

## **10.0 RESPONSES TO COMMENTS FROM HUMBOLDT BAYKEEPER**

### **10.1 RELATIONSHIP TO FUTURE IMPLEMENTATION ACTIONS I**

This comment expresses an opinion that the District is attempting to avoid future environmental review processes that will be required for proposals or projects carried out to implement the policies in the Draft Management Plan on the basis of the content of the Draft EIR.

The District notes the comment. However, the Draft EIR, in Section 1.2.2, clearly states the District's expected procedure for applying the Draft EIR's assessments to environmental review requirements for future implementing actions. The District has, in numerous locations in the Draft EIR, in the Final EIR, and in a variety of other contexts, committed that future implementing activities will be subjected to the environmental assessment required by CEQA, tiered to the content in this EIR.

It is unclear to the District how the effects of undefined and speculative future activities might be assessed. Additionally, as noted in Final EIR Section 2.9, speculation about the effects of unknown and unknowable future actions is explicitly enjoined by CEQA, and is inappropriate for this EIR.

### **10.2 RELATIONSHIP TO FUTURE IMPLEMENTATION ACTIONS II**

This comment is a restatement of the opinion underlying the previous comment, that any action taken to implement the Management Plan must be considered in a CEQA assessment. The District agrees, and each project considered by the District that will implement any of the Draft Plan's policies will be considered pursuant to CEQA's requirements.

### **10.3 IMPLEMENTATION OF PLAN POLICIES**

This comment offers the commenter's opinion that policies in the Draft Management Plan that would result in impacts to the bay's natural environment will be implemented without the counterbalancing implementation of policies that protect the natural environment.

The District does not agree. The District expects to implement the Management Plan in the manner described in the Plan, with all the policies implemented, including those that result in increased protection for environmental resources. This means that harbor policies will not be favored over recreation policies and conservation policies, recreation policies will not be favored over harbor policies and conservation policies, and conservation policies will not be favored over harbor policies and recreation policies. The District also expects to implement all of the policies within a subject matter context, so that all of the harbor policies will be implemented jointly, all of the recreation policies will be implemented jointly, and all of the conservation policies will be implemented jointly.

The Draft EIR stated, in a variety of contexts, that the District's management approach was predicated on the joint implementation of all of the Draft Plan's policies. The Draft

EIR explicitly incorporated the Draft Management Plan by reference (DEIR subsection 2.2.2, page 2-4), including the statements of purpose and objectives in the Draft Plan. The key statements of purpose for the bay's management were identified (as the District has concluded that they should have been) at the beginning of the Draft Plan:

"The policy framework laid out in this Section establishes clear management directions for harbor-related uses, recreation, and conservation management, thus addressing the District's legislatively established concerns. The policy framework describes what the District is interested in managing or regulating, what kinds of activities it may approve, and under which circumstances. The Plan provides guidance to the District, to other agencies, and to members of the public about the District's decision-making processes for Bay Management.

"The heart of this policy document may best be described, however, by the concept that no policy is more important than other policies, and no use is more important than other uses. Managing the Bay requires a balancing of priorities, and the policy framework provides that balance. Therefore, in implementing this Plan the District will consider *all* of the policies, and the District will make and adopt findings that relate the requirements of this policy document to the decisions that the Board of Commissioners makes in carrying out this Plan." [Chapter 1.0, Section III, Draft Management Plan (page 133); emphasis in original]

## **10.4 RELATIONSHIP TO FUTURE IMPLEMENTATION ACTIONS III**

### **10.4.1 Unanalyzed Indirect Effects**

This comment argues that the Draft EIR should have considered a number of environmental impacts that might emerge from actions that would be authorized by policies included in the Draft Plan. For example, the policies in the Plan that would authorize dredging (such as Policy HWM-2) might be associated with future channel-margin instability that could lead to channel-margin slumping, and policies that would support coastal-dependent development in uplands not subject to District jurisdiction might lead to traffic effects on highways in the Humboldt Bay region.

The District does not agree that the EIR was remiss in considering indirect effects. In addition, the effects identified by the comment include elements that are not subject to the District's management. With respect to dredging, subsection 5.3.2.2 in the Draft EIR identifies the responsibility for maintaining the shipping channels in Humboldt Bay as lying with the federal government pursuant to existing Congressional authorization, not with the District. DEIR subsection 8.2.3.1 (page 8-22) explicitly states that dredging is likely to have effects on the bay's benthic communities:

*"Dredging and Spoil Disposal.* Some harbor-maintenance actions have a potential for affecting the bay ecosystem's structure and functions beyond the effects of the actions themselves. Dredging activities have an effect on the species that occupy the bay-bottom locations at which dredging occurs, largely removing eelgrass, other primary producers, and a variety of invertebrate species that may occupy the dredged areas. ..."

