
10 the zoning change itself. That's the nature of the  
11 cases that I'm going to try to find more information

12 on. Those impacts separate from the specific project  
13 can be quite great and need to be considered.

14           There's also the timely element in terms of  
15 cumulative impacts for the project, the impacts over  
16 time. There was discussion at the meeting I was just at  
17 with the city council of the steady decrease in these  
18 industrial properties within the city; and, therefore,  
19 this study will have to look at cumulatively how much of  
20 the industrial property has the city converted to  
21 service retail. So the fact that, you know, the day  
22 this application is put on your desk, there maybe "X"  
23 amount. We need to look at the fact that we have a  
24 decreasing amount over time already. So that needs to  
25 be considered.

31

1           There tends to be an economic curve with big-  
2 box retail when any -- there's initially a surge in  
3 economic activity within those communities, and it  
4 pretty reliably tapers off over time if not come to a  
5 dip, and that certainly needs to be considered, that at  
6 least six to ten years out what impact is this going to  
7 have, what is the impact going to be in terms of, you  
8 know, another project, another retailer, another Home  
9 Depot being built in McKinleyville or, you know, in  
10 Fortuna; the possibility that if there's an initial  
11 increase, is that going to be wiped out later.

12           So there's quite a range of things that need to  
13 be considered with this, and since no one seems to be  
14 waiting in the wings at the moment, I think that's about  
15 it. The rest of my comments will be in writing at a  
16 future date.

17           Thank you.

18           MR. OLSON: Thank you.

19           MR. EVANS: Larry Evans, resident of Eureka,  
20 director of the Environmental Protection Information  
21 Center.

22           So I want to start out with a question. Will  
23 you -- would you accept comments that have references to  
24 documents? If we have a specific set of documents, a  
25 box or two of documents, and we have an index sheet,

32

1 would you allow comments that reference those or require  
2 everyone to turn in the documents they reference just in  
3 the interest of saving paper?

4           MR. OLSON: I'm not sure I understand.

5           MR. EVANS: We will have comments. Many of our  
6 comments that we'll be making will be backed up with  
7 extensive documentation. We will be facilitating  
8 comments from other people who may choose to reference  
9 those same documents. What I'm trying to do is save the  
10 paper and save the space for you of having those same

11 documents turned in time after time. If we had a master  
12 index of the documents that people may reference and  
13 have one set of documents or two or whatever, would that  
14 be acceptable?

15 MR. OLSON: As long as we get one copy -- at  
16 least one copy of each of the reference documents, I  
17 think that's an excellent idea.

18 MR. EVANS: I was trying to save a few trees.  
19 Of course, we'll be submitting extensive  
20 written documentation for scoping, a couple of boxes  
21 full probably. So I'm going to keep the remarks here  
22 fairly brief.

23 First, does the city have a detailed publicly-  
24 reviewed threshold of significant guidelines for the  
25 different issues, the different factors? Has that ever

33

1 been produced by the city? Are there going to be  
2 different thresholds of significance that are specific  
3 to this project?

4 MS. OLSON: I'm hesitating to answer because  
5 this isn't a dialogue.

6 MR. EVANS: I would like to see a detailed  
7 publicly-reviewed threshold of significant guidelines  
8 for all the scoping factors identified for this project.  
9 These thresholds of significance should have been  
10 formally adopted in an independent process and must be

11 supported by a substantial process such as CEQA  
12 guidelines on economics. I'd like it to be an in-depth  
13 independent study to look into the extensive lists of  
14 questions and issues we're preparing. Among most  
15 questions would be addressing conflicts with local plan  
16 policy goals, economic development, financials, the  
17 strategic visions of the plan, prosperity and many of  
18 the others we'll be bringing up.

