

CALIFORNIA COASTAL COMMISSION

1385 8TH STREET, SUITE 130
ARCATA, CA 95521
PH (707) 826-8950
FAX (707) 826-8960



Th17a

1-20-0560

(HUMBOLDT COUNTY DPW)

APRIL 7, 2022

CORRESPONDENCE

**Great Redwood Trail Agency
419 Talmage Road, Suite M, Ukiah, CA 95482
707-463-3280**

April 5, 2022

Hank Seemann, Deputy-Director
County of Humboldt
Department of Public Works
1106 Second Street
Eureka, CA 95501

Subject: Lease Agreement for the County of Humboldt's Humboldt Bay Trail South Project

Dear Mr. Seemann:

This letter is written on behalf of the Great Redwood Trail Agency ("GRTA"), which is the successor agency to the North Coast Railroad Authority ("NCRA"), to document GRTA's understanding of the current status of the Humboldt Bay Trail South Project ("Project"). NCRA received the County of Humboldt's application dated October 23, 2020, for a Lease Agreement ("Agreement") to construct and operate the Project between Eureka and Arcata from approximately Mile Post 285.5 to Mile Post 289.6. The Agreement was approved by the NCRA board on December 17, 2020, and by the California Transportation Commission on March 24, 2021. The executed Agreement is dated July 1, 2021, and extends through July 1, 2046, unless sooner terminated or extended. The Agreement is expressly transferrable from NCRA to the GRTA at paragraph no. 23.

The County's application identified that approximately 3.2 miles of the Project is situated within NCRA's railroad corridor. The County is not relying on railbanking to secure right-of-way for the Project. A portion of the Project will be located on parcels owned in fee by GRTA, and where the Project is situated on parcels over which GRTA holds an easement for railroad purposes, the County has acquired ownership of the underlying property in fee simple. The trail will be a paved Class I bike path designed in accordance with Caltrans Highway Design Manual standards. The County's application highlighted specific design aspects at the Eureka Slough Bridge, the westerly and easterly approaches to the Eureka Slough Bridge, an approximately 6,000-foot section of damaged railroad between the Brainard mill site and Bracut Industrial Park, and the damaged railroad crossing at Brainard's Slough.

On the Eureka Slough Bridge, the trail will be situated directly on the bridge with the incorporation of flangeway fillers to allow cooperative use with speeders and heavy rail vehicles. Similarly, the trail will be situated directly on the rail prism along the approximately 100-foot westerly approach to the Eureka Slough bridge with the incorporation of flangeway fillers. For the approximately 1,500-foot easterly approach to the Eureka Slough bridge, the rail prism will be widened, and the trail will be situated adjacent to the rail alignment. For the section of damaged railroad between Brainard and Bracut, the Project will remove the rails and ties, raise the elevation of the rail prism approximately 1.5 to 2 feet, widen the rail prism, construct the trail parallel to and offset 10 feet from the rail alignment, and repair the shoreline armoring. At Brainard's Slough, the Project will remove railroad-related debris from the waterway, remove approximately 60 feet of rails and ties that are currently hanging in air, stabilize the ends of the rail prism, and construct a trail bridge parallel to and offset 10 feet from the rail alignment.

Where rails and ties are to be removed, the County of Humboldt has proposed that it will stockpile the salvageable portion of rails and ties within the Humboldt Bay region for potential future re-use within the Project area by others. The County proposes that materials that are not suitable for re-use will be removed and disposed of by the County without replacement.

The County of Humboldt is removing the rails and ties between Brainard and Bracut and at Brainard's Slough solely for the purpose of raising the elevation of the rail prism and repairing the rail corridor where it has been damaged by erosion, to protect the railroad and the inland area from flooding. The segment of the railroad between Brainard and Bracut is currently impassable for any rail vehicle, where large areas of ballast are absent, and the rail connections are severely corroded. The rail prism at Brainard's Slough has completely washed out.

The County's Project is not locating the trail on top of the railbed at these locations and leaves sufficient space whereby the railroad could reasonably be restored in the future by a railroad entity. Placement of the damaged rails and ties back in their former location between Brainard and Bracut without full rehabilitation of the line in those locations is not in the public interest because such placement would likely create a safety hazard and/or lead to a release of debris and hazardous materials into Humboldt Bay. It is further not in the interest of GRTA, because such replacements would not render the trackage useable, meaning that in order to actually run rail traffic, GRTA would need to again move the tracks and replace them in the process of rehabilitating the rail. Further, were GRTA to undertake a project to rehabilitate the line to serviceable condition, the work done by the County of Humboldt would itself be of significant value to that rehabilitation effort. It would not be reasonable to require, nor is it required via the lease agreement, that the County of Humboldt replace the damaged rail infrastructure as part of a trail project. Thus, the placement of the old rail and tie on their former location, while technically required by the lease, is not to the benefit of either party.

The County of Humboldt has gone to great lengths to design the Project for compatibility with future railroad use. Moreover, the County is making a significant investment to repair the railbed along the Humboldt Bay shoreline and improve railbed conditions to resist future flooding damage. Such improvements will help protect the railroad, Highway 101, the Humboldt Bay Trail, and inland properties from flooding. The County is not relying upon NCRA easements nor railbanking for right-of-way. The County's Project will not sever the rail line's connection with the interstate rail network and will not preclude future construction of the railroad within the Project area.

Based upon the forgoing, GRTA is prepared to accept the stockpiling the usable rails and ties in the local area for potential future re-use as substantial performance of the terms of the lease requiring the track and tie to be placed back in their former location.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mitch Stogner", with a stylized flourish at the end.

Mitch Stogner,
Executive Director



736 F Street
Arcata CA 95521

| | | | |
|--|---|------------------------------------|---------------------------------------|
| <i>City Manager</i> 707-822-5953 | <i>Environmental Services</i> 707-822-8184 | <i>Police</i> 707-822-2428 | <i>Recreation</i> 707-822-7091 |
| <i>Community Development</i> 707-822-5955 | <i>Finance</i> 707-822-5951 | <i>Engineering</i> 707-825-2128 | <i>Transportation</i> 707-822-3775 |

February 25, 2022

Mr. Jack Ainsworth
Executive Director
California Coastal Commission
North Coast District Office
1385 8th Street, Suite 130
Arcata, CA 95521

RE: Humboldt Bay Trail South Project (Coastal Development Permit No. 1-20-0560)

Dear Mr. Ainsworth:

The City of Arcata strongly encourages the Coastal Commission to approve the County of Humboldt's application for a coastal development permit to construct the Humboldt Bay Trail South project along the Highway 101 corridor between Eureka and Arcata. This project will deliver "The Final Four" miles of trail to connect the Arcata portion of the California Coastal Trail, the "North Bay Trail", and the Eureka Waterfront Trail to create a continuous network of 14 miles of coastal trail around the north portion of Humboldt Bay.

The City of Arcata can share how valuable trails are for public safety, quality of life, and transportation equity. Arcata has nearly 40 miles of trails that range from major transportation corridors to serene recreation spaces. All are accessed free of cost and available 365 days per year. Visiting Arcata's four-mile North Bay Trail, you will see people of all ages, incomes, and abilities; parents bonding with children; friends maintaining connections; dog-owners caring for their companion animals; and people using the trail for many purposes including exercise, personal renewal, social interactions, nature study, and transportation. Trails that are separated from roadways enable people to travel safely and comfortably away from vehicles. The Arcata North Bay Trail has connected several neighborhoods with the Arcata Bay and the rich Marsh and Wildlife Sanctuary that borders the Bay. The importance of these trails has never been more apparent than during the pandemic. We have seen record use of the trails during the past two years and are experiencing a large demand to expand the system. The Humboldt Bay Trail South project secures the backbone for the regional trail system.

Connecting the two largest cities in Humboldt County with a trail separated from Highway 101 has been a community goal for nearly 25 years. For much of this time, the idea seemed out of reach. The City of Arcata, City of Eureka, the County of Humboldt, and many other agencies and community organizations have collaborated together to make the Humboldt Bay Trail dream a reality. The County of Humboldt has designed a trail project that carefully integrates with the existing railroad and highway infrastructure and accounts for the sensitive environmental conditions along the Humboldt Bay shoreline. We especially appreciate that the County of Humboldt has emphasized public safety in the design, including the addition of a cable barrier between the trail and Highway 101; removal of the

northern section of Eucalyptus trees; and measures to reduce flooding hazards and adapt for sea level rise. The completion of the Humboldt Bay Trail between Arcata and Eureka has been identified as the region's top non-motorized transportation infrastructure project for more than a decade.

The Humboldt Bay Trail South project is a high priority for the City of Arcata and the Humboldt Bay region, and Arcata looks forward to the connections and many benefits that will result from its completion.

Sincerely,



Stacy Atkins-Salazar, Mayor
City of Arcata

Cc:

Senator Mike McGuire, Senator.McGuire@senate.ca.gov

Congressman Jared Huffman, John.Driscoll@mail.house.gov, Ciara.Emery@mail.house.gov

Assembly Member Jim Wood, Ruth.Valenzuela@asm.ca.gov

Sara Sanders, League Regional Public Affairs Manager, sanders@cacities.org

Meg Desmond, League of California Cities, cityletters@cacities.org

From: [P Hecht](#)
To: NorthCoast@Coastal
Subject: Public Comment on April 2022 Agenda Item Thursday 17a - Application No. 1-20-0560 (County of Humboldt Department of Public Works, Humboldt Co.)
Date: Wednesday, March 23, 2022 9:25:41 PM

As a long-time Humboldt County resident, I enthusiastically support the completion of the section of trail that connects Arcata/McKinleyville and parts north with Eureka-plus and southward. I, my family and friends, rely on the use of local trails for accessible, free, and sustainable exercise for physical, mental, emotional and spiritual health maintenance. I have walked and ridden bicycle on portions of north and south trails. Please approve the project to connect those trails so that residents and visitors may explore this naturally beautiful area safely and enjoyably. Thank you!