With respect to transportation effects, the following text is included in subsection 12.3.2.3 (page 12-33):

“In summary, this EIR concludes that there is a potential for increasing direct circulation related effects associated with the kinds of actions envisioned by the Draft Management Plan. However, the EIR cannot project the levels of intensities or types of projects that may be proposed in the future. The adopted general plan documents of the County of Humboldt and the City of Eureka have reserved the bay-margin lands for uses that may result in the types of circulation impacts suggested here; however, it is uncertain whether the adopted planning documents (and their environmental assessments) fully considered the potential circulation effects that might result from the variety of possible implementation projects. When the projects contemplated in this discussion are proposed, detailed CEQA assessments would be required that would properly identify the circulation-related effects of the projects.”

The District has concluded that the Draft EIR did not fail to consider the possible indirect effects of the policies in the Draft Management Plan. The District also emphasizes that these alleged indirect District responsibilities actually rest with other levels of government; even if these concerns had been developed in the Draft EIR in substantial detail, the District would still not be able to enact measures unilaterally that would prevent the possible effects from occurring.

#### **10.4.2 Future CEQA Assessment Needed**

This comment is a variation of the same comment addressed in section 10.1 and 10.2 above. As previously, noted, the District agrees with the comment, which expresses a requirement of the California Environmental Quality Act.

### **10.5 CUMULATIVE IMPACT ASSESSMENT**

This comment includes an opinion about the Management Plan’s considerations of the sub-regions in Humboldt Bay, which is not a substantive CEQA comment. However, the comment also suggests that this management approach prevented the Draft EIR from considering the cumulative effects of the Draft Plan, although no examples of how the assessment was flawed are identified in the comment.

The District does not agree. The Draft Management Plan and the Draft EIR incorporate a vast inter-tangling of analytical threads that lead readers to considerations of indirect and cumulative effects of the District’s management approach to Humboldt Bay. One example of this result was cited in the previous subsection regarding potential indirect effects of dredging, as well as the potential for cumulative circulation effects.

An additional example of the cumulative nature of the Draft EIR’s assessments is the assessment of eelgrass-related effects in subsection 10.3.2.2 (DEIR page 10-16):

“... In a larger sense, the implementation of the Draft Plan is expected to lead to the implementation of several harbor-related and recreation-related policies that could be associated with an adverse effect to eelgrass (see above). In such a context, the loss of eelgrass is explicitly a “cumulative” effect under CEQA, and thus the indirect effects on EFH is also a “cumulative” effect of human use of the bay, which clearly occurs because of a variety of causes. The minimum magnitude of adverse effects to eelgrass that constitutes a “significant impact” to fish habitat is not clear. At the present time, this EIR presumes that there is no “threshold” impact; that is, any degree of eelgrass loss or impairment will have some degree of adverse effect on the species that require

eelgrass. Therefore this EIR finds that the implementation of the Plan will be associated with potential effects to eelgrass, and to the fish species that find EFH in the bay, and those effects are identified in this EIR as environmentally significant.”

The District has concluded that the Draft EIR programmatically identified potential cumulative effects in the contexts in which such effects might arise as a consequence of implementing the Draft Plan, along with policy-based mitigation measures for those effects, where feasible.

## **10.6 ASSESSMENT OF UPLAND USES AND ACTIVITIES**

This comment states an opinion that the Draft EIR was deficient because it did not evaluate the effects of upland “development.” The comment also suggests that the Draft EIR is defective because the EIR erroneously advanced a position that the District cannot specify conditions under which upland elements of developments may be approved pursuant to the District’s powers, notwithstanding the fact that the District lacks the legal authority to do so.

The District does not agree with the opinion that the EIR should have considered upland “development” projects, for many reasons. The most important reason is that no upland development (or even any bayland development) projects were considered in the EIR; that is, the Draft EIR was not a “project EIR” that was intended to address effects of any development proposal. To read the EIR in that context is to misconstrue it fundamentally in a CEQA context [see CEQA Guidelines Article 11 (§§ 15160-15170) for additional information about the types of EIRs].

Related to this context, the District lacks regulatory authority for “development” projects in uplands (unless they occur on District-owned property). Further, the District cannot be the lead agency in an EIR process that addresses upland land uses.<sup>1</sup> Therefore the District would not be the agency that would be expected to address the possible effects of such a “development” project.

The comment seemingly incorporates a faulty understanding of governmental powers regarding land use. Although the District generally deems this subject to be outside the scope of the EIR, the fact that local land use jurisdictions (cities and counties) in California have legislatively delegated control over land use is an essential element in understanding the District’s legal authority [see, for example, §§ 65100 *et seq.* of the Planning and Zoning Law (Title 7 of the Government Code)]. The District’s legal authority to manage the lands and waters of Humboldt Bay also arise from a legislative act (as described in the Management Plan), but the District’s powers only supplant or supersede those delegated to local land use agencies to the extent expressly identified in the

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<sup>1</sup> The District could be the lead agency for a CEQA process involving upland development if the District were the applicant or proponent of the project. In such a case the District would be required to prepare a CEQA document addressing the proposed project as part of the District’s approval of the project, prior to the consideration of such a project by the County or the City of Eureka or the City of Arcata (as responsible agencies). The “land use” section of the CEQA document would address the effects of the proposal on the decision-making context of the responsible agencies.