19           We are interested in what the decrease in the  
20 local multiplier effects will do to the export profits,  
21 what the effect of locally-owned retail businesses kept  
22 in the area, ratio for job or unit dollars for sale --  
23 hundred dollars of sales, what the ratio of jobs per  
24 that number, unit revenues of the sales for locally-  
25 owned businesses versus big-box retailers, what is the

34

1 rate of failure of locally-owned businesses in  
2 similar-sized cities and counties after big-box  
3 retailers enter the local markets, what effects the  
4 big-box retailers have on the retail pay rates on  
5 similar cities, what effect the potential retailers  
6 would have on local contractors providing similar  
7 services, again similar demographic situation, what  
8 impacts do the big-box retailers have on the demand for  
9 government subsidized services by their employees versus

10 locally owned businesses, what impact on the government  
11 subsidized social services by their employees, what is  
12 the record for big box potential for labor violations,  
13 what is the record of the proposed potential big-box  
14 retailers proposed for this project for violations of  
15 environmental law, what share of the profits will the  
16 big-box retailers donate to local charities and what  
17 share of pre-tax profit will they donate to local  
18 charities, what is the record of lawsuits against local  
19 municipalities brought by proposed big-box retailers.

20           My understanding is Home Depot tends to sue  
21 local cities if they don't get their way.

22           What is the record of discrimination complaints  
23 against proposed and potential big-box retailers, what  
24 is the life span of individual outlets of the proposed  
25 and potential big-box retailers, how long do those

35

1 stores stay in business in those locations.

2           Oftentimes they're expanded or contracted  
3 depending on the sales.

4           How many local businesses might be affected by  
5 big-box retailers, what guarantee is there that this  
6 area is rezoned and we don't end up with a Wal-Mart?

7           Once it's rezoned any similar business can go  
8 in.

9           Getting to the issue of the hazard and

10 hazardous materials. I'm not going to do the whole  
11 list. First of all, if we're going to bring some of  
12 these big-box retailers in, I'm curious about what their  
13 inventory is -- inventory of toxins are, what the  
14 materials are, what safety measures are going to be put  
15 in place to prevent a spill or more likely in the event  
16 of a fire, not each of the individual toxins but those  
17 created.

18           Remember when Hensell's burned in Arcata. That  
19 was nasty, and that is a little store.

20           What toxic materials are known to contaminate  
21 the site, the effects on human health, on water quality  
22 and species known to inhabit the site, the species, all  
23 the plants and all these aquatic species, what levels of  
24 concentrations are expected to pose risk to humans, what  
25 standard of contamination is allowed for each of the

36

1 substances known to be on the site?

2           Please list a scientific study that  
3 demonstrates that the current legal standards are  
4 adequate to safeguard the health of the human species.  
5 If there are any differentials between any significant  
6 body of evidence that shows current standards are  
7 insufficient to safeguard human health, we'd like to  
8 discuss that.

9           Partial removal of the contaminated soil for  
10 the site where the criteria for relevant concentrated  
11 levels of soil recovered versus soil left on-site, what  
12 is the differential rate of seepage of each of the  
13 different types of toxic materials known to be on-site.  
14 We're very interested in the spacial distribution of  
15 those toxic materials and concentrations both laterally  
16 and vertically. Some kind of 3-D rendering would be of  
17 interest to us.

18           I know there's a lot of test wells drilled.  
19 There should be fairly reasonable data. I know there's  
20 some very credible scientific modeling out there that  
21 can take into account the type of material and soil  
22 versus groundwater factors to model the movement of  
23 those materials, and that seems like a real good  
24 exercise to go through; what affects do tidal actions  
25 have to the seepage of tidal materials, if any likely,

37

1 and percentage of liquid in event of a seismic event on  
2 the movement of toxic materials. Once that fill  
3 material is liquefied, is that going to mobilize  
4 materials? What are the possible effects -- skip that  
5 for later.

6           What effects are likely or possible of the  
7 various soil types in the relative distribution of the  
8 lateral and vertical seepage of toxic material. We're

9 very interested in the zone between the native soils and  
10 the fill soils. There are probably different soil  
11 types. Possibly would that zone be of particular  
12 concern for the movement of toxic materials? What are  
13 the known likely or possible effects of capping on the  
14 increase or decrease of toxicity of individual on-site  
15 toxic materials? Some would degrade or become less  
16 toxic over time. Would capping affect that in any way  
17 by changing the interface of the atmosphere and soil?  
18 Cutting off air, would that potentially maintain the  
19 toxicity of the materials over time?