From: [Rees Hughes](#)
To: NorthCoast@Coastal
Subject: Public Comment on April 2022 Agenda Item Thursday 17a - Application No. 1-20-0560 (County of Humboldt Department of Public Works, Humboldt Co.)
Date: Saturday, March 26, 2022 9:25:13 PM

I apologize if this note was received twice. I do normally send mail through the default mail platform used in the agenda for comments.

Rees Hughes

To the Members of the California Coastal Commission,

We wanted to emphasize just how eagerly Humboldt communities are anticipating the completion of the final four miles of the Humboldt Bay Trail. The “Final Four” will realize a dream that was begun more than two decades ago and piece-by-piece this 14-mile trail has been built. Only this segment in the very middle of the trail remains to be constructed.

The Humboldt Bay Trail Fund is one indicator of just how much our community values this project. About five years ago, a small group of community members developed a fund that would be housed in the Humboldt Area Foundation and be used to support volunteer maintenance initiatives along the length of the Bay Trail, and be available for emergency repairs to the trail and small capital improvement projects. The response has been so gratifying.

Hundreds of local individuals, families, and businesses have contributed to the Fund such that the balance exceeds half a million dollars . . . and already more than \$50,000 has been allocated to fund on-going trail maintenance. The people of Humboldt want to see the entire trail done and done as soon as possible.

We ask you to do anything in your power to accelerate the completion of this project and approve the application for a Coastal Development Permit.

Thank you,

Jason Caria
Keenan Hilton
Rees Hughes
Roger James
Dennis Rael
Emily Sinkhorn
Oona Smith
Carol Vander Meer

From: [Karen Underwood](#)
To: NorthCoast@Coastal
Subject: Public Comment on April 2022 Agenda Item Thursday 17a - Application No. 1-20-0560 (County of Humboldt Department of Public Works, Humboldt Co.)
Date: Monday, March 28, 2022 2:23:01 PM

March 28, 2022

Humboldt Trails Council
P.O. Box 7164
Eureka, CA 95502
www.humtrails.org

To: Commissioners of the California Coastal Commission

RE: Item #17a – Thursday, April 7th - Coastal Permit Application, #1-20-0560 (County of Humboldt Dept of Public Works, Humboldt Co.

I am writing on behalf of the Humboldt Trails Council (HTC) urging you to approve the Coastal Permit application, #1-20-0560 from Humboldt County in order to construct a 4.25-mile section of the California Coastal Trail along the rail right-of-way on the northeastern side of Humboldt Bay. Our community has been waiting decades for the completion of this trail.

The Humboldt Trails Council serves as a unified voice to support trail development, maintenance, connection to and use of trails for transportation and recreation throughout Humboldt County. The Council has over one thousand supporters, and sponsors the Volunteer Trail Stewards (VTS) program which maintains our local trails. The VTS has 200+ volunteers working over 3600 total hours per year to maintain the trails in our County. We look forward to sponsoring a Volunteer Trail Stewards group for this next portion of the trail.

It is hard to put into words what this 4.25-mile trail will mean for our community. We have been eagerly waiting for over twenty years to have a trail around the eastern side of the bay. When this final section is completed, it will connect the two Bay Trails, one to the north and one to the south. This trail will form the backbone of our trail network, and will connect the cities of Arcata and Eureka and beyond. It will provide an active transportation pathway that will benefit commuters, recreational trail users, the economy, and the health and quality of life for our citizens. When this last section is connected it will complete fourteen miles of trail that will hug our shoreline and inspire its users. It will be a highlight of the California Coastal Trail.

We wish to acknowledge and thank your staff in the Eureka office for their assistance in keeping us updated on this application.

On behalf of the Humboldt Trails Council, I offer our full and enthusiastic support for the

Humboldt Bay Trail South project.

Sincerely,

Karen Underwood

Michael Proulx

Kemset Moore

Bruce Silvey

Korina Johnson

Jonathan Maiullo

Stephen Luther

Steve Jones

Mitchell Hayes

February 15, 2022

Mr. Jack Ainsworth
Executive Director
California Coastal Commission
North Coast District Office
1385 8th Street, Suite 130
Arcata, CA 95521

RE: Humboldt Bay Trail South Project (Coastal Development Permit No. I-20-0560)

Dear Mr. Ainsworth:

The City of Eureka strongly encourages the Coastal Commission to approve the County of Humboldt's application for a coastal development permit to construct the Humboldt Bay Trail South project along the Highway 101 corridor between Eureka and Arcata. This project will deliver "The Final Four" miles of trail to connect the Eureka Waterfront Trail with the City of Arcata's trails to create a continuous network of 14 miles of coastal trail around the north portion of Humboldt Bay.

The City of Eureka can testify how valuable trails are for public safety, quality of life, and transportation equity. The six-mile Eureka Waterfront Trail is a vibrant place where people can be physically active at no financial cost and experience the tremendous diversity of habitats and features along the Humboldt Bay shoreline. Visiting the Eureka Waterfront Trail, you will see people of all ages, incomes, and abilities. Trails that are separated from roadways enable people to travel safely and comfortably away from vehicles. The Eureka Waterfront Trail has re-connected our neighborhoods with Humboldt Bay and increased the public's appreciation of this special resource.

Connecting the two largest cities in Humboldt County with a trail separated from Highway 101 has been a community goal for nearly 25 years. For much of this time, the idea seemed out of reach. The City of Eureka, City of Arcata, the County of Humboldt, and many other agencies and community organizations have collaborated together to make the Humboldt Bay Trail dream a reality. The County of Humboldt has designed a trail project that carefully integrates with the existing railroad and highway infrastructure and accounts for the sensitive environmental conditions along the Humboldt Bay shoreline. We especially appreciate that the County of Humboldt has emphasized public safety in the design, including the addition of a cable barrier between the trail and Highway 101; removal of the northern section of Eucalyptus trees; and measures to reduce flooding hazards and adapt for sea level rise.

The Humboldt Bay Trail South project is a high priority for the City of Eureka and the Humboldt Bay region, and the City of Eureka looks forward to the many benefits that will result from its completion.

Sincerely,



Susan Seaman
Mayor



From: [Sean Mitchell](#)
To: NorthCoast@Coastal
Cc: [Pete Johnston](#); [Bruce Seivertson](#)
Subject: Public Comment- Timber Heritage Association/Humboldt Bay Trail South
Date: Friday, April 1, 2022 10:21:22 AM

Dear California Coastal Commissioners,

On behalf of the Timber Heritage Association, a 501(C)(3) non-profit, we would like to express a few points about the Humboldt Bay Trail Project.

What is THA?

If you are unfamiliar with our organization, the Timber Heritage Association is a group of local citizens concerned with the preservation of timber and railroad history in Humboldt County. THA has existed since the late 1970's, rescuing locomotives, logging equipment, and artifacts from the timber and railroad industry. THA moved to the 1893 Vance Lumber/Hammond Lumber Roundhouse and shops complex in 2008, and quite literally saved the buildings from collapse. This will be our future museum site, and the facility includes the oldest wooden railroad roundhouse on the West Coast, a significant cultural resource. THA is almost finished with the property purchase of this site.

THA has been operating enormously popular "speeder" crew car rides on local railroad tracks, providing a recreational use of the railroad in segments between Samoa and Eureka, since 2009. The speeder program has been supported by the NCRA in the past, and remains a huge draw for locals and visitors alike in the summer months. On our busiest days, we have seen over 600 riders in a single day- people who appreciate the nostalgia of rail travel, historical narration, plus the ability for people of all ages, abilities, and backgrounds to enjoy the sights and scenery of the beautiful Humboldt Bay. THA's central mission includes the museum at Samoa, and a full size excursion train in the future, running between Samoa and Eureka, known as the Humboldt Bay Scenic Railroad. We have multiple locomotives and 3 vintage passenger cars that we hope to put into service, for tourism and recreational rail travel.

How does the project affect THA?

In the last 14 years, THA has been maintaining the brush and removing thousands of pounds of trash from the railroad right of way, including the section between First Street in Eureka, and the former mill site next to 101 and the safety corridor. This includes the Eureka Slough Bridge, a location where just last week (3/29/22) THA and EPD removed 1500 pounds of trash from the areas adjacent to the rail prism and salt marsh area. THA volunteers have spent more time on this particular section than any other single group since the railroad discontinued service in 1998. For these reasons, we are committed to the continued use of the railroad in this section. Please consider that THA intends on operating on the tracks between Samoa and Eureka for scenic excursions, and this segment is the last 4 miles of the 16 mile run.

In response to the project as described- THA supports the Humboldt Bay Trail project, as long as the rail WITH trail nature of the design continues and is implemented carefully. This must be done in a way that supports mixed use of recreational trail, and rail use for crew car speeder rides, and eventually full size, low speed excursions for scenic tourist operations. The flange fillers on the Eureka Slough Bridge are certainly a compromise for the use of our speeder cars, as our machines are lightweight, and they may make running the speeders difficult. We truly will not know how they perform until the first run is completed, as these rubber fillers are designed for heavy trains, not speeder cars or rail bikes that many excursion operators also offer.

Requests for Consideration-

THA strongly recommends that *if* the rail is being removed, and the prism is being raised between the Eucalyptus trees/mill site and Brainard, it should be designed and built in a way that will allow for restoration of rail and ties in the future. Furthermore, if railroad infrastructure is being removed at Brainard Slough (the location of a failed culvert and washout) the design must facilitate appropriate replacement of the infrastructure, so as to not sever the railroad between Eureka and Arcata. In the future, when railroad service is reinstated, this segment will need to be replaced. We recognize that a bridge will likely have to be built instead of the current failed culvert design.

