

APPEAL OF PLANNING COMMISSION DECISION RE: HARE CREEK CENTER

Both the California Environmental Quality Act and the National Environmental Quality Act require development projects to protect the environment, and they require full disclosure and critical analyses. Understanding Environmental Impact Assessment, by Richard Grassetti, Environmental Consultant, states, "Impact assessment requires projection, which by its very nature can be subjective. Even quantitative models that profess to provide definitive analytical data often have large margins of error and can be manipulated by "tweaking" the inputs to result in the desired output." It goes on to say, "Further subjectivity enters into the process in determining the significance of an impact." In other words, opinion.

California Public Resource Code section 21080(d) states that "if there is substantial evidence, in light of the whole record...that the project MAY have a significant effect on the environment, an Environmental Impact Report shall be prepared". We believe that after hearing and reading the evidence for the appeal in its entirety, this council will also agree that there is indeed substantial evidence of such an effect, and that therefore you are legally required to order an EIR for this project. We believe that the Mitigated Negative Declaration for this project does not adequately address the potential significant impacts to the social and natural environment.

The purpose of the Fort Bragg Local General Plan is to implement the policies of the California Coastal Act in regard to land use issues within sensitive coastal resource areas. The Coastal Act sets, as goals for LGPs in the Coastal Zone: "to protect, maintain... enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources." AND "To assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the **social and economic** needs of the people of the state." AND "To assure priority for coastal-dependent and coastal-related development over other development on the coast."

The Mission Statement of the FB Local General Plan is to **"preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents.** Fort Bragg is: **"a city that fosters a business climate which sustains and nourishes the growth and expansion of local businesses."** AND **"A city which seeks to preserve its natural beauty and provide access to the scenic and recreational resources of its natural setting."** Further, the FB General Plan **"is a plan that seeks a balance among the environmental, social, and economic needs of the community."** I propose that this development meets none of these goals in the FB General Plan nor the California Coastal Act nor CEQA requirements for a thorough and objective analysis.

Received from  
Doreen Dawson

## **AREAS OF CONCERN**

The water study used in the permit application is 20 years old, so is seriously outdated. The proposed new reservoir is dependent upon normal rainfall, which seems less and less likely. The project expects to use nearly 2 million gallons of water per year, but serious, extended drought conditions are predicted for all of California. Where will this water come from?

The traffic study used in the permit application does not take into account the increased traffic to and from the Dollar Tree Store, nor the proposed transfer station, or rapidly increasing population and tourism.

The GHG emissions levels generated by the vehicular traffic to and from the center do not meet state or local standards for GHG emission reduction.

There are inconsistencies and lack of transparency in the grading plan.

The approval of this project will allow piecemeal or daisy-chaining development of the remaining undeveloped parcels between the College of the Redwoods and the commercial center. This is illegal.

Biological resources will be impacted: the water demand for this and future projects such as the mill site will draw down water on the Noyo River to a level that could impact coho salmon and steelhead.

Run-off from construction and operation of the center may contaminate neighboring wells.

The project creates visual blight and expansion of the commercial district to the Southern Gateway of the city, when the goal is to centralize the business district and to create a "City surrounded by a Park".

The Fort Bragg Waste Water treatment plant is outdated, substandard, and already operating at capacity.

Traffic congestion on Hare Creek Bridge on Hwy 1 south of Hwy 20 will create dangerous conditions for emergency vehicles, pedestrians, and bicyclists.

There are inconsistencies in the plans for the road connecting Ocean View Dr. to Bay View Ave. This road will increase traffic and noise in the Todd Point residential area. Creating a new, southernmost through road removes the undeveloped area immediately south of the project from Coastal Commission review.

Traffic mitigation measures are insufficient to prevent congestion because of the complexity of the access intersection of Hwy 1, Harbor Ave., and Ocean View Ave.

The project is located in a scenic location; a beautiful green, open space greeting visitors and locals alike on entering Fort Bragg. The economy of the area depends on tourism, which depends on the scenic, small town quality of Fort Bragg, not corporate strip malls.

At a time when many Fort Bragg businesses are struggling, this commercial center will have adverse effects on the economy of Fort Bragg. The applicant admits that the Grocery Outlet will generate only a limited number of jobs.

Proposed parking is insufficient if a restaurant is at the site, as per the California Coastal Commission.

Both the Dept. of Fish and Wildlife and the California Coastal Commission concur that there are potential significant impacts.

The Department of Toxic Substances Control just approved 190 acres for development on the former mill site. This opens up a huge tract of land for commercial and residential development in Fort Bragg. The people of Fort Bragg deserve a careful, forward looking development plan for the future of their town.

The applicants justify this project based on the existing development in the surrounding areas. Much of this development was approved during a strongly pro-growth atmosphere in the city administration, and before the reality of extended drought.

A 2008 Fort Bragg Coastal Plan document identifies a geologic fault line running from the mouth of the Noyo River through Todd Point, not through, but adjacent to the project. The MND neglects to mention this.

Goal CD-4 of the FB LGP: attractive entryways into the City. This project does not meet this goal.

Letters advising 29 Todd Point residents of this project were returned undelivered, depriving the affected residents of adequate notice.