20           Here's the whole section on toxic stew. We  
21 know that a lot of the materials have been studied over  
22 time for the individual effects given the fact of at  
23 that time uncontrolled mixing of these materials. What  
24 effect has that had on toxicity? What effects has it  
25 had on the physical properties of those materials in

38

1 terms of their dependency to move within the soil matrix  
2 based on surveys and testing already done and/or  
3 recommended by the situation? Which on-site toxic  
4 materials are known to have mixed and what relevant  
5 concentrations and what areas based on the surveys and  
6 testing? Which have the potential to mix? What are the  
7 long-term effects of seepage of toxic materials into the

8 bay or slew or designated wetlands on the site over  
9 time?

10 I'm very interested in what the potential is,  
11 not in the near term, but over generations. If one of  
12 the proposals is to cap that site, what does that mean  
13 for our grandchildren seems to be a very pertinent and  
14 important question to be answered.

15 I'm just hitting the highlights. I don't want  
16 to spend too much time.

17 What's the relevant criteria to be applied for  
18 determining the economic cleanup versus feasible  
19 cleanup? The feasible cleanup methods go way beyond the  
20 recommendation of what is economically feasible.

21 And the proponents have a level of cleanup they  
22 want to do. How do we decide where in that spectrum the  
23 event of all cleanup is going to fall? What monitoring  
24 is going to occur in the event capping is allowed?

25 A couple of weeks ago, the proponents had a

39

1 session where they talked about the prevalence of  
2 capping on many sites around the city. What follow up  
3 or monitoring has been done on those cap sites? What,  
4 if any, effects have been known to occur? I think that  
5 hits that for now.

6 I'd like to see an extensive review of soil  
7 remediation from no cleanup to capping to technically

8 feasible cleanup on the question of alternatives, but we  
9 would also like to see a broad range of potential  
10 alternatives that don't include big-box retail.

11 I'd like to talk about the potential for a  
12 project that would bring dollars from out of the area.  
13 Nobody is going to drive to Humboldt County to go to  
14 Home Depot. Given the location of the site and  
15 proximity to the bay, we see a lot of potential that  
  
16 could be a draw for tourism, and Home Depot is not going  
17 to be it. I would like that to be included in the range  
18 of alternatives among other things.

19 Like I said, you'll be getting a whole bunch of  
20 comments from us. That's just the very scraping of the  
21 very surface of it.

22 And thanks a lot. Have a good night.

23 MR. OLSON: Thank you.

24 David is going to come collect your speaker  
25 card.

40

1 MS. STRICKLAND: I need it while I'm talking.  
2 I just kind of scribbled my thoughts off the top of my  
3 head.

4 Kaye Strickland. I'm a chair of both the Port  
5 Development and the Railroad Support Group, but my

6 thoughts --

7 MR. OLSON: Can you spell your name, please.

8 MS. STRICKLAND: S-T-R-I-C-K-L-A-N-D.

9 And tonight these thoughts are kind of off the  
10 top of my head, and they're my own. We will have more  
11 comments written before May 5th.

12 The one thing that I can officially say for the  
13 Port Development and Railroad Support Group is that at  
14 our most recent meeting, we supported maintaining the  
15 full right-of-way of the railroad through the Balloon  
16 Track including the NWP building, which is currently  
17 being used, but the city did receive some funds quite a  
18 few years ago to eventually rebuild the old transit or  
19 railroad station into a multi-transit system. I would  
20 like to see that happen, become a reality.

21 The rest of my comments tonight, as I said, are  
22 my own. And I have talked to folks from Security  
23 National, and they -- we will probably be inviting them  
24 to come to talk to some of our meetings as this process  
25 goes along.

41

1 Off the top of my head, I personally feel that  
2 there's too much retail being planned. Everything in  
3 the Marina Center is tentative. At this time I feel  
4 there's too many buildings, too much parking and too  
5 much paving. I agree that economics must be thoroughly

6 considered.

7           Mr. Evans just wrote your whole NOP for you,  
8 and then he's going to send in more.

9           I think the effects of bringing in outside  
10 business whether it's a big box or small businesses may  
11 be -- if there's businesses down there, maybe they  
12 should be local businesses allowed to relocate. I think  
13 some of the thoughts that have been suggested on the  
14 project are building a discovery museum or combination  
15 discovery museum and convention center or discovery  
16 museum and covered swimming pool. We've needed a  
17 swimming pool in this town for many years.