As railbanking has not yet been approved by the *Federal* Surface Transportation Board, there must be a contingency plan for any rail and ties that are removed in this section. Removing rail and ties should be temporary at best, so as to ensure the ability for future use of the speeders, excursion trains, rail bikes, and any other rail uses, as this is a federally protected railroad corridor. But even without the federal consideration, we hope that in good faith, the Commission, and Humboldt County planners recognize that the Humboldt Bay Scenic Railroad will work well with the Humboldt Bay Trail. This will be a rail WITH trail attraction that would be unmatched for beauty and innovation, of a combined trail and railroad excursion opportunity along the most beautiful bay in the state. In summary, THA will support the trail, so long as future use of the railroad is also protected.

THA considers the future Humboldt Bay Scenic Railroad an important part of the future regional trail network, as rail with trail will allow for the greatest benefit for the most people, of all backgrounds and abilities. THA has worked directly with trail planners, local governments, and the public, in the hopes of providing a service for locals and visitors alike. Scenic excursion trains are hugely popular across the country, and they provide important opportunities for families, nature study, school groups/education, and a boost for local economies, including hotels, restaurants, local shops and businesses of all types. Much like the newly built Redwood SkyWalk at Sequoia Park Zoo, or the Madaket Harbor Cruises, the Humboldt Bay Scenic Railroad will be an asset for the Humboldt Bay Area.

Respectfully,

Pete Johnston/ Sean Mitchell

President/ Vice President

Timber Heritage Association/ Humboldt Bay Scenic Railroad



April 1, 2022

Ms. Donne Brownsey, Chair
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Support for Staff Recommendations, Humboldt Bay Trail South, Th17a-4-2022

Chair Brownsey,

On behalf of Humboldt Baykeeper, I am writing in support of the staff recommendations for the Humboldt Bay Trail South (Th17a-4-2022; CDP 1-20-0560). Humboldt Baykeeper was launched in 2004 with a mission to safeguard coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community through education, scientific research, and enforcement of laws to fight pollution. This project addresses one of our top priorities: protecting and expanding public access to the coast. It does so while protecting water quality and habitat from contamination on a former industrial site adjacent to Humboldt Bay.

The Humboldt Bay Trail South is a critical public access project that will complete the “Final Four” miles of a 22-mile section of the California Coastal Trail stretching from the Elk River in Eureka to Little River State Beach in McKinleyville. The completion of this trail will realize a dream that countless residents have worked toward for decades. The project also fulfills Condition 1, Coastal Trail Planning, of the Commission’s 2013 Consistency Certification for the Eureka-Arcata Route 101 Corridor Improvement Project.ⁱ

We greatly appreciate the diligence of Coastal Commission staff as well as the applicant’s efforts to modify the project plans to protect the environment and to keep construction workers safe from dioxins and other contaminants that were detected in environmental assessments of the site. We strongly support adherence to the environmental screening level for dioxins of 4.8 ppt adopted by the San Francisco Bay Regional Water Quality Control Board as described in the staff report.

600 F Street, Suite 3 #810
Arcata, CA 95521
(707) 499-3678
www.humboldtбайkeeper.org



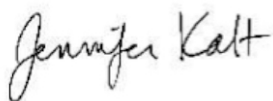
Using the environmental screening levels is critical because Humboldt Bay is designated as “Impaired” by dioxins and furans by the State Water Resources Control Board under authority of Section 303(d) of the Clean Water Act. Projects involving ground disturbance in or near lumber mills that were in operation between the 1940s and 1980s have the potential to mobilize dioxin contamination. Dioxins are extremely toxic, long-lasting compounds that can cause cancer and reproductive harm. In the Humboldt Bay area, the primary source of dioxins is pentachlorophenol, a wood preservative that was used to treat lumber.

We would like to emphasize our support for the following conditions of approval that were developed to protect Humboldt Bay from dioxins, which have the potential to be remobilized without careful handling and disposal of contamination soils:

- **Condition 15. Final Soil and Groundwater Management Plan**, which will ensure that soil disturbance during project activities will not mobilize contaminants into Humboldt Bay.
- **Condition 16. Final Construction Stockpiling and Debris Disposal Plan**, which requires stockpiling of debris and sediment at least 50 feet from coastal waters and drainages; BMPs to prevent any discharge of pollutants to surrounding coastal waters and wetlands; and proper disposal of contaminated soil and materials at an authorized hazardous waste facility.

Thank you for your work to enhance coastal access for all while protecting our precious coastal resources.

Sincerely,



Jennifer Kalt, Executive Director
jkalt@humboltdbaykeeper.org

Cc:

Hank Seemann, Deputy Director, Humboldt County Public Works
hseemann@co.humboldt.ca.us

Ryan Bey, North Coast Regional Water Quality Control Board
Ryan.Bey@Waterboards.ca.gov

Heidi Bauer, North Coast Regional Water Quality Control Board
Heidi.M.Bauer@Waterboards.ca.gov

¹ California Coastal Commission (2013). Revised Findings on Consistency Certification, CC-016-13 (CalTrans). <https://documents.coastal.ca.gov/reports/2013/11/Th14a-11-2013.pdf>

From: [Holloway, Catherine@Coastal](mailto:Holloway.Catherine@Coastal)
To: [Robinson, Aurora@Coastal](mailto:Robinson.Aurora@Coastal)
Subject: Fw: Public comment for Bay Trail South application part 1
Date: Friday, April 1, 2022 11:47:39 AM
Attachments: [flangeway fillers options 8-7-2019.pdf](#)
[THA 10-28-2019.pdf](#)
[rail runner to Tom re test of flange fill.pdf](#)
[Uri to hank 3-20 Astoria design.pdf](#)
[legal iissues bay trail to BOS 12-21.pdf](#)
[Attorney Railbanking Letter to Humboldt County Public Works -April 21 2021.pdf](#)
[Humboldt Harbor District letter of support.pdf](#)
[D Schonbraunn to hank 8-17-2021.pdf](#)
[Eureka Support letter Railrunners.pdf](#)
[2019 THA Rail Runner support letter.pdf](#)

From: Uri Driscoll <humboldthorse@yahoo.com>
Sent: Thursday, March 31, 2022 9:38 AM
To: Holloway, Catherine@Coastal <catherine.holloway@coastal.ca.gov>
Subject: Public comment for Bay Trail South application part 1

Dear Honorable Commissioners,

County Public Works staff changed the design of the Humboldt Bay Trail South project from a rail with trail project to a trail on rail project. However, no such directive was given to do so.

The documents (attached) provided by Public Works staff do not appear to direct staff to change the design of a rail with trail project or direct them to develop a plan in direct conflict with the above mentioned policies and legislated recommendations. Unfortunately I do not see those documents included in the submitted application. Other relevant omissions are referenced in this public comment submittal

As we are aware the project design includes removing nearly a mile trackage as well as placing a type of material (flange way fillers) on the Eureka Sough trestle that would prevent existing and formally proposed and unanimously supported uses (rail bikes and speeder rides) and well as potential uses such as rail / trolly scenic excursion connection opportunities between Eureka and Arcata. Preventing these uses limits unique coastal access opportunities.

As attached communications indicate I and others had attempted to achieve a more viable design and raised legal concerns early in the design process.

A letter dated August 4, 2021 from an attorney representing one of the rail interest groups was sent to Mr. Mattson specifically on this topic. (attached). That letter received no response nor were the contents addressed in the design process.

This current design also is against the recommendations of the SB 10-29 Assessment (page 60), stakeholder interest, Initial Study and is not buildable under the current status of the rail line or the NCRA lease agreement or the current NCRA rail with trail policies. Any approval of this current design will immediately open the project to litigation and perhaps lengthy delays. Mr. Seeman has acknowledged in a recent email (Commission staff was cced in that

correspondence) that the project design may not be in compliance with the existing NCRA/County agreement. I have confirmed that a Department of Transportation investigation is under way on this subject and has not been concluded and made available for public review. That alone should give pause in approving this project.

The Commission staff should be commended for including recommendations for conditions of approval which I feel are appropriate even as they demonstrate this project is not yet ready for approval. Their recommendations seem to be related to the current status of the rail line and the possibility it may not be rail banked or that rail banking is further delayed. The recommended conditions for approval are in line with the conditions of the Lease agreement between NCRA and the County.

I would also like to bring to your attention the Environmental Leadership Act that is a component of CEQA. This Act is relevant in that it can be argued there are impacts directly related to the prevention of formally proposed innovative rail use that would result from the current design. The project design impediments involve the trestle alterations and the removal of rail tracks. Impacts to those uses have not been determined. (See attached). This ACT fully supports innovative transportation goals which would easily be defined as Rail bikes and trollies. This alone will likely be grounds for appeal.

[These are some excerpts from the 2018 Bay Trail South initial study](#)

[1.1 Introduction](#)

The Humboldt Bay Trail is a network of multi-use trails (also known as shared-use paths) providing non-motorized access for transportation and recreational use throughout the Humboldt Bay region. The Humboldt Bay Trail **will connect communities with multi-modal** transportation facilities and connect people to the bay by enabling people of all ages and abilities to access and experience the bay's resources directly. In addition to serving the region's transportation needs, the Humboldt Bay Trail will achieve a critical link in the California Coastal Trail and enhance recreational use and enjoyment around the bay.

[Full Occupation of Railroad Prism \(Rail-to-Trail\)](#)

This alternative would place the trail directly on the existing railroad prism for all or most of the project area. This alternative would require the removal of the existing railroad tracks and ties, and widening portions of the prism to accommodate the required trail width. This alternative was not selected because it conflicts with NCRA's Rails With Trails Policy and Procedures Manual (NCRA, 2009). NCRA policy allows trails within their right-of-way if they will not inhibit the current or future ability to operate freight or **passenger** rail services.

This initial study shows the need to "connect people of all ages and abilities to access and experience the bay's resources directly". By preventing such opportunities to people with varying abilities to access the bay's resources by way of rail bikes, trollies, and scenic excursions the current design does not meet the goals outlined in the Initial Study.