**Potential significant environmental impact legally requires an Environmental Impact Report, which is what we are requesting from the City Council.**

## Traffic

We believe that the Mitigation offered in the Negative declaration does not address the potential significant impacts on traffic to and from the project site, due to the complexity of the existing intersection of Hwy 1, Ocean View Dr., and Harbor Ave., and the fact that the traffic study was completed before the Dollar Tree Store moved into the Boatyard Center, which we believe has impacted traffic more than the applicant would have us believe. The Dollar Tree generates more traffic than Rite Aid did due to the fact that there is a Rite Aid store closer to the downtown, probably a reason that the Boatyard Rite Aid was abandoned. We also believe that the mitigation proposed to eliminated congestion at the access intersection (Hwy 1 and Ocean View Dr.) is not sufficient at this complex intersection , and that the MND does not address the cumulative effects of rapid population growth and rapidly increasing tourism, nor the proposed high density housing or other development to the west of the project, or the proposed transfer station which would put much commercial truck traffic at the Hwy 1, Hwy 20 intersection.

### **Other issues of concern:**

The plan to connect Ocean View Dr. with Bay View Ave., making it the westernmost through road, would remove the remaining undeveloped land to the south of the project from Coastal Commission purview, easing the way for further development of this site. This road would also increase traffic and noise in a residential neighborhood, which is contrary to the goals of the **Fort Bragg LG Traffic Element Goal C-3** Preserve the peace and quiet of residential areas, **Policy C-3.1.1** Reduce through traffic on Local Streets.

Furthermore, development at this site will remove barriers to growth by facilitating the permit process for a projected high density residential development on the undeveloped land directly west of the project. This is piecemeal development, or daisy-chaining, and is illegal, as well as creating cumulative impacts.

**Policy C-2.6: Traffic Studies for High Trip Generating Uses:** Traffic studies shall be required for all major development proposals, including but not limited to, convenience markets, major tourist accommodations, shopping centers, commercial development, and other generators of high traffic volumes that would affect a Level of Service. Traffic studies shall identify, at a minimum: (a) the amount of traffic to be added to the street system by the proposed development; (b) other known and foreseeable projects and their effects on the street system; (c) the direct, indirect, and cumulative adverse impacts of project traffic on street system operations, safety, and public access to the coast; (d) mitigation measures necessary to provide for project traffic while maintaining City Level of Service standards.

Section D of the Traffic element of the Fort Bragg General Plan states that

“Land use and transportation must be coordinated so that the capacity of the transportation system will accommodate the traffic generated by the development of the community. Policy C-1.3 does not permit new development that would result in the exceedance of roadway and intersection Levels of Service Standards unless a) revisions are incorporated in the proposed development project which prevent the LOS from deteriorating below the adopted LOS standards.

## 2. Level of Service Standards Fort Bragg Local General Plan:

Level of Service (LOS) standards provide a qualitative indicator based on a quantitative analysis of the functional capacity of a roadway or intersection. LOS standards describe the relative ease or congestion of traffic movement on a roadway or at an intersection.

### **Acceptable Delays LOS C**

Stable flow operation. Higher volumes. More restrictions on maneuverability and speed.

### **Tolerable Delays LOS D**

Approaching unstable flow operation. Queues develop. Little freedom to maneuver. Tolerable delays for short periods. 0.81-0.90

### **Significant Delays LOS E**

Unstable flow or operation. Low operating speed; momentary stoppages. This condition is not uncommon in peak hours. Congestion and intolerable delays. 0.91-1.00

### **Excessive Delays LOS F**

Forced flow or operation. There are many stoppages. The highway acts as a vehicle storage area. Jammed. Gridlock—

Source: Highway Capacity Manual, HRB Special Report 87.

## Table C-3 Fort Bragg LGP

### INTERSECTION LEVEL OF SERVICE(FRIDAY PM PEAK HOUR IN AUGUST)

Intersection	Existing (August 2001)	Year 2011
Highway One/Hwy. 20 (Signal)		LOS C-21
Highway one/Ocean View Dr.		LOS C-24.3

Traffic at the relevant intersections were already at LOS C in 2011.

From the Mitigated Negative Declaration:

Project impact on existing traffic:

“The analysis found that the project would reduce the LOS at some intersections. The report identified three intersections that would be impacted by the project such that the LOS would fall to a LOS C or lower. Refer to the MND, page 39.

The project description includes widening the eastbound approach at Hwy 1 to and Ocean View Dr. to add a right turn only lane southbound onto Hwy 1.

**The author of the traffic study indicated that installation of the right turn only lane is necessary for the traffic flow to work effectively.**

“Even with **Mitigation Measure 15** (right turn only lane) the impacts of this project on already under performing driveway/highway intersections may be problematic”- pg. 39 of the MND. An examination of the area proposed for this right turn lane reveals that there is a sidewalk and a landscaped area immediately adjacent to the Blue Dolphin Inn. But there is no explanation in the MND about how this right turn lane will be accomplished without destroying the sidewalk and infringing on the site of the motel.

This commercial center is expected to generate over 3000 vehicular trips per day. The increase in traffic will be significant. The human environment must be considered in relation to new projects, and increased traffic provokes stress as well as generating excessive GHG emissions.