18           Anyway, that's just some of the things off the  
19 top of my head right now. I think the Marina Center  
20 project if it brings in a big box contradicts the BAE  
21 report that was done in 1999 after the failure of the  
22 Wal-Mart project. It also contradicts Eureka City  
23 Council's envisioning project that was brought up this  
24 afternoon at the Eureka envisioning project meeting that  
25 some of us just left.

42

1           I will definitely be sending in a lot more  
2 comments to you regarding the notification and the  
3 writing of the project, that is the environmental  
4 report, and I hope that we will all be able to stimulate

5 a lot of the community to send -- to read the draft  
6 report and make their comments known at that time as  
7 well as in this process and let the public, let the  
8 project proponents and the city know what is wanted down  
9 there and what's acceptable.

10 I personally want to see the Balloon Track  
11 cleaned up. It's been needed for a long time. I don't  
12 necessarily think that the whole -- every bit of soil  
13 down there has to be perfectly cleaned up. We've gone a  
14 long way in cleaning up toxins over the last ten,  
15 fifteen years, and I was more involved in that  
16 particular issue about that time than I am now.

17 But anyway, whatever does happen on the Balloon  
18 Track ultimately it has to be something -- it must be  
19 something that's acceptable to the community. I'm not  
20 ready to support a vote because there's nothing to vote  
21 on yet, but I do believe that it has to be acceptable to  
22 the community.

23 And like I said, that's as much as I could come  
24 up with in a few minutes, and you'll get a lot more  
25 comments from me and from the two groups I chair because

43

1 this will go on for a while, and you'll be hearing a lot  
2 more from a lot of us so --

3 MR. OLSON: Thank you, Kaye.

4 MR. MC KINNEY: My name is Melvin McKinney from

5 Cutten. I just want to address one thing at this  
6 juncture, and I'll send you in more written comments.

7 MR. OLSON: Spell your name, please.

8 MR. MC KINNEY: M-C-K-I-N-N-E-Y M-E-L-V-I-N.

9 Looking at the Notice of Preparation, I find it  
10 really doesn't address the traffic, only in the agenda  
11 here. And the way this map is written out, looks like  
12 all it is is a parking lot with a bunch of building  
13 spots, but it doesn't really address the traffic pattern  
14 from Second Street, Fourth Street and Sixth Street and  
15 how it is going to exit this project. If we have  
16 traffic coming in on 101 and Waterfront Drive on First  
17 and Second into there, then we'll have all this traffic  
18 packed in the middle. Koster Street comes down on your  
19 map, and it needs to really collect into the Balloon  
20 Track.

21 In this map you don't have Koster Street even  
22 listed, but it is there on the site. It's like one slim  
23 line down to -- from Washington Street all the way up to  
24 Del Norte and Washington Avenue and should go on through  
25 to Wabash all the way down from those streets. Yeah, it

44

1 does. There's lights on Wabash, lights on 14th, lights  
2 on Washington, so this is a fast-track avenue that could  
3 be incorporated into the Balloon Track to pick up the

4 major factor.

5           Regardless of what we decide that this project  
6 is going to be for, it could be for something that  
7 causes a lot of traffic existing at one time, and I  
8 don't see too much on the NOP in that direction yet. I  
9 recognize that the traffic safety flow pattern will be a  
10 major discussion at a later date, and I'll be submitting  
11 other projects in writing as I get time to do it.

12           Like everybody else, this is one of my peeves:  
13 The traffic in the city of Eureka.

14           Anyway, thank you very much.

15           MR. OLSON: Thank you, Melvin.

16           We're asking people to fill out the speaker  
17 cards.

18           State your name and spell it, please.

19           MR. NESSIER: Nessier, N-E-S-S-I-E-R, Wade,  
20 W-A-D-E.

21           And I was very concerned about a few things.  
22 I'm not sure about the propriety of this with respect to  
23 the Environmental Impact Report, but the kinds of things  
24 that I'm really most concerned about obviously are the  
25 environmental issues involving the toxic site and how it

45

1 will be cleaned up.

2           I'm a personal advocate for cleaning the whole  
3 thing up, but I'm also concerned about the social and

4 psychological impacts that the environmental change for  
5 all of these things can potentially have on the  
6 community that's brought on by development of commerce  
7 and building as opposed to the whole notion of having  
8 open space and space for people.