I would like to recommend the project either be redesigned to conform with the policies and goals mentioned above and delay the Coastal Commission hearing until either a buildable plan is developed or changes to those policies and recommendations can be adapted to this design through proper procedures and protocols. The threat of litigation is real and has sufficient standing to proceed. It is also avoidable.

I will say it is very unfortunate the concerns and considerations of stakeholders, involved community members and associations have not been taken into account in the development of a \$25 million coastal access project. In doing so the County's Public Works Dept. has crafted a design incompatible with the large host of above mentioned policies, studies and legislated

assessments and in doing so could limit access to the bay's resources by less abled members of the community.

So the question is should the Commission approve a project currently designed contrary to all of the above mentioned policies, studies, legislative Assessments and the expressed interest of long standing associations and businesses. It is also unbuildable for the reasons stated above. That's the \$25 million question.

If indeed the Commission is inclined to grant approval, I would like to recommend additional conditions of approval,. Coastal Commission staff may themselves have included these recommendations had they been provided sufficient information by County staff.

1. If it is determined that installing a trail on the rail trestle is indeed legal and a better design cannot be determined; Require Flange way filler materials be used that are of the variety that can accommodate lighter weight vehicles such as rail bikes and maintenance of way vehicles and trollies. They are available from the same manufacturer as the ones tested and unapproved by the involved stakeholders.
2. The removal of any rail shall be temporary and reinstalled before project completion.
3. The use of biomimicry and living shoreline methods be further explored in place of creating a sea wall by adding fill to the existing rail prism to accomplish shoreline protection.

Thank you

Uri Driscoll

Seemann, Hank

From: Uri Driscoll <humboldthorse@yahoo.com>
Sent: Wednesday, August 07, 2019 2:56 PM
To: Pete Johnston; Seemann, Hank; agabruce@yahoo.com; bchristen@suddenlink.net; Sean Mitchell; Mattson, Tom; Bohn, Rex
Subject: Fwd: Bay trail Trestle
Attachments: E19-1385 Humboldt County 132# Enclosed.pdf; 4132-04D ENCL 568-326-A - Illustration Template.pdf

Hi All

Here are one of the options for flange fillers that would accommodate the lighter speeders and the rail runners. I spoke with Mr. Moreland and he confirmed this would work. We can meet and discuss

Sent from my iPhone

Begin forwarded message:

From: Dana Raine <draine@poly-corp.com>
Date: July 30, 2019 at 12:56:33 PM PDT
To: Mike Moreland <mmoreland@poly-corp.com>, Uri Driscoll <humboldthorse@yahoo.com>
Subject: RE: Bay trail Trestle

Good Afternoon Uri,

Please see the attached quote. Please let us know if you have any questions.

Thanks
Dana

Dana Raine | CSR, Transportation / Engineered Products Group
Polycorp Ltd. 33 York Street West | Elora, Ontario, Canada N0B 1S0
☎ 519-846-2075 ex: 351 | Toll free: 1-800-265-2710 |



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From: Mike Moreland <mmoreland@poly-corp.com>
Sent: Thursday, July 25, 2019 8:48 AM
To: Uri Driscoll <humboldthorse@yahoo.com>
Cc: Dana Raine <draine@poly-corp.com>
Subject: Re: Bay trail Trestle

Uri we will put some numbers together based on the attachments you sent over. You should expect to see these before the end of the day tomorrow.

HMike Moreland | Transportation Products Group
Polycorp Ltd. 33 York Street West | Elora, Ontario, Canada N0B 1S0
☎ [1-519-846 2075](tel:1-519-846-2075) Ext 353 | Toll free: [1-800-265-2710](tel:1-800-265-2710) Ext 353 | Cell: [1-905-691-1948](tel:1-905-691-1948)



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From: Uri Driscoll <humboldthorse@yahoo.com>
Sent: Tuesday, July 23, 2019 10:50 PM
To: Mike Moreland
Subject: Fwd: Bay trail Trestle

Here are a few more spec drawings for you too work with

Begin forwarded message:

From: "Seemann, Hank" <HSeemann@co.humboldt.ca.us>
Subject: RE: Bay trail Trestle
Date: July 23, 2019 at 4:58:03 PM PDT
To: Uri Driscoll <humboldthorse@yahoo.com>
Cc: "Mattson, Tom" <TMattson@co.humboldt.ca.us>, Mitch Stogner <ncra.mstogner@sbcglobal.net>, Pete Johnston <petej@sonic.net>

The design plan for the test section and drawings for the two products to be tested are attached. We're working on the contracting for this work and it has not been scheduled.

Hank Seemann
Deputy Director - Environmental Services
Humboldt County Public Works Department
1106 Second Street
Eureka, CA 95501

707-268-2680

-----Original Message-----

From: Uri Driscoll <humboldthorse@yahoo.com>

Sent: Monday, July 22, 2019 9:51 AM

To: Seemann, Hank <HSeemann@co.humboldt.ca.us>

Cc: Mattson, Tom <TMattson@co.humboldt.ca.us>; Mitch Stogner
<ncra.mstogner@sbcglobal.net>; Pete Johnston <petej@sonic.net>

Subject: Bay trail Trestle

Good morning Hank,

We took Tom out on the Rail Runner last week and we talked about the trestle crossing and the flange fillers. I would like to get from you the specs on the flange filler design so I can look into alternatives in case the current model is not compatible with the rail bikes.

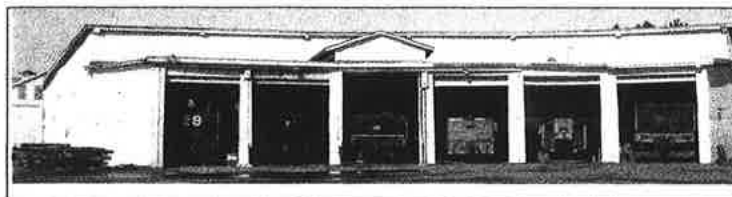
I understand there will be a demonstration of the flange fillers perhaps this week. Can you please give me the time and place when that would be happening. Tom suggested I take one of our Rail Runners to test it out.

If there is not a way to make it work we can always move once trail construction begins.

I look forward to hearing from you

Uri

OCT 30 2019



TIMBER HERITAGE ASSOCIATION

P.O. Box 6399, Eureka, California 95502

A Public Benefit 501 (c) (3) Nonprofit Corporation

www.timberheritage.org

| PUBLIC WORKS | |
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Bruce L. Seivertson, Community
Outreach Liaison

October 28, 2019

Director Thomas K. Mattson
Humboldt County Public Works Department
1106 2nd Street
Eureka, CA 95501

Dear Mr. Mattson,

On September 5th and 6th the Timber Heritage Association (THA) assisted Humboldt County staff with installing and testing flange fillers on the Eureka slough bridge. Subsequently, THA was asked to provide input for the design phase of the Bay Trail as it pertains to the rail with trail section of the trestle. We appreciate being included and offer the following information.

Planning Committee

Bernie Christen
Ron Fritzsche
Pete Johnston
Michael Kellogg
Pete Oringer
Kathe Robinson
Rod Robinson
Renee Ross
Bruce L. Seivertson
Michelle D. Sievertson
Chris Warner-Young
David Young

Our observations noted the flange fillers did provide adequate depression for our heaviest speeder to pass over, but it was slowed considerably by the friction. However, due to the specifications provided, our concern is that lighter weight speeders, as well as the THA hi-rail truck and other maintenance vehicles, may not be able to sustain adequate depression over the course of the 700 + foot span. THA reached that determination because fully laden rail bikes became derailed during the test. Lighter weight speeders and human/gas powered maintenance vehicles are close to the weight of the laden rail bikes. Derailment of any type of rail vehicle is obviously not desirable. THA understands there are other manufactured materials that may be more suited for lighter rail vehicles which can and should be tested.

Additionally, speeder rallies which THA would host are very popular throughout the country and would be of great economic benefit to the community for a variety of reasons. We presume the County would not want to exclude any lighter vehicles from participating in an event by creating a derailment situation by design. Utilizing flange fillers such as those tested in the way proposed would also create considerable difficulty if the flange fillers would become damaged and need to be replaced.

THA has also obtained a small trolley, through the help of the Eureka Lodging Alliance, and a smaller speeder. We are in the process of making both fully operational for possible use on this section of rail including the trestle. Again, these pieces of equipment have the potential to create a positive impact on the local tourist activities. A recent survey presented by a Eureka hired consultant firm noted that family-friendly tourist activities could potentially grow 204% soon. Certainly, THA is a family-friendly nonprofit.

We also point out to the County staff that if rail ties and the rail itself are to be removed and replaced a certified rail specialist would be required to reset the rail to established standards. This is not a job that a typical contractor would be

qualified to perform and would add considerable expense to the project. As discussed with staff, placing wood rail ties on cement or other impermeable material would, in this wet climate, cause excessive and premature decay of the rail ties. While cement and composite rail ties are available, they would also add considerable cost to the project.

THA believes a cantilevered trail option, like the one being successfully used on the San Lorenzo River railroad bridge in Santa Cruz, should be equally considered. The Santa Cruz County Regional Transportation Commission is well on its way to providing a rail with trail from Watsonville to Davenport. The cantilevered option would also allow for future development of the rail for such things as public transit, excursion trains, etc. without impeding trail activity. Another possibility is the use of wood planks as they have done on the historic Riverwalk Trail in Astoria, Oregon. They have left the flangeways open, so the Astoria Riverfront Trolley operates while providing access to runners, walkers, and cyclists.

THA endorses a comparison cost analysis for both the draft proposal that includes flange fillers and disruption of the existing rail trestle along with the cantilevered walk/bike way option that would be separated from but attached to the existing rail trestle. In conclusion, THA recommends consideration of alternative designs that would accommodate a sufficient and broader range of options for the use of the rail as it relates to this trestle.

