

Turner, Nicole

From: Uri Driscoll <humboldthorse@yahoo.com>
Sent: Thursday, January 26, 2023 12:30 PM
To: Turner, Nicole
Subject: Comments to include in the Bay trail South project

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Hi Nikki,

Tracy indicated today Jan 25 that we should send comments to you to include in the administrative record for agenda item 16 the bay trail South construction plan. It had been pulled from the agenda but Chair Madrone altered the time to speak from 3 minutes to 2 minutes. Unfortunately that is not in compliance with the Brown Act. Please include this email in the packet and administrative record.

Thank you

Uri Driscoll

This is to inform the California Coastal Commission (CCC), the County of Humboldt and other associated agencies of the intent to file an appeal for the recently issued permit for Humboldt Bay Trail Rail with Trail project (Coastal Development Permit #1-20-0560) located in Humboldt County pursuant to Article 1 General provisions Section 30801 petition of writ of mandate; aggrieved person.

The final action of the Commission occurred on January 19, 2023, with the issuance of the CDP. A CCC approval of a 60% design occurred with conditions on 4/23/2022. The final "100%" plan had only been made available to the public, the Board of Supervisors and Coastal Commission staff on 1/19/2023. However, that plan involved several uncorrected inconsistencies that will be identified in our formal appeal due 60 days from the Commission's final action (the issuance of the CDP dated 1/19/2023).

The Humboldt County Board of Supervisors approved the associated construction bid package without full knowledge of the significant inconsistencies between the final plan and the project description. It should be noted the time for public comment was reduced from 3 minutes to 2 minutes at the meeting without proper notice. This constitutes a Brown Act violation.

We have requested and are still waiting for materials from the County staff and the Commission staff which include but are not limited to;

1. The project approval from the California Public Utilities Commission

2. The project approval from California Transportation Commission
3. The Cal Trans encroachment permit all of which were required before permit issuance. Additionally missing from the "final" plan is
4. An approved permit from the City of Eureka where much of the project exists under the City's jurisdiction
5. The hazardous materials disposal and storage plan,
6. the conformance determination from the required NEPA process given the inclusion of federal funds,
7. approved protection measures for ESHA wetland and sensitive habitat areas in the project area from trail users,
8. approved relocation measures for homeless persons who have been utilizing the project area openly and notoriously for a decade or more. The court ruling for the PALCO marsh residents towards the southern end of the adjoining Bay Trail project required relocation allocation. In other words, without an approved plan for relocation this project would violate a standing court order.
9. Missing also is the Surface Transportation Board and Federal Transportation Administration authorization for track salvage operations that were not identified in Northern California Rail Authority/Great Redwood Trail Authority railbanking environmental review,
10. approved restroom facilities for trail users of the seven mile long trail that is contiguous with Environmental Sensitive Habitat Areas and protected coastal wetland areas,
11. clarification regarding the use of Coastal Commission prohibited creosote replacement rail ties which are identified as required in the Construction plans,
12. confirmation documents that the flange filler material identified in the plan would be compatible with existing and proposed uses of the existing rail as indicated by County staff,
13. historical review for the Eureka Slough trestle,
14. the adopted resolution from Humboldt County Board of Supervisors that would have directed county staff to alter the project description identified in the 2018 initial study ,from a rail with trail project to a project that removes rail.

Considering the public only had access to the 60% plan prior to 1/20/23 which is the same day the Commission issued the permit there was not allowed time for sufficient public review. In other words, the incomplete 100% plan was made available to the public and Commission staff the same day as permit issuance without access to the document list noted above. A review of the administrative record and a revised list will accompany a formal appeal to be filed prior to the 60 day limit (per Section 30801) from final action date of 1/20/2023.

I have been engaging with local Commission staff as required and will continue to do so with an effort to reach resolution.

Jan 26, 2023

Re: Humboldt Bay Trail Project

Here in Humboldt County, we have a rare jewel at our feet. I am not referring to the ocean, or the redwood forests, or the miles of open sandy beaches but to a flat set of open railroad tracks beside our bay, passing through a magnificent and diverse ecosystem of plants and wildlife, stretching from Eureka to Arcata.

Planning for The Humboldt Bay Trail was completed in 2012 with much input from members of our community in an open public process and provided for the creation of a trail alongside and in conjunction with the rail line.

Arcata completed their section of rail **with** trail a few years ago.

Now, it is up to Humboldt County to keep up their end of the bargain on the Humboldt Bay Trail South project.

Recently, the Great Redwood Trail Agency, completed an abandonment process that allows the creation of a trail along the railroad corridor. It saddens me to see that the County is considering a plan that removes the tracks and paves over the rail line, instead of situating the trail next to the rail lines as the community requested 11 years ago.

Now I understand that there are some people who fear the return of a Class I industrial locomotive, but the tracks do not need to be a Class I to support a tourist excursion train, a trolley, or a rail bike operation like the very successful Skunk Train operation in Fort Bragg. Envision this with me -- commuter trolleys operating between Eureka and Arcata, narrated excursion trains heading out to Samoa connecting to the Madaket for a complete tour around the bay, as well as quiet and eco-friendly rail bikes which are rideable by people of all ages and abilities. Of course, let's not forget the ever-popular speeder rides put on by the Timber Heritage Association.

Trails are nice, too, but if you can't walk or ride an upright bike, a paved 4-mile path isn't going to help you see the wonder of this shoreline. But sitting on a trolley, a train or a railbike will.

Our elected representatives have a choice to make today about what kind of legacy they will leave to the citizens of Humboldt County. They can choose whether to abide by the public's wishes to keep the rail lines for future tourist possibilities, or to pave over the rail corridor, forever eliminating that chance to preserve a truly unique and rare scenic experience that very few places on earth possess.

I implore you to please vote to make sure that the rail lines are not compromised in any way, and that this community's wishes are upheld.

Thank you.

Christine Driscoll

Christine Driscoll

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JAN 28 2023
Clerk
Board of Supervisors