9           I would like to know how the significance of  
10 those kinds of impacts will be measured, and I'd also  
11 like to know how much consideration or how it is  
12 evaluated in terms of showing the impact on historic  
13 preservation and also the cultural impact on the lands  
14 of the Wiyots. And also their ancestral lands are close  
15 by on a site nearby. I think that's important for  
16 taking into consideration what we have the potential  
17 here to make comment about having to do with many  
18 things, cultural artifacts, whatever.

19           I am concerned as a social scientist about the  
20 impacts of what we do with public space on mental health  
21 and morale and the kinds of things that altering  
22 environment that isn't necessarily in the interest of  
23 quality of life for people and how we're going to make  
24 those kinds of assessments.

25           And I don't know what else to say about it. I

1 would like that somehow to get in there because it is  
2 the quality of my life and the future of my community

3 and all of us who live here and share this environment.

4 MR. OLSON: James. James, if you could state  
5 your name and spell it. You might have to spell it  
6 slowly for Pat.

7 MR. SHOWALTER-GARCIA: My name is James  
8 S-H-O-W-A-L-T-E-R hyphen G-A-R-C-I-A, and I'm a  
9 homeowner here in Eureka. I'm a graduate of Humboldt  
10 State University and an aspiring mediator in the  
11 community.

12 The other night I took a walk down to the  
13 waterfront, and I saw this blue heron. It was beautiful  
14 and big, doing his thing. We tried to sneak up on it  
15 quietly. It got really suspicious of us. When we  
16 turned our volume down, then he kind of freaked out.  
17 We're like, "Okay. We'll do our own thing." Then it  
18 became more animated and got a fish. I think its train  
19 of thought was They're being quiet. There is something  
20 suspicious going on. Once we became more normal, we  
21 became less threatening to the native species.

22 Talking about that, I want to talk about a  
23 different nature of being, that of irresponsible  
24 corporate investing in small communities such as this  
25 having the Home Depot big box, whatever it's called,

47

1 coming to your community could be an irresponsible and  
2 sort of a fast irresponsible implementation of a

3 decision for a community. I feel as though I just heard  
4 about someone close to me getting eloped. Reading about  
5 these things in the newspaper, I feel this is happening  
6 all too fast without proper discussion in the community;  
7 and as a mediator and facilitator aspiring myself to  
8 increase dialogue within society, I feel that it's being  
9 overlooked.

10           There's many issues that need to be discussed  
11 here, and I came here tonight after work to hear what  
12 was being discussed. I'd like to support and reiterate  
13 that all of the traffic and downtown planning -- I work  
14 in Old Town in Eureka. I know those small streets would  
15 not support big trucks and the amounts of traffic. I  
16 believe and I know Home Depot and other corporations  
17 bring the runoff, the footprint on the ground and the  
18 blue heron.

19           I feel as though most of the messages that are  
20 being discussed within the community and in the  
21 newspapers are implemented by the primary petitioners or  
22 the promulgators of this issue, being the owners of the  
23 Eureka Reporter, the Arkley Corporation, however they  
24 choose to identify themselves, the people that also own  
25 many different buildings in this community. They do

1 help out. They do invest, but I think this is a little

2 irresponsible. It's a quick fix to the solution of the  
3 problem.

4 I think we can seek more environmentally  
5 responsible ways, more community-minded ways.  
6 Waterfront Drive is not a place for Home Depot. Home  
7 Depot is not Waterfront Drive. It could be something so  
8 much more. I grew up in Monterey Bay, grew up in  
9 Hawaii. I grew up in San Francisco and Fairfield,  
10 California, which has a beautiful marina, and they could  
11 have put a Home Depot there. Instead they built  
12 beautiful homes like little apartments.

13 Part of their plan, the Arkley Corporation or  
14 however they choose to identify themselves, is somewhat  
15 of a good plan, but it needs some fixing. It needs some  
16 more input from the community. We could have a museum.  
17 We could have horticultural gardens. Everything grows  
18 in Humboldt. Humboldt does not need a Home Depot to  
19 grow up.