Sincerely,

A handwritten signature in cursive script that reads "Bruce L. Seivertson". The signature is written in dark ink and is positioned above the printed name and title.

Bruce L. Seivertson, Ph.D.
Community Outreach Liaison
Timber Heritage Association

Cc: Humboldt County Board of Supervisors, HCOAG, Greg Sparks and Miles Slattery: City of Eureka, NCRA, Larry Oetker: Humboldt Bay Harbor Recreation and Conservation District, Senator Mike McGuire, Representative Jim Woods, Governor Gavin Newsom

Humboldt County
Public Works Director
Tom Mattson
Bay Trail South Trestle Design

October 20, 2019

Dear Mr. Mattson,

The County Public Works invited various members of the Timber Heritage Association and Uri Driscoll representing Rail Runners Humboldt Bay to assist the County staff in the installation and testing of flange fillers at the Eureka slough bridge. We have been asked to provide input for the design phase of the Bay Trail as it pertains to the rail with trail section of the trestle. We appreciate being included during this stage of design.

My own observations note the flange fillers did provide adequate depression for the heaviest speeder to pass over un-impeded. However, due to the specifications provided by Public Works staff and the test itself, my concern is that lighter weight speeders and the peddle rail bikes would not be able to sustain adequate depression over the course of the 700 + foot span. This limitation may also affect THA's high railer and other maintenance vehicles. I am able to reach that determination because as tested, fully laden rail bikes became derailed during the test. Lighter weight speeders and human/gas powered maintenance vehicles are close to the weight of the laden rail bikes. Derailment of any type of rail vehicle is obviously not desirable.

I have provided Public Works staff optional manufactured materials that may be more suited for lighter rail vehicles. Further material testing for a variety of rail uses would seem to be in order during this important design phase.

Currently Rail Runners Humboldt Bay have a proposal submitted to the North Coast Rail Authority to permit the concession to provide rail biking to the public. This concept has received unanimous support from the NCRA Board, the County Board of Supervisors, the Harbor District, the Timber Heritage Association and the City of Eureka.

I would also like to point out that if rail ties and rail itself are to be removed and replaced a certified rail specialist would be required to reset the rail to established standards. This is not a job that a typical contractor would be qualified to perform and would add considerable expense to the project. As discussed with county staff, placing wood rail ties on cement or other impermeable material would cause excessive and premature decay of the rail ties. While cement and composite rail ties are available, they would also add considerable cost to the project.

Utilizing flange fillers such as those tested in the way proposed would also create considerable difficulty if the flange fillers would be damaged and need to be replaced. It would also make bicycle and wheel chair use dangerous until the flangeway fillers were replaced.

I would like for Public Works staff to confirm that the cantilevered trail option is being considered equally. This option would also allow for future development options of the rail for such things as public transit, excursion trains, etc. without impeding trail activity. This design has been successfully implemented in Santa Cruz over the San Lorenzo River. It would be prudent to consider comparison cost analysis for both the draft proposal that includes a variety of flange fillers and disruption of the existing rail trestle alongside the cantilevered walk/bike way option that would be separated from but attached to the existing rail trestle.

Please include this letter into the responses to the proposed Mitigated Neg Dec associated with the Bay Trail South project.

Thank you.

Uri Driscoll

Rail Runners Humboldt Bay

Seemann, Hank

From: Uri Driscoll <humboldthorse@yahoo.com>
Sent: Thursday, March 05, 2020 12:16 PM
To: Seemann, Hank
Cc: Bohn, Rex; Mattson, Tom; Madrone, Steve; Pete Johnston; Bruce Seivertson
Subject: Re: Bay Rail

Hank,

That certainly is good news!

I will presume then that options are being considered other than the flange way fillers that are shown to be incompatible with lightweight maintenance of way vehicles like speeders and human powered vehicles.

From the funding application for the Bay Trail South I see that a board walk design is an option you offered for the trestle and that it has proven successful in Astoria. There is a simple modification that can be employed to reduce risk to narrow wheeled bikes we can discuss later. If you would like I can see if the engineering documents are available for their board walk design. Just say the word.

If instead you are also considering the cantilever design we can discuss that as well.

As you may know the NCRA staff has sent me a letter recommending I work with the ensuing agency for a proposal to accommodate our future rail bike concession.

While it appears that future rail use may not include heavy freight, I am thrilled (THA probably also) with your confirmation that the rail with trail design will be compatible with the future of lighter weight rail vehicles. Having this corridor available for a wide variety of uses will likely be very well received by locals and tourists alike.

Let me know if you want me to reach back out to Astoria or if that is what you have done already.

Thanks

URI

> On Mar 4, 2020, at 4:29 PM, Seemann, Hank <HSeemann@co.humboldt.ca.us> wrote:
>
> The Humboldt Bay Trail South project is being designed to be compatible with future rail use.
> -----
> Hank Seemann
> Deputy Director - Environmental Services Humboldt County Public Works
> Department
> 1106 Second Street
> Eureka, CA 95501
> 707-268-2680
>
> -----Original Message-----
> From: Uri Driscoll <humboldthorse@yahoo.com>
> Sent: Monday, March 02, 2020 9:39 AM
> To: Seemann, Hank <HSeemann@co.humboldt.ca.us>

> Cc: Bohn, Rex <RBohn@co.humboldt.ca.us>; Mattson, Tom

> <TMattson@co.humboldt.ca.us>

> Subject: Bay Rail

>

> Good Morning Hank,

>

> There was some question as to whether the existing rail would be maintained in the Bay Trail plan. A recent (Feb 15) Eco News report suggested the rail would not be maintained. Obviously most of us are aware of the rail with trail plan but it remains unclear why Jen Kalt and Alicia Hamman would publicly state otherwise.

> Can you please clarify if there are ongoing discussions to eliminate the rail portion of the plan or if it is in fact established that the rail will remain part of the Bay Trail plan? It is important to get that clarification directly from the project manager.

>

> Thank you

>

> Uri

December 14, 2021 Board of Supervisors meeting

Item J 2

Public Works acquisition of Breacut and Brainard parcels for the Bay Trail South proposal.

Current Costs of Engineering/Design ?

How much money has been spent on the design of the Bay Trail South (BTS) project to date? Who has done the accounting for those expenses?

When was Public Works directed by the Board to alter the approved rail with trail project to become a project eliminating rail infrastructure?

What is the budget for maintaining the county portion of the trail if completed? What percentage of the overall park/trail maintenance fund would that represent? Are there new maintenance funds identified for the BTS if completed?

NCRA Railbanking Legal Issues

The NCRA cannot grant any agreements during the rail banking application process currently being considered with the Surface Transportation Board.

This property acquisition decision should only be considered after the outcome of the legislated NCRA rail banking process. At this point the NCRA cannot withdraw their application with the STB. Supervisor Madrone can verify.

There is pending litigation identified on NCRA agenda documents related to the railbanking process. Meaning even if the STB were to grant the railbanking request to the NCRA, the process would be held up in the courts potentially for years.

Should the Surface Transportation Board accept Offers of Financial Assistance from one of the two (or more) rail operators already showing interest as is expected and grants the NCRA line to one of the new rail owners, new rail with trail negotiations will be necessary.

Pause this Decision for a Better Outcome

Why spend over a million dollars of tax payers money on land that would likely be worthless to the county if a new rail operator takes possession of the rail.

My advice would be to make sure the county is in position to make nice with the new rail operator to develop a rail with trail on their easement. That would likely be the most expedient way to accomplish a rail with trail project in this area.

If we play our cards right we may not even need to have the county purchase and maintain the liabilities for this property at all.

Uri Driscoll

LAW OFFICES OF JASON A. BEZIS
3661-B Mosswood Drive
Lafayette, CA 94549-3509
(925) 708-7073
jason@bezislaw.com

April 21, 2021
By email to:
tmattson@co.
humboldt.ca.us

Tom Mattson, Director
Public Works Department
County of Humboldt
1106 2nd Street
Eureka, CA 95501

Re: Humboldt Bay Trail South

This office represents the Transportation Solutions Defense and Education Fund, TRANSDEF, in the matter of the proposed railbanking of North Coast Railroad Authority (NCRA) rail assets in Humboldt County. Perhaps you have seen the coverage in the *Times-Standard*:

<https://www.times-standard.com/2021/03/23/bay-area-group-calls-ncra-railbanking-unlawful/>
<https://www.times-standard.com/2021/04/05/north-coast-railroad-authority-transdef-at-odds-over-railbanking-for-trail/>

TRANSDEF has been following the Humboldt Bay Trail project for some time now, and is pleased at how it has proceeded as a rail with trail. TRANSDEF is very supportive of the intention of the Humboldt Bay Trail South project to complete the trail between Eureka and Arcata. My client is a strong supporter of rails with trails, but vigorously opposes the removal of rails.

TRANSDEF supports the project's plan to lift and repair the railbed to provide more protection from storms. However, it is alarmed by the South Trail Project's 60% completion drawings, which would not replace the rails once the railbed is reconstructed. Those concerns were confirmed by the staff report for the March 24 California Transportation Commission meeting:

The Humboldt Bay Trail South and the concurrent Eureka Elk River Estuary Tidal Enhancement and Waterfront Trail Extension project are both part of the Great Redwood Trail, California Coastal Trail, and Humboldt Bay Trail. They are also the first trail projects on NCRA's right-of-way to propose removal of rails and ties. (p. 2.)

I write today to suggest that your design team complete its work on the original design. As you are undoubtedly aware, the alternative design is only feasible if the rails are removed. That would be illegal unless and until NCRA succeeds in getting authorization for the railbanking of its assets.

If that authorization is denied by the federal Surface Transportation Board (STB), the County would be in the uncomfortable position of not being able to proceed with its project. Because TRANSDEF is actively opposing railbanking at the STB, I am extending you the courtesy of suggesting you have your team produce two complete construction packages, so that you are prepared for any eventuality. We have sent a similar letter to Mayor Seaman.

