



Nov. 13, 2013

via email and U.S. Mail

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Manager, Energy, Ocean Resources
and Federal Consistency Division California Coastal Commission
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Re: Comments on the Revised Findings for the Eureka - Arcata Route 101 Corridor Improvement Project Federal Consistency Determination (CC-013-13), Agenda Item Th14a-Nov-2013

Dear Mr. Delaplaine,

On behalf of the board, staff and supporting members of Humboldt Baykeeper these comments are submitted regarding the Revised Findings for the Eureka - Arcata Route 101 Corridor Improvement Project Federal Consistency Determination. Humboldt Baykeeper appreciates the opportunity to present you with our concerns regarding the Revised Findings.

Condition 2. Visual Impact Mitigation - Billboard Removal.

Language should be added to include direction to Caltrans to revoke as soon as possible existing Outdoor Advertising Act permits where the landowner has cancelled consent. The North Coast Rail Authority, Humboldt Bay National Wildlife Refuge, and the Humboldt Bay Harbor, Recreation, and Conservation District have been working to remove billboards from their lands on the Humboldt Bay shoreline for years; they not only withdrew landowner consent, but also stopped accepting payment from CBS Outdoor and other billboard companies. The ODA requires written evidence of landowner's consent (at § 5354) and yet Caltrans continues to rely on outdated or erroneous information. Many reported violations of the ODA are not enforced by Caltrans.

There is a recent precedent for removal of billboards in Caltrans District 1. Eight billboards were permanently removed as a condition of Caltrans' Alton Interchange Project (Condition 12 of CDP 1-07-038) as mitigation for visual impacts.

Growth-Inducing Impacts.

Although not specified as a condition of approval, the staff report discusses Caltrans’ “commitment to further explore additional institutional mechanisms to minimize growth potential” (p. 21). Due to the 1988 exclusion from CDP requirements in the area around Indianola Cutoff, we strongly urge the Commission to include these potential additional mechanisms as a condition of approval.

At the very least, we believe the language below stating that the requirement for CDPs poses a barrier to growth should be eliminated, as it is incorrect and could set a dangerous precedent. CDPs do not pose any barrier to growth in this area, since they are not actually required.

On p. 58, the revised staff report incorrectly states that Coastal Developments would be required for development near the Indianola Cutoff intersection:

Caltrans maintains that there are mitigating factors that should address the Commission Staff’s concerns: principally, there are other constraints limiting growth at Indianola...Indeed, Wal-Mart, Sam’s Club, and Costco have all expressed interest in developing near the Indianola cutoff intersection over past years, but none has done so due to the barrier imposed by coastal development permits in addition to those factors noted above.

In fact, the City of Eureka’s Categorical Exclusion #E-88-2, adopted in 1988, excludes development within the City’s jurisdiction in the Indianola Cutoff area, which includes the properties that were once considered for Wal-Mart, Sam’s Club, and Costco. The City of Eureka is currently exploring expanding their Sphere of Influence in the area of the Indianola cutoff, a precursor to a request for annexation.

Caltrans ought to do more than commit to explore additional institutional mechanisms to minimize growth potential in the Indianola Cutoff area. Acquiring property for wetland mitigation from the willing seller at the intersection would be the ultimate growth-inducement mitigation. This and other mechanisms - such as conservation easements to permanently limit further development in the area – must be considered prior to or concurrent with the CDP application for the 101 Corridor Improvement Project.

Sincerely,

_____/s/_____
Jessica Hall, Executive Director

_____/s/_____
Jennifer Kalt, Policy Director

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