20 I lived here for six years and bought a home  
21 here in town and graduated from the University. I've  
22 also had to rebuild and floor my bathroom, put together  
23 walls in my room. I've been up and down these highways  
24 going to every different mom and pop or smaller store,  
25 Ace Hardware, Pierson's to get the supplies I needed. I

1 felt good about spreading my money around the community  
2 whatever the cost analysis of my gas or wear on the  
3 road. We'll have a lot of trucks up here. I think mine  
4 is much less of an impact and input and benefit towards  
5 the community.

6 I think I've said what I wanted to say. I also  
7 would like to say just hopefully you would think more  
8 about creating spaces for dialogue and discussion for  
9 this issue to continue and eventually reach some sort of  
10 resolve which is restful and right for this community.  
11 HSU is a great resource. There is plenty of  
12 environmentally-friendly building. It could be a  
13 tourist spot.

14 Thank you.

15 MR. OLSON: Thank you for your comments.

16 Mark, if you want to come up and add some more  
17 comments for the record. State your name again. If we  
18 do have someone that wants to speak, I may interrupt  
19 you.

20 MR. KONKLER: So, again, some of the other  
21 things that I wanted to mention. There was a comment  
22 about the tribes and culture resource. There is recent  
23 legislation that says there has to be a consultation  
24 with tribes; goes through some process. Information was  
25 previously provided to David Tyson on that, so I wanted

1 to bring that up.

2           But following on the theme of my previous  
3 comments, some of the other things I wanted to hit on:  
4 Section 15126 of the CEQA guidelines speaks of the  
5 predictable actions by others in terms of being able to  
6 look at again the alternative and no-project  
7 alternative, and in this case -- in other words, that if  
8 the no-project alternative at this point doesn't go  
9 through, if there are predictable actions that might be  
10 expected to occur, we do know that there is, in fact,  
11 another project along with the city master planning  
12 study. Another project had been offered through the  
13 city which Mr. Tyson is the proponent. We will not  
14 consider it because we're in negotiations.

15           And so there is the city's no-project  
16 alternative, which is the master planning study and all  
17 the mechanisms which are entailed. One is the strategic  
18 vision plan to make sure that happens. The no-project  
19 alternative doesn't mean nothing happens. There is a  
20 master planning study which is designed to result in a  
21 project. There is additionally another no-project  
22 alternative. There is another project waiting in the  
23 wings.

24           Additionally the EIR, in looking at  
25 alternatives, says Section 15126 also says that the EIR

1 need only examine alternatives that could feasibly  
2 attain the most basic of the objectives of the project.  
3 What is the basic objective of this project? That needs  
4 to be defined somehow because we heard the project  
5 proponent basically lay that out. The only thing that  
6 they told us this wasn't going to be somehow the project  
7 they presented, a big box; therefore, we can only assume  
8 that is not the objective of the project. By simple  
9 logic it cannot be Home Depot; therefore, Home Depot as  
10 part of the project is not part of the objective.  
11 That's a splittable part of the project.

12           There are multiple parcels with multiple  
13 zonings and multiple current ownerships, I believe. I'm  
14 not sure on that, but there are multiple parcels as part  
15 of this project, and the development can be separate  
16 from that and can be separated into these different  
17 parcels.

18           Again, we've got to look at what is the basic  
19 objective. Part of that also looking at alternatives  
20 needs to look at alternative locations, and this is  
21 really interesting. The language says taking into  
22 account sites suitable for an economically viable  
23 general plan consistent with jurisdictional boundaries  
24 and whether the proponent can reasonably require control  
25 or have access to the alternative site. None of those

1 apply here. They're all over the map on this property.

2           The one that applies is whether the proponent  
3 can reasonably acquire control or have access to the  
4 alternative site. I don't believe there is a property  
5 in the United States that this proponent cannot have  
6 access. All the other things work against the site. It  
7 would work better on numerous other sites. Those  
8 arguments all go in favor of saying look elsewhere for  
9 this project. Again, that gets us to this issue of what  
10 is the basic objective. Can it be met elsewhere?

11           Another thing as part of that also is in terms  
12 of the impacts -- cumulative impacts that the project  
13 must also consider other future foreseeable projects,  
14 the cumulative analysis on this. And Security  
15 National's own traffic consultant at the workshop they  
16 held previously stated that Broadway would need to be  
17 widened to accommodate the traffic.

18           And all of the work of all the permitting,  
19 everything that has to happen, the feasibility of doing  
20 that, is this going to result in the taking of other  
21 people's property, taking of one person's property to  
22 facilitate someone else's project I don't think is going  
23 to sit very well.