Sincerely yours,

A handwritten signature in cursive script that reads "Jason A. Bezis".

JASON A BEZIS

cc: Hank Seeman, DPW
Mitch Stogner, NCRA
Pete Johnston, THA

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Humboldt Bay
Harbor, Recreation and Conservation District
(707) 443-0801
P.O. Box 1030
Eureka, California 95502-1030



North Coast Railroad Authority
419 Talmage Rd Suite M,
Ukiah, CA 95482

April 10, 2019

SUBJECT: Support letter for Rail Runners Humboldt Bay

To Whom it may concern:

The Humboldt Bay Harbor Conservation and Recreation District fully supports the introduction of rail bicycling along Humboldt Bay. The use of existing rail infrastructure for the establishment of an additional recreational use is a valuable economic opportunity for our region. The east side of Water Front Drive in the Halverson Park area of Eureka as the proposed location of the Rail Runners will allow the public a unique opportunity to experience the scenic vistas that include the Woodley Island Marina and a federally managed wildlife area along the railroad right of way.

The Harbor District recognizes the economic benefit that Rail Runners of Humboldt Bay will provide to associated businesses including Old Town shopping, restaurants and hotels located within close proximity of the proposed location. The District also recognizes the rail bike design provides safe and reliable benefits to less physically able people and increases their ability to access this very scenic corridor.

The Harbor District provides this support with the understanding that there may need to be modest design changes to accommodate all users for maximum benefits. If you have any questions or would like additional information about our support, do not hesitate to contact me at (707)443-3401.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Oetker".

Larry Oetker
Executive Director

Seemann, Hank

From: David Schonbrunn <David@Schonbrunn.org>
Sent: Tuesday, August 17, 2021 11:58 AM
To: Mattson, Tom; Seemann, Hank
Subject: Humboldt Bay Trail South

Our counsel wrote to you on April 21, 2021, urging you to carry a rail-with-trail alternative for your Trail project. The reason for that warning can now be made public.

A filing yesterday with the Surface Transportation Board has changed the likelihood of railbanking in the Eureka area, making it highly unlikely. The North Coast Railroad Company, NCRC, filed an Opposition to NCRA's Motion for an Exemption to the Offer of Financial Assistance provisions of federal regulations. Here is the relevant language in that filing that completely upends the expectation that the NWP will be transformed into a trail:

"NCRCo is a prospective, non-carrier offeror that intends to invoke the Board's OFA procedures to acquire the Line and restore it to operating condition to support future, high-volume traffic flows. For the moment, it is sufficient to indicate that NCRCo, capitalized to the tune of \$1.2 billion, will at the appropriate point in this proceeding – (1) demonstrate (with specific evidence) that it is financially responsible (and it will make the requisite preliminary showing at the notice of intent to file an OFA phase of this proceeding as well); (2) explain why and how the Authority's track rehabilitation estimate for the Line is grossly inflated for effect; and (3) provide detailed evidence of need for the Line as a railroad transportation asset, and shipper support for the same (and commitments to use the Line). NCRCo is a well-funded, interested party with thoroughly-developed plans to restore the Line and deploy it in the transportation of high-volume shipments by rail over the Line."

I have been in confidential communications with this company for months. Today is the first moment I'm able to speak publicly about it. They clearly intend to restore the NWP in Humboldt County, and are adequately funded to accomplish that restoration. Please recognize that your project is no longer viable as currently conceived. We hope you heeded our warning to adequately plan for this eventuality.

—David

David Schonbrunn, President
Transportation Solutions Defense and Education Fund (TRANSDEF)
P.O. Box 151439
San Rafael, CA 94915-1439

415-370-7250 cell & office

David@Schonbrunn.org

www.transdef.org

www.occupymtc.org

@occupymtc

www.nomegatax.org/



CITY OF EUREKA

SUSAN SEAMAN, MAYOR

531 K Street • Eureka, California 95501-1146

Ph (707) 441-4200

sseaman@ci.eureka.ca.gov • www.ci.eureka.ca.gov

April 16, 2019

North Coast Rail Authority
419 Talmage Rd # M
Ukiah, CA 95482

RE: Support for Rail Runners Humboldt Bay

To Whom it May Concern:

The City of Eureka fully supports the introduction of rail bicycling to Humboldt Bay. The use of existing infrastructure for the establishment of an additional recreation use is a valuable economic opportunity for our region.

The location proposed by Rail Runners Humboldt which is to be stated on the east side of Water Front Drive in the Halverson Park area of Eureka will allow the public a unique opportunity to experience the scenic vistas that include the Woodley Island Marina and a federally managed wildlife area along the railroad right of way. It is also recognized that the economic benefit that Rail Runners of Humboldt Bay will provide to associated businesses including Old Town shopping, restaurants and hotels located within close proximity of the proposed location.

The City of Eureka also recognizes the rail bike design provides safe benefits to less physically able people and increases their ability to access this very scenic corridor and coastal area. Additionally, the City of Eureka also supports the efforts of the proposed Bay Trail and understands there may need to be modest design changes to accommodate all users for maximum benefits.

For those reason, I Mayor Susan Seaman on behalf of the City Council authorize this letter of support to Rail Runners Humboldt Bay and their rail bicycling project.

Sincerely,

Susan Seaman
Mayor



TIMBER HERITAGE ASSOCIATION
P.O. Box 6399, Eureka, California 95502
A Public Benefit 501 (c) (3) Nonprofit Corporation
www.timberheritage.org

May 10th, 2019

RE: Rail Runners of Humboldt Bay

The Timber Heritage Association would like to express our full support of the project to introduce pedal rail bicycling to Humboldt Bay. The section of rail track identified in the project description has been inspected and is in good and safe condition. We operate our speeders three to four times per year on this same section. Rail bikes are a much lighter vehicle and will produce negligible impacts to existing rail infrastructure.

We anticipate the activities of the rail bikes (being operated under Rail Runners of Humboldt Bay) to be fully compatible with THA's intended use and speeder scheduling.

RRHB has shown commitment to our mutual efforts in the maintenance of the rail corridor between the Adorni Center on Water Front Drive and the Bracut industrial area along state highway 101. The clean up and maintenance of this area will benefit from continued mutual support. Both the use of existing rail tracks and the extension of the Humboldt Bay Trail would be of public benefit by the increased use of this highly scenic area. The availability of rail bicycles and speeders will allow persons with less physical abilities access to a coastal area currently not available.

We look forward to future collaboration with Rail Runners of Humboldt Bay in providing a valuable opportunity for a wide range of public and family enjoyment.

Respectfully,

Pete Johnston, President
Timber Heritage Association
petej@sonic.net

Board of Directors

*Pete Johnston, President
Bernie Christen, Vice-President
David Young, Secretary
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Richard Fridley
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Dan Hauser
Sean Mitchell
Chet Ogan
Pete Oringer*

Planning Committee

*Bernie Christen
Ron Fritzsche
Jennifer Johnston
Pete Johnston
Michael Kellogg
Linda Nesbitt
Pete Oringer
Kathe Robinson
Rod Robinson
Renee Ross
Bruce Seivertson
Michelle Sievertson
Chris Warner-Young
David Young*

From: [Holloway, Catherine@Coastal](mailto:Holloway.Catherine@Coastal)
To: [Robinson, Aurora@Coastal](mailto:Robinson.Aurora@Coastal)
Subject: Fw: Bay trail south Application public comment part 2
Date: Friday, April 01, 2022 11:47:52 AM
Attachments: [SB 10-29 bay rail with trail assessment.pdf](#)
[living shoreline Bay trail.pdf](#)
[CEQA Environmental Leadership Act.docx](#)
[Resolution 18-79.pdf](#)
[Humboldt County file number 21-1649.pdf](#)
[Outlook-jnnchrjt.png](#)

Catherine Holloway

Coastal Planner

California Coastal Commission

1385 8th Street, Suite 130

Arcata CA 95521

(707) 826-8950 ext. 3

Due to the COVID-19 emergency, I am teleworking. The quickest way to reach me is by email.

Catherine.holloway@coastal.ca.gov



From: Uri Driscoll <humboldthorse@yahoo.com>
Sent: Thursday, March 31, 2022 9:00 AM
To: Holloway, Catherine@Coastal <catherine.holloway@coastal.ca.gov>
Subject: Bay trail south Application public comment part 2

- Humboldt County segments from Ferndale to Korbelt, and around Humboldt Bay.

Rail-with-Trail Segments

- This southern section from Healdsburg (mile post 68.22) to Cloverdale (mile post 87), included in the transfer of freight rights to SMART, is well suited for rail-with-trail development. The corridor width in this section varies between 50 feet and 100 feet; can accommodate rail-with-trail infrastructure; and has no major physical, environmental, or cultural constraints. Trail development in this segment will be the responsibility of SMART and could be implemented in conjunction with SMART's plans to develop passenger service to Cloverdale. This section would be recommended for priority project planning, design, and environmental review as possible next steps, if trail planning proceeds.
- Development of rail-with-trail along a stretch of the rail corridor surrounding Humboldt Bay is preferred. Local jurisdictions have already constructed rail-with-trail multi-use paths to the north and south of the bay, and the County of Humboldt has plans to construct the final rail-with-trail segment in the middle, closing the north-south gap. In addition, the rail corridor is currently used by the Timber Heritage Association for recreational rail operations (speeder crew car rides) in Eureka and Samoa. Additional proposals for a tourist excursion train and rail bikes have been discussed. Continuing to develop the rail-with-trail option around Humboldt Bay could expand the recreational and active transportation opportunities in the region and enhance economic opportunities.