### **Hare Creek Bridge**

The Hare Creek Bridge constrains traffic south of town into and out of Fort Bragg, in fact is a vital piece of the coastal Hwy 1 up and down the state. The width of the roadway is 25 feet. The sudden narrowing of the roadway on the bridge forces all modes of traffic to merge together over the bridge, making the roadway extremely dangerous for bicyclists, and not much safer for pedestrians. Fort Bragg is a destination for bicyclists from all over the world.

We also believe that the traffic congestion generated by this project will create back-ups at the intersection northbound at Hwy 20, creating a public hazard in the event of an emergency, constricting the ability of emergency vehicles to cross the bridge. In addition, there is a geologic fault running from the mouth of the Noyo River through Todd Point. In case of earthquake, this aging, outdated bridge (1947) could become compromised, as could other roads surrounding the project.

**STEVEN J. ANTLE**

ATTORNEY AT LAW

POST OFFICE BOX 41  
MENDOCINO, CA 95460  
707.937.5925

RECEIVED

JAN 27 2015

CITY OF FORT BRAGG  
COMMUNITY DEVELOPMENT DEPT

January 27, 2015

Fort Bragg Planning Commission  
By fax: 707-961-2802

**Re: Hare Creek Shopping Center Development**

Dear Commissioners,

The traffic study done in August of 2013 is not valid for a proper evaluation of the real impacts of the proposed shopping center development. Additional studies of winter and summer current traffic should be made before any consideration of this project.

The transfer of the College of the Redwoods to Mendocino College has lead to more classes at the Todd's Point campus. A study done in August does not account for students, faculty and other traffic impacts related to this facility which uses the same access roads as will be people going to the proposed new stores.

With the addition of the Dollar Store to the Boatyard Shopping Center many more vehicles are now traveling both on Highway #1 and Highway #20 as well as the access road from Highway #1 to the Boatyard Center. More shoppers are patronizing the Dollar Store than ever went to Rite Aid. This increase in local traffic and congestion must also be studied and accounted for.

There will be serious problems from traffic backing up at the already busy Highways #1 and #20 intersection as well as with cars stopped at the one lane Hare Creek Bridge.

The impact on traffic cannot be measured by the out-of-date figures used in the study attached to the Negative Declaration. Traffic will be greatly increased by the proposed development and a decision cannot be made without proper information. Any evaluation of traffic must include measuring the present traffic both in the summer when there is increased visitor congestion and in the winter when the college classes are being held.

I believe that approving of this project without a proper traffic study could open its approval to a legal challenge.

Sincerely,

  
Steven J. Antler

## **Greenhouse Gas Emissions**

The permit application and the attorney for the applicant downplay the importance of the greenhouse gas emissions which will result from this project and future development at this site. The project is expected to generate 2.5% additional GHG emissions primarily from vehicles visiting the site. The Global Warming Solutions Act of 2006 requires that the State's GHG emissions be reduced by 10% below 1990 levels by 2020. (only 5 years) The Fort Bragg Climate Action Plan requires a 20% reduction for municipal and 7% reduction in general by 2020. **"The project may result in GHG impacts that could conflict with the 2012 City of Fort Bragg Climate Action Plan."** MND pg. 24. The attorney for the applicant, Mr. Jackson, states that the real problem society faces in regard to GHG emissions is from motor vehicles and electricity generation. Exactly! In the permit, the applicant states that the majority of the GHG generated by this project will be from vehicular traffic to and from the site. Adding bike racks and sidewalks will do little to reduce these figures since the site is not near any significant residential areas and is surrounded by busy four lane traffic.

One solution to lowering GHG emissions in Fort Bragg is to centralize the business district so that shoppers are not required to make extra trips in the car to do their business, not adding commercial developments on the outskirts of the city. In addition, paving over open space induces global warming.

**We, Citizens for Appropriate Coastal Land Use** request that this council require a complete and thorough Environmental Impact Report as required by CEQA regulations prior to approval of the permit for the Hare Creek Center.



Fort Bragg City Council

Dear Council members,

Fort Bragg's economy is very dependent upon the tourist industry. What draws tourists to Fort Bragg is the natural beauty and open spaces of our area. They come here to get away from the overdeveloped areas that they live and work in.

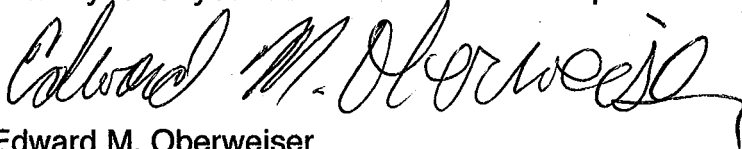
The proposed Hare Creek Mall will do nothing but detract the natural beauty of our area. It will be an ugly introduction at the Southern entry to Fort Bragg. It will make Fort Bragg look like anytown USA.

The Hare Creek Mall will cause more traffic near the intersections of highways 1 and 20. As a bicyclist who has been commuting by bicycle since 1979, I find the Hare Creek Bridge to be a very intimidating and dangerous place to mix bicycles and automobiles. There is not enough space for cars to pass bicyclists safely on the bridge and the speed limit there is 40 miles per hour - very unsafe. The Hare Creek Bridge is already substandard for the amount of traffic it already services. It will not be able to handle safely any additional traffic.