24           Something else to be considered and the last  
25 thing I throw out at the moment: Here is Larry Evans in

1 talking about the capping of the project referenced the  
2 comments that have been made. This has been done lots  
3 of times. Look around Humboldt Bay, folks, at that  
4 cumulative impact. What is the cumulative impact of  
5 capping all these sites rather than cleaning them up.  
6 CEQA states specifically just because something has been  
7 done ineptly elsewhere doesn't mean it can be done  
8 simply because it will add to a current -- what's  
9 already an unacceptable situation doesn't mean it makes  
10 the impact acceptable. That is one of the things that  
11 needs to be considered.

12           There probably will be a lot more in writing.

13           MR. OLSON: Thank you.

14           MS. STARR: Hi. My name is Kim Starr, and I  
15 live and work in Eureka. S-T-A-R-R. And I really am  
16 tired today, and I went to the other meeting with the  
17 city council, and I planned to put comments in writing.

18           But I have just one thought in listening to the  
19 different proceedings around this issue, and that's the  
20 way that people speak about it. And I heard Ms. Olson,  
21 you know, say we're going to be seeing other people,  
22 talking about it as if it's going to happen, this Arkley  
23 plan, this Balloon Track thing.

24           I would just ask, and try to remember myself,  
25 other people to talk about it as if, you know, whether

1 you have the EIR. I think we are very influenced by,  
2 you know, the language that is used. And so that's my  
3 comment for today is to really talk about this community  
4 doesn't want it, and so the language needs to match the  
5 reality or at least that it's not a sure thing.

6 So thanks.

7 MR. OLSON: Thank you.

8 Sir, please --

9 MR. EYTCHISON: May I make another comment?

10 MR. OLSON: Certainly.

11 MR. EYTCHISON: Patrick Eytchison,

12 E-Y-T-C-H-I-S-O-N.

13 I wanted to amplify a little bit on what I said

14 earlier about the question of air quality and try to  
15 send in something a little more technical about this.

16 But for people living in northwest Eureka, the  
17 question of air quality is a very serious question.

18 This part of our town is one of the most impacted areas  
19 in terms of bad air quality. That's, I think,

20 recognized. The pulp mill is a major emitter of

21 nitrogen oxides and nitrogen oxide interacts with other  
22 emissions, other gases in various ways. They interact

23 to create a zone. For example, there are also

24 significant emissions of carbon monoxide, industrial

25 carbon monoxide emissions as well as from traffic.

1           The point I want to make, though, is that in my  
2 opinion, I think I can document it -- I will try to send  
3 you information -- there is no adequate scientific  
4 information about the actual air quality in this area  
5 near the proposed project. Eureka -- actually the  
6 three-county air quality district has one test site now,  
7 which is at the Health Department. This is the only air  
8 ambient monitoring station we have for air quality.  
9 There had been no recent ambient air testing in the  
10 neighborhoods in west Eureka, which are impacted  
11 neighborhoods.

12           I don't see how you can evaluate the impact of  
13 additional heavy traffic, for example, or any other  
14 toxic or hazardous emissions if you don't have baseline  
15 data to know what the air quality is. What are the  
16 toxics in the air that any emissions produced by the  
17 project would interact with in a synergetic way?

18           We have in the bay water regular summer  
19 temperature inversions that keep plants on the ground.  
20 We also have our northerly wind patterns of the wear  
21 that would blow emissions from the Balloon Track into  
22 the neighborhoods just east or just south of it, I  
23 guess. This is something that actually needs very  
24 careful scientific attention and also attention to the  
25 fact that adequate data does not exist. Most of the

1 reports are based on rough estimation factors, and I  
2 will try to give you more information to show you that  
3 there's a real lack of knowledge that has to be taken  
4 into account.

5 Thank you.

6 MR. OLSON: Thank you.

7 State your name, please.

8 MR. NESSIER: Nessier, Wade.

9 Another important point brought up by this  
10 gentleman: I think in terms of environmental impacts,  
11 if we're really going to look at -- if we look at the  
12 proposed project in terms of what it would take to  
13 prepare, to build and to bring to fruition the  
14 incredible environmental impact that has on the sheer  
15 size and materials involved with something where an  
16 alternative would have much less impact in terms of  
17 materials and the process. I really feel very strongly  
18 about how we come about the materials we use or  
19 anything, and I think that as a project we ought to take  
20 into consideration not so much the environmental impact  
21 on this site, but to create whatever we are taking, what  
22 kind of impact that is going to have, and I think that  
23 it's really extraordinary in this particular proposal.