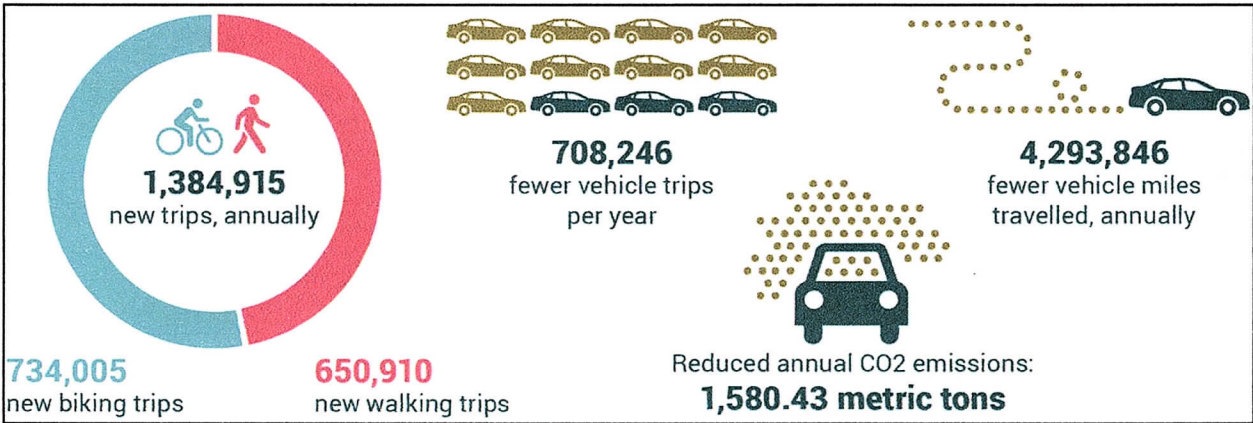


Figure 15. Economic and Social Benefits of a Fully Developed Trail

5.4.4 Living Shoreline / Natural Infrastructure Options

A living shoreline approach may be desirable at a regional level. Some of the measures for a living shoreline approach could include a horizontal levee, marsh sills, and coarse sediment beaches. These strategies could be useful for protecting areas elsewhere in Humboldt Bay in addition to along the Highway 101 corridor. Although living shoreline strategies offer less definitive protection against sea-level rise and extreme events, these options are flexible and are multi-benefit. As part of the County's recently submitted grant application for developing an adaptation plan for the Highway 101 corridor, living shorelines are proposed as an adaptation measures that will be researched and analyzed for this location in more detail.

5.5 Repairs and Maintenance

In the event that a portion of trail is damaged in a storm, the County will need to evaluate and assess the impacts, and may rebuild in-kind, or, based on the performance of the trail, consider implementing adaptation measures described in Section 5.3. Substantial repairs or overly-frequent repairs could be considered a trigger for adaptation implementation.

Chapter 6.5: Jobs and Economic Improvement through Environmental Leadership Act of 2011

§ 21178.

The Legislature finds and declares all of the following:

- (a) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) requires that the environmental impacts of development projects be identified and mitigated.
- (b) The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts.
- (c) There are large projects under consideration in various regions of the state that would replace old and outmoded facilities with new job-creating facilities to meet those regions' needs while also establishing new, cutting-edge environmental benefits to those regions.
- (d) These projects are privately financed or financed from revenues generated from the projects themselves and do not require taxpayer financing.
- (e) These projects further will generate thousands of full-time jobs during construction and thousands of additional permanent jobs once they are constructed and operating.
- (f) These projects also present an unprecedented opportunity to implement nation-leading innovative measures that will significantly reduce traffic, air quality, and other significant environmental impacts, and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the project.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 31, 2018

RESOLUTION NO. 18-79

**RESOLUTION ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE
DECLARATION FOR THE HUMBOLDT BAY TRAIL SOUTH PROJECT**

WHEREAS, the Humboldt Bay Trail is envisioned as a network of trails providing non-motorized access for transportation and recreational use throughout the Humboldt Bay region; and

WHEREAS, the Humboldt Bay Trail is a collaborative effort between the Humboldt County Association of Governments, Humboldt County, City of Arcata, City of Eureka, California Department of Transportation, State Coastal Conservancy, North Coast Railroad Authority, Redwood Community Action Agency, Humboldt Trails Council, and a variety of other agencies and organizations; and

WHEREAS, completion of the Humboldt Bay Trail between Eureka and Arcata has been a regional priority for over 20 years; and

WHEREAS, in 2014, Humboldt County received state transportation funding to complete the preliminary engineering, environmental review, and design phases for the Humboldt Bay Trail South project; and

WHEREAS, the Humboldt Bay Trail South project ("Project") is a 4.2-mile Class I bikepath extending along the Highway 101 and railroad transportation corridor between Arcata and Eureka, which will connect the trail projects completed by the Cities of Arcata and Eureka to create a nearly 14-mile continuous trail; and

WHEREAS, in July 2018, Humboldt County applied to the Active Transportation Program for funding to construct the Project; and

WHEREAS, the Project is subject to environmental review pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, the County of Humboldt is serving as lead agency for the purpose of complying with CEQA; and

WHEREAS, the Humboldt County Department of Public Works prepared an Initial Study and Proposed Mitigated Negative Declaration (dated February 16, 2018) for the Project in accordance with the provisions of CEQA; and

WHEREAS, the Initial Study and Proposed Mitigated Negative Declaration identified 11 mitigation measures to ensure the Project will have a less than significant effect on the environment; and

WHEREAS, the Initial Study and Proposed Mitigated Negative Declaration was submitted to the California State Clearinghouse with a review period of February 16, 2018, through March 19, 2018; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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RESOLUTION NO. 18-79

WHEREAS, a Notice of Intent to adopt the Proposed Mitigated Negative Declaration for the Project was published in the February 21, 2018 edition of the Eureka Times-Standard; and

WHEREAS, a public meeting for the Project was held on February 27, 2018.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Humboldt County Board of Supervisors has reviewed the Initial Study and Proposed Mitigated Negative Declaration for the Project together with the comments received during the public review process.
2. The Humboldt County Board of Supervisors has reviewed and approved the recommended mitigation measures and finds that they reduce the potential impacts of the Project to a level less than significant, and hereby incorporates the proposed mitigation measures into the Project and adopts the Mitigation Monitoring and Reporting Program, Appendix F attached to the Mitigated Negative Declaration.
3. The Humboldt County Board of Supervisors finds that the Proposed Mitigated Negative Declaration reflects the County of Humboldt's independent judgment and analysis, and that the procedural requirements of CEQA have been satisfied for the Project.
4. The Humboldt County Board of Supervisors finds, on the basis of the Initial Study and all comments received on the Proposed Mitigated Negative Declaration, and responses to those comments, which together constitute the whole record, that there is no substantial evidence sufficient to support a fair argument that the Project, with incorporation of the approved mitigation measures, may have a significant effect on the environment.
 - a. The existence of a public controversy, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social, psychological, or economic impacts which do not contribute too, or are not caused by, physical impacts, is not substantial evidence. (Pub. Res. Code § 21082.2; 14 C.C.R. § 15384.)
 - b. A significant effect on the environment is a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. (14 C.C.R. § 15382.)
 - c. The existence of a public controversy over the removal of the northerly forty-two percent (42%) of the length of the row of eucalyptus trees along Highway 101 adjacent to the location of the proposed extension of the Humboldt Bay Trail, as reflected in the public comments received on the draft Mitigated Negative Declaration, does not itself constitute substantial evidence.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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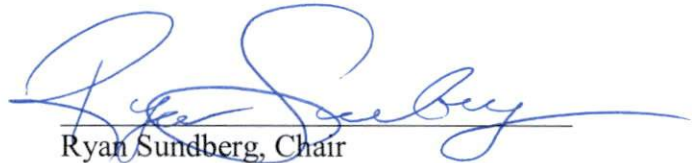
RESOLUTION NO. 18-79

- d. The Updated Historical Evaluation Form for Eucalyptus Trees (JRP, 2018) and concurrence letters from the State Historic Preservation Office (2006 and 2018) (Attachment E to the CEQA Comment Evaluation Memo prepared by the Department of Public Works dated July 16, 2018) accurately describes the history of the eucalyptus hedgerow along Highway 101, and establishes that it is not eligible for listing as historically significant under criteria for the National Register of Historic Places and the California Register of Historical Resources. The removal of the northernmost 42% of the eucalyptus tree row does not therefore have a significant environmental effect on a historic resource.
 - e. The Visual Resources Impact Assessment dated February 18, 2018 (Appendix B to the County of Humboldt - Bay Trail South Initial Study and Proposed Mitigated Negative Declaration) for Landscape Units 7 and 8, pp. 57 - 63, describe and illustrate with key observation point photographs and photo simulations the impact on scenic vistas and visual character or quality of the site and its surroundings for the northernmost 42% of the eucalyptus tree row (approximately 2,500 feet long), using CEQA Guidelines criteria and guidance for visual resources set forth by the Federal Highway Administration (1988) to determine the significance of visual impacts. The southerly 58% of the eucalyptus tree row (approximately 3,400 feet long) along the frontage of the California Redwood Company mill site, a majority of the trees, would not be affected by the Project, leaving the overall scenic vista and visual character and quality of the site and its surroundings largely intact. The visual and aesthetic impact of the Project, while noticeable by many of the persons familiar with the existing condition of the northernmost segment of eucalyptus tree row who have submitted comments on the MND, is therefore less than significant when considering the whole record and the entire scope of the Project.
 - f. To the extent that the northernmost approximately 2,500 feet length of eucalyptus tree row may provide nesting sites for birds, potentially impacting migratory bird species protected under the Migratory Bird Treaty Act listed in 50 C.R.F. Part 10, or the state or federal Endangered Species Acts, the adoption of Mitigation Measure BLO-5 set forth on p. 3-24 of the Initial Study/Proposed Mitigated Negative Declaration, will reduce the potential impact to less than significant.
5. The Humboldt County Board of Supervisors adopts the Initial Study and Proposed Mitigated Negative Declaration prepared by the Humboldt County Department of Public Works and approves the Project as currently designed and directs Public Works to carry out the next phases of the Project.
 6. The Humboldt County Board of Supervisors designates the Humboldt County Department of Public Works, 1106 Second Street, Eureka, California, 95501, as the custodian of the documents or other materials which constitute the record of proceedings upon which the decision to adopt the Proposed Mitigated Negative Declaration is based.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 31, 2018

RESOLUTION NO. 18-79

Dated: July 31, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

| | | |
|----------|-------------|---------------------------------|
| AYES: | Supervisors | Fennell, Bass, Wilson, Sundberg |
| NAYS: | Supervisors | -- |
| ABSENT: | Supervisors | Bohn |
| ABSTAIN: | Supervisors | -- |

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By: Brooke Eberhardt
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California



COUNTY OF HUMBOLDT

Master

File Number: 21-1649

| | | |
|-----------------|------------------------|---------------------------------|
| File ID: | Type: | Status: |
| Version: | Agenda Section: | Department: Public Works |
| Subject: | | File Created: 10/29/2021 |
| | | Final Action: 01/11/2022 |

Title: Public Hearing to Consider Overruling the Airport Land Use Compatibility Plan Inconsistency Determination for the Humboldt Bay Trail South Project near Murray Field Airport (4/5 vote required)

Internal Notes:

Agenda Date: 01/11/2022

Agenda Number: 2.