I was a professional bicycle delivery worker for 6 1/2 years in Santa Barbara with a much larger population and many more automobiles on the road. Even with this experience, I hesitate to ride my bike to Caspar or Mendocino. A number of tourists to Fort Bragg are bicyclists riding along western coast of the U.S. Their journey will be made safer and more beautiful without the addition of the Hare Creek Mall and its attending traffic additions.

The Hare Creek Mall will have a definite significant impact on the traffic. This calls for an Environmental Impact Report (EIR). Please direct the developers to submit an EIR.

Thank you for your consideration of this important issue.

A handwritten signature in black ink, appearing to read "Edward M. Oberweiser". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Edward M. Oberweiser  
19244 Benson Ln.  
Fort Bragg, Ca 95437  
707-964-7965

## **Comments Regarding Hare Creek Center Project (HCCP)**

**Leslie Kashiwada, PhD Oceanography  
(kashiwa@mcn.org)**

These written comments contain information and analysis regarding hydrology, storm water, seismicity, and biological impacts of the Hare Creek Center Project (HCCP). I have gathered a great deal of documentation for everything I will write, but for the sake of brevity, I will touch on the most important points in each of these areas in my verbal presentation, and will provide my written comments to the City Council for further reference.

Let me begin by saying that in both the Hare Creek Appeal document prepared by City staff and the letter from the Jackson Law Offices on behalf of the proponents of this project characterize our appeal of the Planning Commission's decision to accept the Mitigated Negative Declaration (MND), and letters provided by the California Department of Fish and Wildlife (CDFW) and the Coastal Commission as consisting of opinion and not based in fact. To the contrary, I will be presenting facts and empirical evidence, along with analysis that support the assertions I will be making tonight both in my verbal presentation and my written document.

### **Hydrology and Storm Water**

In this section I will address two main points: 1) hydrology and ground water infiltration and 2) stormwater runoff.

#### **1) Hydrology**

There is no denying that the Nolan Associates report was prepared 20 years ago in 1995 for a proposed K-Mart shopping center. A lot has changed in 20 years. The geological and hydrological analyses, if accurate, may still be relevant (refer to the memo from Dick LaVen to Dave Goble dated August 27, 2003 for his concerns about the accuracy of these analyses). However, there is question that the analysis of groundwater recharge is based on climatological conditions that were very different than what we are experiencing today.

In a letter from the Todd's Point Homeowners to the Fort Bragg City Council, dated March 13, 2015 and signed by 45 people, the state, "Many of us have enjoyed adequate water and almost perfect water quality over many years from our wells. Now, of course the situation has drastically changed and many wells have dried up or are running quite short of water. protection of our water availability, present and future, is on everyone's mind here on Todd's Point." This letter goes on to explain, "Many of our wells extend below sea level. These wells rely on fresh water static pressure to hold the inflow of the sea water at bay. Some wells have already run dry and owners have had to import water. This low water level reduces the ability of the fresh water to hold back the salt water. Salt water intrusion is nearly impossible to recover from. Drilling new wells is not an answer after catastrophic failure of the aquifer."

This letter also states, "Similarly, recharging the groundwater from/through a temporary filtration technology such as a "bioswale", then discharging directly into graded and/or back-filled terrain will only compound the issue. Concentrated petroleum and

manufactured chemicals will find their way into our water supply." I will be addressing this issue in more detail in the next section.

The Todd's Point Homeowners specifically request that all "captured" water be formally treated with current technologically recognized processes and that the final effluent be tested, with results reported to the regional Water Quality Control Board and local property owners on a monthly basis.

Given changes in climatological conditions and the questions raised by Dick LaVen regarding the geological analysis in the Nolan Associates report, there is sufficient reason to believe this report does not provide an accurate representation of current condition on the HCCP site and Todd Point.

**For this reason, a full, complete, objective, and up-to-date EIR is necessary for the Hare Creek Center Project, prior to approving any design reviews, lot line adjustments, or any of permits associated with this project.**

## **2) Stormwater Runoff**

It is commonly knowledge that 1" of rain falling on 1000 SF roof will result in 620 gallons of runoff. The MND describes the Hare Creek Center Project (HCCP) as having 10,000 SF of impervious surface plus 5,000 SF of parking lot. This seems to contradict the 29,500 SF footprint of the buildings, and may be referring only to the parking lot area, but the MND is not clear on this topic. Therefore, I will use 15,000 SF, 34,500 SF, and 44,500 SF of impervious surface in the following analysis.

$$\frac{620 \text{ gallons runoff}}{1000 \text{ SF surface}} \times 15,000 \text{ SF} = 9,300 \text{ gallons runoff for every inch of rain}$$

