

CALIFORNIA COASTAL COMMISSION

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October 5, 2005

David Tyson, City Manager
City of Eureka
531 K Street
Eureka, CA 95501-1165

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DEPARTMENT OF
COMMUNITY DEVELOPMENT

RE: Waterfront Drive Extension Project

Dear Mr. Tyson:

It has been brought to my attention that the City of Eureka is continuing to expend staff time and public resources on the preparation of environmental review documentation for the extension of Waterfront Drive south of Del Norte Street to Hilfiker Lane. Despite numerous written and oral communications from our agency expressing our concerns, this development proposal is apparently still considered a viable transportation improvement project eventually requiring approval from the Coastal Commission.

I write in the interest of efficiency and conserving limited support resources available to the City and the Commission by reiterating, as clearly and directly as possible, that we see no way this project can be recommended for approval by the Commission since it is clearly inconsistent with applicable, enforceable policies of the California Coastal Act. Because this project cannot, in our view, be approved consistent with the Coastal Act, we respectfully urge the City not to expend any additional public resources in pursuit of it.

As we have previously made clear in written comments on the project's environmental impact report and in numerous conversations with City staff, the project is not an authorized use for filling of wetlands and is therefore not consistent with the Coastal Act.

The project would be constructed partially within wetland areas. Coastal Act Section 30233(a) (Public Resources Code) allows filling, diking, and dredging in wetlands only where the project is for one of eight specified uses. This Coastal Act policy is also incorporated into the certified Eureka Local Coastal Program (LCP). These permissible use categories are limited to:

- New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

- In wetland areas only, entrance channels for new or expanded boating facilities; and in a certain degraded wetlands identified by the Department of Fish and Game, boating facilities if, in conjunction with such boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, not exceeding 25 percent of the degraded wetland, and provided a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland.
- In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- Restoration purposes.
- Nature study, aquaculture, or similar resource dependent activities.

Although the Commission has approved certain safety upgrades to existing roads that involve some wetland fill, those approvals were based on the fact the uses were allowable because they were for “incidental public service purposes.” The Commission does not consider new roads or roadway extensions to be an “incidental public service purpose.” Given past Commission actions and the clear meaning of section 30233(a), the proposed project would not be consistent with Section 30233(a).


In addition to the inconsistency with Section 30233(a), construction of the proposed road extension would also entail adverse impacts to adjacent environmentally sensitive habitat areas (ESHAs) such as the PALCO Marsh and other emergent and forested wetland areas. Coastal Act section 30240 requires that ESHAs be protected against any significant disruption of habitat values and that development in areas near such sensitive habitat areas be sited and designed to prevent significant adverse impacts to these areas.

To avoid impacts to adjacent ESHA, coastal development projects are usually required to maintain certain buffers of undeveloped open space between the proposed development and the ESHA. With respect to wetlands that are ESHA, the buffers are usually a minimum of 100 feet in width, although specific buffer width is based on a case-by-case analysis of the setting and circumstances applicable to any specific project. Given the proposed route of the extension, the proximity of the freshwater and saltmarsh wetlands, and the environmental sensitivity of these areas, it is doubtful that a buffer of adequate width could be provided to reduce the adverse effects of noise, polluted stormwater runoff, lighting and other visual disturbances, and other direct, indirect, and cumulative impacts. Accordingly, the project would also be inconsistent with Coastal Act Section 30240(b).

David Tyson -- City of Eureka
October 4, 2005
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In conclusion and for the reasons mentioned above, we respectfully recommend that the City not expend additional resources pursuing a project that cannot, in our opinion, be found consistent with enforceable Coastal Act policies. We understand the City is attempting to address the serious problem of traffic congestion along Broadway/Highway 101, but suggest options other than the Waterfront Drive Extension be explored. If you have any questions, please don't hesitate to call me, or Bob Merrill or Jim Baskin in our North Coast District Office (707) 445-7833).

Sincerely,


PETER M. DOUGLAS
Executive Director

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