Sponsors:

Enactment Date:

Attachments: Staff Report, Attachment 1 - Figures 1-3, Attachment 2 - 45-Day Notice, Attachment 3 - Caltrans Aeronautics Response Letter, Public Comment on I-2.pdf

Enactment Number:

Recommendation:

Public Notice Date:

Drafter: hseemann@co.humboldt.ca.us

Effective Date:

Related Files:

History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|--|----------------------|------------|----------|----------|-----------|--------------|---------|
| 1 | Board of Supervisors | 01/11/2022 | approved | | | | Pass |
| Action Text: A motion was made by Board Supervisor Madrone, seconded by Board Supervisor Bohn to approve staff recommendations. The motion carried by the following vote: Aye: 5 Board Supervisor Bohn, Board Supervisor Bass, Board Supervisor Bushnell, Board Supervisor Wilson and Board Supervisor Madrone | | | | | | | |

Text of Legislative File 21-1649

To: Board of Supervisors

From: Public Works

Agenda Section: Public Hearing

SUBJECT:

Public Hearing to Consider Overruling the Airport Land Use Compatibility Plan Inconsistency Determination for the Humboldt Bay Trail South Project near Murray Field Airport (4/5 vote required)
..end

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open a public hearing to consider overruling the Airport Land Use Compatibility Plan inconsistency determination for the Humboldt Bay Trail South Project near Murray Field Airport;
2. Find that the Humboldt Bay Trail South Project is consistent with the purpose of the Humboldt County Airport Land Use Commission's statutory authority;
3. Close the public hearing; and
4. Overrule the inconsistency determination and direct the Humboldt Bay Trail South Project to proceed (4/5 vote required).

SOURCE OF FUNDING:

Forest Resources and Recreation Fund (1710)

DISCUSSION:

The Humboldt County Board of Supervisors serves as the Governing Board of the Humboldt County Airport Land Use Commission ("Humboldt County ALUC"). On Oct. 5, 2021, the Humboldt County ALUC determined that the Humboldt Bay Trail South Project ("Project") is not consistent with the 1993 Airport Land Use Compatibility Plan ("ALUCP") because a portion of the Project is situated within compatibility zone A associated with Murray Field airport and Table 2a of the ALUCP prohibits all non-aeronautical structures within this zone. The term "structure" is not defined in the ALUCP and is interpreted broadly to mean any object constructed with multiple components and having a fixed location on the ground. The portion of the Project within zone A includes placement of aggregate base and asphalt and construction of a 48-foot-long trail bridge. Alternative alignments for the trail outside zone A are not feasible due to the constraints of Humboldt Bay and Highway 101. Because the trail is not required for aeronautical purposes, the portion of the Project located within zone A conflicts with the compatibility criteria in Table 2a. Therefore, based on a strict interpretation of the compatibility criteria, it follows that the Project is not consistent with the ALUCP.

Public Utility Code Section 21676 and Section 21676.5 state that a local agency may overrule an airport land use commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purpose of the commission's statutory authority. Here, the Board of Supervisors serves as the governing body of the local agency implementing the Project in addition to serving as the governing board of the Humboldt County ALUC. The purpose of an airport land use commission's statutory authority is "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses" [Public Utility Code Section 21670(a)(2)].

The following considerations support a finding that approving the Project is consistent with the purpose of the Humboldt County ALUC's statutory authority:

* Portions of Highway 101 and the Northwest Pacific railroad are situated within compatibility zone A for Murray Field. The segment of Highway 101 between Eureka and Arcata has the highest average daily traffic within Humboldt County. Highway 101 was initially developed in 1923 and Murray Field was developed in the late 1930s and early 1940s. The first ALUCP for Humboldt County was adopted in 1979. Therefore, the transportation corridor was already devoted to uses incompatible with the ALUCP when the ALUCP was adopted. The Project will improve the transportation corridor by providing a paved path separated from the roadway of Highway 101 for use by pedestrians and bicyclists. The paved path will be situated on the

opposite side of Highway 101 from Murray Field, thus enabling pedestrians and bicyclists to be further away from Murray Field than they would otherwise be if traveling along Highway 101.

* The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing (ALUCP Section 3.2.1). The principal means of reducing risks to people on the ground is to restrict land uses in order to limit the number of people who might gather in areas susceptible to aircraft accidents (Section 3.2.2). Land uses of particular concern are ones in which the occupants have reduced effective mobility, such as schools, hospitals, and nursing homes (Section 3.2.3). The Project does not involve an occupied structure and will not create a gathering point resulting in a high concentration of people. The portion of the Project within compatibility zone A does not include amenities such as benches, kiosks, or viewing areas that would encourage gathering.

* In the event that an aircraft is forced to land away from an airport, risks can be minimized by providing as much open land area as possible within the airport vicinity for a pilot to attempt a controlled emergency landing away from the runway. Open land is defined as land free of structures and other major obstacles such as walls, large trees, and overhead wires and with minimum dimensions of 75 feet by 300 feet. Clustering of development is encouraged to increase the size of open land areas (Section 3.2.5). The location of the proposed path is in a very marginal location for a pilot to attempt a controlled emergency landing due to the presence of Highway 101, Eucalyptus trees, and the waters of Humboldt Bay. Locating the path within the transportation corridor and along the levee of the Brainard Mill site meets the intent of clustering development around airports and leaves the adjacent tidelands unobstructed.

* The portion of the Project within compatibility zone A will generally be at ground level except for the pedestrian bridge. The bridge railings will have a height of approximately five to six feet above ground level and will not penetrate airspace protection surfaces or create an airspace obstruction.

In summary, the Project will be situated in an area already devoted to uses incompatible with compatibility zone A in the ALUCP, and the Project will serve to partially mitigate safety hazards by allowing pedestrians and bicyclists to travel further away from Murray Field. The Project will not create an occupied structure or airspace obstruction within zone A and will not encroach on open land suitable for emergency aircraft landings.

On Nov. 15, 2021, Public Works submitted 45-day notice (Attachment 2) to the California Department of Transportation, Division of Aeronautics ("Caltrans Aeronautics") and the Humboldt County ALUC pursuant to California Public Utility Code Section 21676 and Section 21676.5, regarding the proposal to overrule the Humboldt County ALUC's finding that the Project is not consistent with the 1993 ALUCP. The response letter from Caltrans Aeronautics (Attachment 3) does not state any objections to the proposed overrule.

Based on the information provided herein, Public Works recommends that the Board find that the Project is consistent with the purpose of the Humboldt County ALUC's statutory authority, overrule the determination of inconsistency with the ALUCP, and direct the Humboldt Bay Trail South Project to proceed.

FINANCIAL IMPACT:

Public Works has expended approximately \$2,600,000 for planning, engineering, environmental studies, and right-of-way acquisition associated with the Project through June 30, 2021. A total of \$16,550,000 has been secured from the California Transportation Commission, California Department of Transportation, and State Coastal Conservancy for the construction phase. Consideration of overruling the inconsistency determination will not impact the Humboldt County General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health and providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

Aviation Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could choose not to overrule the Humboldt County ALUC's determination that the Project is inconsistent with the ALUCP. This alternative is not recommended because it is not supported by the facts of the situation.

ATTACHMENTS:

- 1 Figures
- 2 45-day Notice
- 3 Caltrans Aeronautics Response Letter (December 8, 2021)

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-2

Meeting of: October 5, 2021

File No.: 21-1407

1

From: [Gordon Inkeles](#)
To: NorthCoast@Coastal
Subject: Public Comment on April 2022 Agenda Item Thursday 17a - Application No. 1-20-0560 (County of Humboldt Department of Public Works, Humboldt Co.)
Date: Tuesday, April 5, 2022 11:09:25 AM

Attention Coastal Commission Members:

Regarding Application No. 1'20-05560

Your highest duty as Commission Members is to protect the public safety. The so called "safety corridor" on route 101 between Eureka and Arcata is so named because it is the site of numerous accidents. Presently, all bicycle traffic between these two cities must ride in a narrow lane with no barrier between cyclists and 50 mile an hour traffic. Additionally, cyclists must navigate through a carpet of debris dropped from failing Eucalyptus trees along the road. Foot traffic between the two cities must share the same dangerous lane next to the Freeway.

As you may know, Cal State Humboldt in Arcata is expanding to accommodate thousands of new students. Many will commute between Eureka and Arcata by bicycle.

Humboldt residents have worked for years to make this project a reality. Kindly vote to support it and build it as soon as possible.

Sincerely,

Gordon Inkeles
ARCATA ARTS
arcata@mac.com
POB 800, Bayside, CA. 95524 USA
707 826 2002 tel/fax