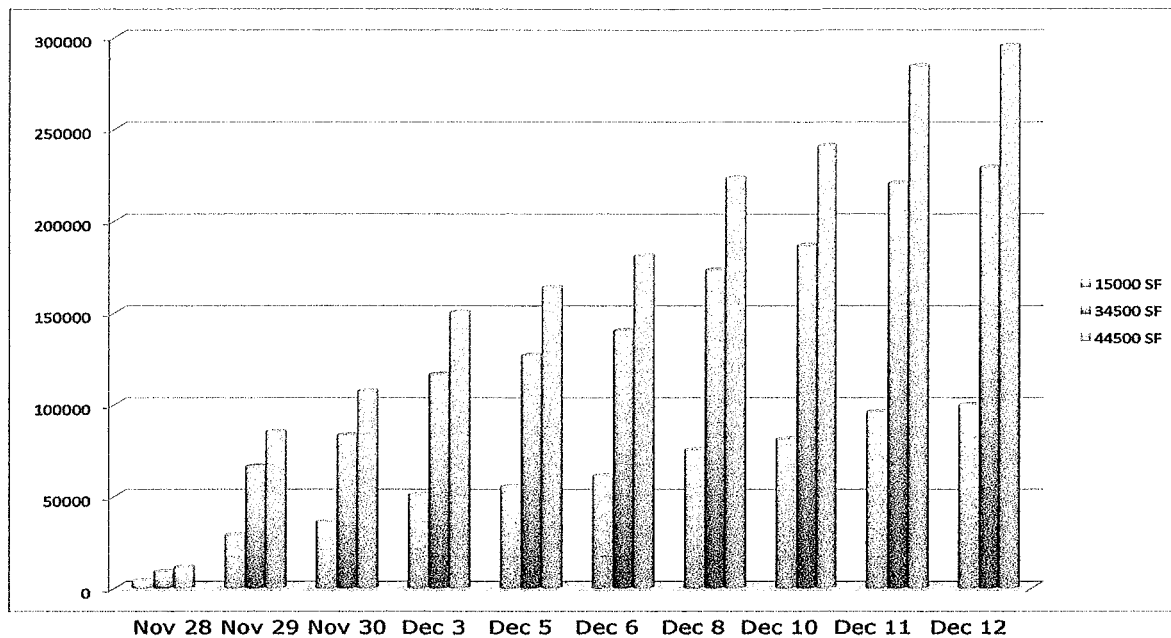
$$34,500 \text{ SF} = 21,390 \text{ gallons runoff for every inch of rain}$$

$$44,500 \text{ SF} = 27,590 \text{ gallons runoff for every inch of rain}$$

The stormwater system is nicely designed and, with 60,000 gallons of tank storage can accommodate a certain amount of rain for many days in a row. The MND states that the system was designed to capture 100% of stormwater runoff using the 10-year storm as its upper limit. Let's look at some recent precipitation data\* for Fort Bragg (from NOAA database) to see how this system would fare:

Nov 28, 2014 = 0.40"  
Nov 29, 2014 = 2.68"  
Nov 30, 2014 = 0.80"  
Dec 3, 2014 = 1.55"  
Dec 5, 2014 = 0.49"  
Dec 6, 2014 = 0.62"  
Dec 8, 2014 = 1.54"  
Dec 10, 2014 = 0.63"  
Dec 11, 2014 = 1.58"  
Dec 12, 2014 = 0.40"

\* the amount of rain that fell in between the listed dates was negligible (0.02 - 0.17")



Looking at the chart above one can see that this system, as designed (max capacity of 60,000 gallons), will quickly be overwhelmed and there will be storm water that will not be captured. Also recall that on Dec 11, 2014 some places in Sonoma County received over 8" of rain in one day, which would result in 74,400 gallons of runoff in a 24-hour period.

I don't have to convince you that even though we are entering the 4th year of a drought, we are seeing more and more extreme weather events. I don't think it is a stretch to say that it is inevitable that, despite its design, this stormwater system will be overwhelmed from time to time. The HCCP MND states that the stormwater system will capture 100% of stormwater and does not indicate that there is a high likelihood that there will be extreme weather events that will overwhelm its capacity to contain all the runoff. Therefore, the MND does not discuss what will happen on the occasions when the system is overwhelmed. Where will the water go? What potentially hazardous chemicals will be in the runoff (benzene, oil, other petroleum hydrocarbons, pesticides)? Will the runoff find it's way into the aquifer? What is the probability that these toxins will contaminate the water supply of the neighboring houses (refer to Todd's Point Homeowners letter)? What mitigations and/or contingencies will be in place if this should occur? Is the City prepared to provide homeowners with water if their wells become contaminated? Who will pay to have well water evaluated for contamination if the stormwater system is breached? Will the city subsidize the cost of decontaminating wells, or installing of activated charcoal filters to remove these contaminants or providing regular testing to determine that contamination has been removed and is no longer an issue? Will the City require the builder to have a set aside to pay for such an eventuality or will the homeowners have to foot the bill?