24 Thanks.

25 MR. OLSON: Thank you.

57

1 Thank you, folks. I appreciate all your  
2 input. I'm going to hang out for a couple of minutes in  
3 case someone new comes into the room. I do appreciate  
4 your coming this evening and expressing your thoughts.  
5 Thank you.

6 (Pause in proceedings.)

7 MS. OLSON: We're still taking public comment  
8 on the scoping session for the EIR.

9 And I'm going to ask you to state your name and  
10 spell it for the reporter.

11 MR. MOORE: Dennis Moore, M-O-O-R-E.

12 MS. OLSON: Please speak. The purpose of  
13 meeting this evening is for you to provide comment to us  
14 on what you believe should be discussed in the  
15 Environmental Impact Report, what impact should be  
16 analyzed.

17 MR. MOORE: We're talking about financial too?  
18 The financial impact as far as it goes on the city of  
19 Eureka, is that included?

20 MS. OLSON: I would ask you to state whatever  
21 it is you would like to state, and we'll figure that  
22 out.

23 MR. MOORE: My concern is primarily -- okay.  
24 One of my concerns would be if we don't get the center

25 in Eureka, what would the financial burden be on Eureka

58

1 compared to it going over to Fortuna or a neighboring  
2 town.

3 Another concern is that I think the group  
4 against the development, they speak of different things  
5 such as traffic problems; and if you recall, when Costco  
6 came in, you had Renner and Humboldt Petroleum saying  
7 how the traffic was going to be bad. The traffic -- as  
8 you know, you can get into Costco any time you want to.  
9 There is nothing to block it.

10 It can only beautify the area. It can only  
11 bring more dollars in. And the people against this  
12 idea, they primarily haven't done anything in the past  
13 six years since Wal-Mart was going to come in. They  
14 have done nothing to beautify or take care of that land  
15 back there or to pursue the railroad on cleanups. Now  
16 is the only time that it seems like there is something  
17 that has come to life.

18 Anything the Arkleys have done around town has  
19 been a total improvement, and I look forward to seeing  
20 it come, and I certainly hope that -- that the people  
21 that really want to have a choice -- the choices: You  
22 have a shop where you want to buy, where you want to --  
23 you get more variety, your dollar goes farther, your

24 economy goes up because you spend more dollars because  
25 you have more product to buy.

59

1 I don't know what else to say. What else could  
2 you want me to say?

3 MS. OLSON: It's not a matter of what I want  
4 you to say. Thank you.

5 MR. MOORE: I'm within the bounds of what I am  
6 supposed to say?

7 MS. OLSON: I think you did great.

8 MR. MOORE: I think basically I covered it.  
9 You look at what they already done around town, and what  
10 they do is plain, good building.

11 I know you're going to probably think I'm on  
12 the association of Fourth and Broadway. I get to clean  
13 up the messes that are left from the tranients. I get  
14 the accidents that come around that corner into my  
15 building. I would imagine that you're going to have a  
16 stoplight put up there. That would make a world of  
17 difference. As far as safety goes, it would help  
18 improve safety.

19 As far as people going into the mall, there's  
20 so many different entrances by the plot map that I've  
21 seen -- when it first opened up, there may be a traffic  
22 problem because everybody wanted to go. It took  
23 approximately twenty or thirty minutes; you stood in

24 line to get a sandwich. Now you walk in and get what  
25 you want. The same thing will happen there. It will be

60

1 a grand opening type thing, and I don't think there will  
2 be any traffic problems.

3 I look forward to the city to hold their tax  
4 structure and do a lot of improvements with the extra  
5 taxes they would have off that project.

6 That's it. Thank you.

7 (The scoping session was adjourned  
8 at 7:00 p.m.)

9 . . .

10

11

12

13

14

15

16

17

18

19

20

21

22



23

24

25

---

PATRICIA E. SENGER, CSR #8351

62