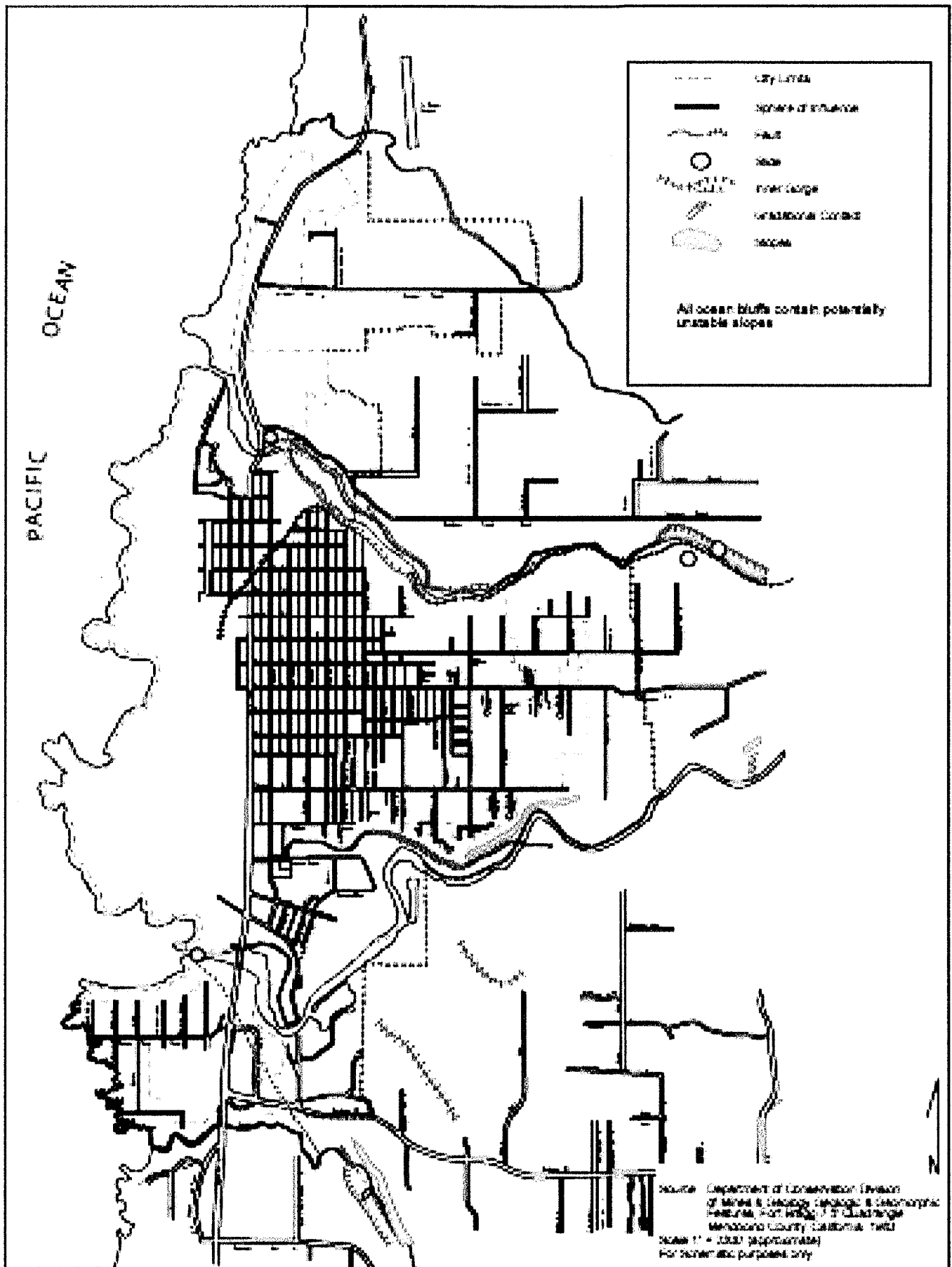
**For this reason, a full, complete, objective, and up-to-date EIR is necessary for the Hare Creek Center Project, prior to approving any design reviews, lot line adjustments, or any of permits associated with this project.**

## **Seismicity**

The MND (pg 20) clearly states, "The City of Fort Bragg is located along the central Mendocino coast, an area that is known for its seismic activity. Based on published fault maps, there are no active or potentially active faults known to traverse the City." For that reason, they rate this factor as "no impact." However, the seismic map shown below was found in the Fort Bragg Coastal Plan (July 2008) shows a fault line running from the mouth of Noyo Harbor across Todd Point, across Hwy 1 just north of its intersection with Ocean View Drive, to Hare Creek. Technically, the MND statement is correct - there are no faults running through the city - but the project lies outside city limits and the fact that a known fault in close proximity to the HCCP was not disclosed or discussed in the MND is concerning. Is this an active fault? Does this fault line represent a risk for seismic activity? This needs to be addressed.

**For this reason, a full, complete, objective, and up-to-date EIR is necessary for the Hare Creek Center Project, prior to approving any design reviews, lot line adjustments, or any of permits associated with this project.**

# Map SF-1 GEOLOGIC HAZARDS



## **Biological Resources**

In this section I will address to main issues: 1) impacts on wildlife and 2) impacts on threatened species.

### **1) Impacts on Wildlife**

This area is rich with wildlife, both resident and migratory. At the bottom of the long list of species observed on the HCCP site is the white-tailed kite. This species has status as a fully protected species in California.

The MND (pg 17) states, "The report indicates that the project has no potential to impact special status plants, fish, wetlands or wildlife, because no special status plants, wetlands, fish or wildlife were found or known to exist in the site, with one exception, the White-Tailed Kite. The kite was not seen on the site, but has a moderate potential to occur within the study area for foraging; however, nesting is unlikely on the site given the habitual disturbances from frequent and intensive use of the site by dogs and people.\* The project will not, therefore, have significant impacts on any special status plants, wetlands, fish, or wildlife and no mitigation measures are required for sensitive species.

The applicant has proposed to stockpile a 408' by 40' berm of soil that is 3' deep on the adjoining property. The botanical study analyzed the entire Hare Creek property and found no environmentally sensitive habitat area (ESHA) on the site. The berm would be revegetated with native grasslands, which could continue to provide foraging habitat to the only special status animals that have the potential to occur on the site, namely the white-tailed kite. Thus, the proposed berm will not have a significant effect on botanical or biological resources.

Mitigation Measure 5 was put into the MND to protect nesting birds **during the construction phase of the project.**

\*From MND (pg 101) - Coastal Act Compliance Report Appendix B Potential for Special-status Species to Occur in the Study Area, prepared by WRA Environmental Consultants. Conclusions based on 1 wildlife survey conducted on the site on March 22, 2012.

#### **White-tailed kite CFP (California Fully Protected)**

Resident in coastal and valley lowlands with scattered trees and large shrubs, including grasslands, marshes and agricultural areas. Preys on small diurnal mammals and other vertebrates.

**Moderate potential to occur at site.** This species may forage within the Study Area. However, breeding is unlikely due to habitual human and canine disturbance.

A fuller description of the white-tailed kite is given below:

The white-tailed kite is a medium-sized raptor and is readily identified by its bright plumage and its habit of hovering up to 80 feet off the ground while hunting for small mammals. Their ability to hold a stationary position in midair without flapping is accomplished by facing into the wind, and is so characteristic of these birds that it has come to be called 'kiting.' Kites live, among other habitats, in grassland areas, including partially cleared fields. They hunt over lightly grazed or ungrazed fields where there may be larger populations of prey than in more heavily grazed areas. White-tailed kites perform ritualized courtship

without endangering these species. Yet, City staff seems to ignore all requests for permitting as required by CDFW.

In addition, the letter from Cristin Kenyon, North Coast Program Analyst for the California Coastal Commission states, "Commission staff believes that this capacity analysis does not include all foreseeable development and probably priority-use development pursuant to LCP Policies LU-5.2, PF-1.2 and PF-1.3." She goes on to write, "In order to truly address the capacity of the system to not only serve priority uses that have begun the permitting process but also to serve foreseeable development in the long-term, the City need to expand the scope of their analysis beyond one hotel, and in particular address how adequate water will be reserved for priority uses at the Georgia-Pacific Mill Site."

**For this reason, a full, complete, objective, and up-to-date EIR is necessary for the Hare Creek Center Project, prior to approving any design reviews, lot line adjustments, or any of permits associated with this project.**



## Cultural Resources

When the first whites came to the US the Native population was around 310,000 in California. Indian trails became wagon roads and by 1900 there were about 20,000 Indians left. Most families lived inland where they could dry the seaweed for food and medicine, as well as abalone. Boulders in the rivers show grinding holes where the Pomo used stone petals to grind acorns to mush that was gathered inland. Their diet consisted of mussels, crab, herring, coho salmon and steelhead, as well as bear, elk, deer and hares from Hare Creek. Beaver Point is visible on a map from 1902 at the mouth of Hare Creek. The Pomos dug tubers, gathered roots, edible seeds and wild oats. With twelve different plants they wove their water tight coiled and twined baskets. The sweat houses helped them deal with the humidity of the coast.

The Pomos gathered here for special celebrations with the Yuki Indians for pow wows. When the Euro-American colonists realized the power of gold and lumber conflicts arose and in 1855 the federal government established the Mendocino Indian Reservation on 25,000 acres north of Hare Creek. The Pomo village in Fort Bragg was called "surrounded by trees." Two years later thousands of Native Americans had been rounded up as far as Eureka and Chico where they were confined until the land was sold to European settlers. Many went inland to the Round Valley Reservation.

I am sharing their history with you to show you that even though the Native tribes did not build permanent houses it does not mean that there are no historical resources on site. The MND indicates that resources might exist on site. A superficial archaeological study was performed on the entire 18.5 acre site that did not identify any resources. Many locals have found arrowheads and stone tools, but unless it is found by an archaeologist it does not count. The coastal verge is sensitive for prehistoric resources. I believe that the recent ground disturbance for the local coastal trail, and the work for the Pomo Bluffs Park might indicate that there are resources on these bluff properties.

My research made it clear that contrary to the MND a unique geological feature is identified by the U S Geological Service and in surveys by the CA.

Department of Highways. This unique feature with a 120 ft. elevation, rises 40 ft. above the road surface of Highway 1 at the project location. I believe that the mounds to be graded could be midden sites. Removing 20,000 cu yd of soil just for the Hare Creek Center project itself is an extensive ground disturbance.

Removing maybe an additional 50,000 cu yd of soil to place a street complete with curved gutters, and sidewalks needs to be monitored not only by a Native American monitor, but needs the presence of an archaeologist whenever any ground disturbing activities are happening. I can not believe that Mendocino County does not have a grading ordinance.

On page 9 of your agenda item summary you are listing what you consider to be a unique geological feature. I would like that you ask your experts what kind of minerals that otherwise do not occur anywhere else would be found in this unique geologic feature we have here. Other than that question that I do not know I believe the feature at hand fulfills the requirements of a unique feature. I believe that the Todd Point area always had been a gathering place, a teaching space, as it is the only big rounded space next to the ocean, ideal for pow wows. It is a power spot, a sacred spot. There the Yuki gathered with the Pomos.

<sup>Act</sup>  
The California Environmental Quality Title 14; Chapter 3; Article 5; Section 15064.5 establishes rules for the analysis of historical resources, including archaeological resources, in order to determine whether a project may have a substantial adverse effect on the significance of the resource.

I request that a Complete Archaeological Study of the site be included as part of a complete, objective, up- to-date Environmental Impact Report Prior to approving ANY permit designs, use permits, and /or lot line adjustments.

Before the city council votes whether to turn down this project or not I want to know when that study was performed. Is it as old as the water study?

One of the Coastal General Plan's missions and visions is that Fort Bragg embraces its past and prepares for the future. Fort Bragg is: a city that values its roots in the fishing and timber industries and seeks to maintain a connection to its past, while preparing for the future and a city with strong connections to its heritage and a commitment to the preservation of historic resources. How great would it be to place a Pomo Museum on the Hare Creek Center property.

We have to do what the people in Bolinas did. They stood up and said no to over development. Every town in America should stand up to over development. If you want to read the book it is called The Town That Fought to Save Itself.

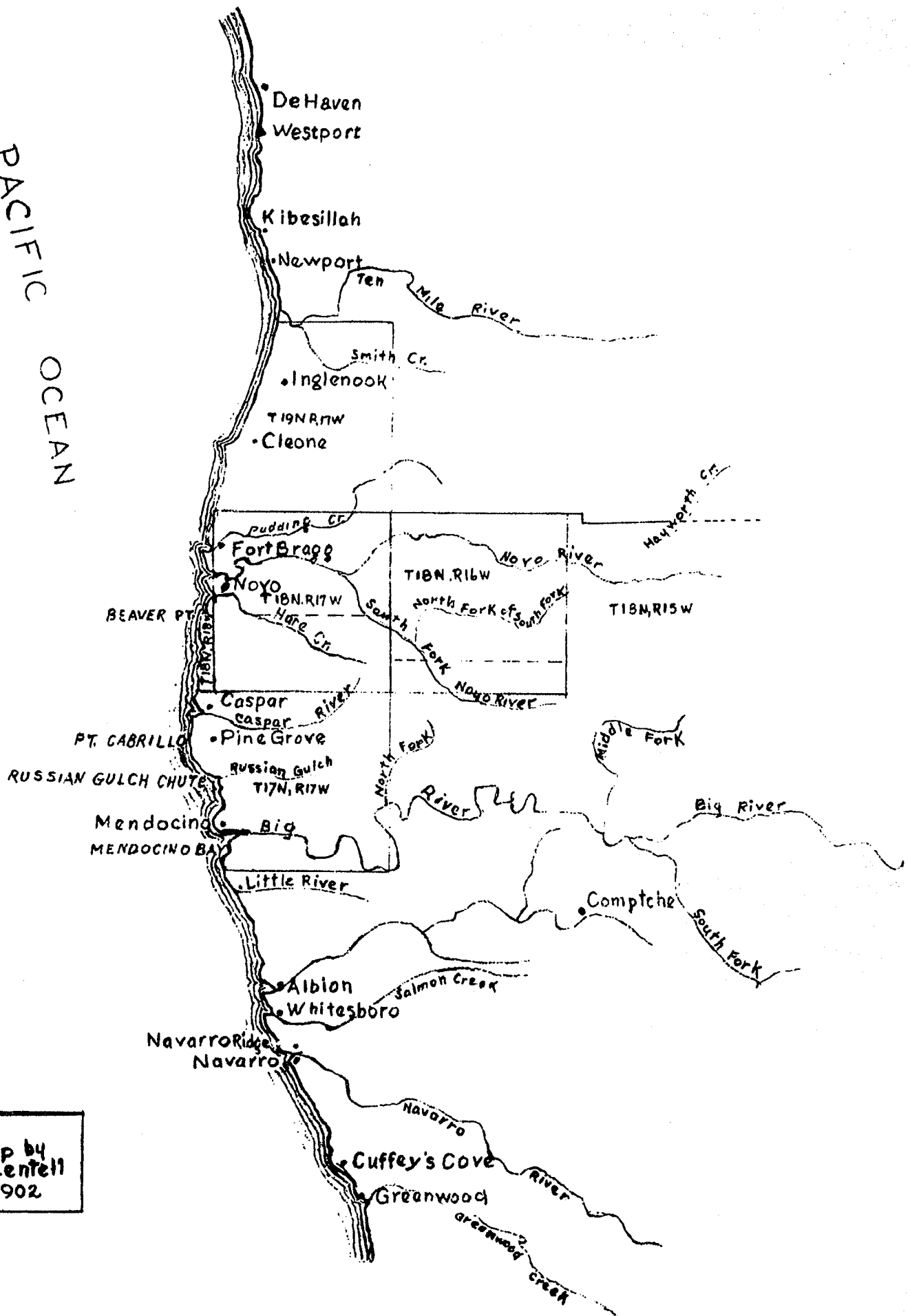
Gualala did the same. They came up with the slogan Which Way Gualala ?

We are at this threshold and have been fighting one development after another on this site at least since 1991.

Let's create another vision!

Thanks,  
Annemarie Weibel  
3-23-15

PACIFIC OCEAN



Map by  
J. N. Lentell  
1902

A. Weibel