District's legislation of creation. As noted many times in the Draft EIR, the District's powers do not extend to land use regulation outside of the Humboldt Bay tidelands.

Finally, the District has concluded that incorporating a policy focus into the Draft Plan that addresses both geographical areas within northwestern California and subject matter areas for which the District lacks any legitimate regulatory authority constitutes a waste of the District's resources that cannot be supported. In a practical sense the District must focus the resources that it has available on implementing a policy focus for the environmental resources that the District can beneficially (and legally) manage. The District has concluded that it is incompatible with the Legislature's charge to the District to attempt to include either the geographical uplands of the Humboldt Bay watershed, or the regulation of a variety of uses in those uplands, into the scope of the District's management. Because those areas are inappropriate for inclusion in the Management Plan, the District has concluded that speculation about them also does not belong in the EIR.

## **10.7 IDENTIFICATION OF ALTERNATIVES**

This comment expresses an opinion that the Draft EIR was legally inadequate because it failed to address a range of alternatives that would inform decision-maker judgement. The comment further states an opinion that the Draft EIR should have evaluated a range of alternatives for each policy included in the Draft Management Plan. The comment further opines that the Draft EIR was flawed because there was no explicit commitment that each policy would be enacted by the District.

The District does not agree. The general context of the District's development of alternative coverage in the Draft EIR was described in Section 9.1 of this Final EIR, and the District has concluded that the process used in developing the EIR complies with CEQA's requirement for identifying alternatives for an assessment.

The District also does not agree that the Draft EIR should have provided alternative approaches for each of the policies in the Draft Management Plan. The District has concluded that the general nature of the Management Plan's focus constitutes a legislative act of the District, and that the Draft EIR properly focused on assessing the possible effects of the District's proposed Plan rather than a series of policy alternative that the District had not identified as the District's policy goals. Further, the Draft EIR did suggest alternative policy language for policies that were identified as resulting in significant environmental effects, while maintaining the District's desired legislative focus.

The final element in the comment is a restatement of the comment that was addressed in Section 10.3, to the effect that the EIR was defective because it did not include a statement that the District would enact the policies that protect the natural environment together with the policies that govern other District actions; the District's response is as identified in Section 10.3.

## **10.8 SEDIMENTATION IN HUMBOLDT BAY**

The comment expresses an opinion that the Draft EIR erroneously concluded that the District lacked authority to specify measures to control erosion in the Humboldt Bay and

Eel River watersheds. The comment also appears to question the validity of the Draft EIR's conclusions with respect to the sources of sedimentation entering Humboldt Bay.

The District does not agree with the assertion that it has authority to specify practices for Humboldt Bay watershed lands that affect erosion and sediment release. Perhaps unfortunately, the regulation of practices that result in erosion (and in other kinds of water quality impacts) lie with other agencies. Water quality regulation, including the regulation of water quality effects from timber management activities, a relationship recently confirmed by the California Supreme Court) is the express responsibility under state law of the North Coast Regional Water Quality Control Board. Land use regulation lies within the legal authority of the county and the cities (with a Coastal Commission "overlay" over part of the area), although water quality impacts are again the responsibility of the Regional Board.

Even though the District has no regulatory authority for erosion and other water quality impacts, the District nonetheless supports reductions in erosion, and affirms its commitment to work collaboratively with other concerned parties to develop watershed-based approaches to reducing erosion and the subsequent deposition of sediment in the bay's channels.

The source of sediments inflowing into Humboldt Bay was covered thoroughly in Chapter 5.0 of the Draft EIR. Additional consideration regarding the source of the sediment is included in Chapter 3.0 of this Final EIR.

## **10.9 WATER QUALITY**

The comment states an opinion that the Draft EIR erroneously indicates that the District lacks authority to regulate water quality in Humboldt Bay. The comment also states the opinion that the District has the legal responsibility to engage in broad water quality "monitoring" of the bay, and to develop policies that support and implement water quality regulations developed by other agencies.

The District partially agrees with the comment. The District concurs that the District has a responsibility to support and implement (to the extent that doing so lies within the District's authority) water quality regulations developed by the Regional Board.

The District disagrees with the remainder of the comment, for reasons that have been fully explained in several previous sections of this Final EIR (e.g., Section 8.6).

## **10.10 BILLBOARDS**

This comment expresses an opinion that the Draft EIR is deficient because it does not address the effects of billboards on sensitive species and habitats in the bay (although the comment is entitled "visual resources," the comment is focused solely on sensitive species and habitats).

This issue is virtually identical to the comment from the North Coast Chapter of the California Native Plant Society, which was addressed in this Final EIR in Section 9.2, and readers should review the District's response there.

## **10.11 RECREATION**

This comment states an opinion that the Draft EIR should have included an assessment of the possible effects of the Draft Management Plan's policy focus on recreational activities, particularly on trails and activities that are directly related to access to the bay and the bay's shoreline.

The District has concluded that the Draft EIR adequately addressed the Draft Plan's potential effects on recreation, including access to the bay's shoreline and waters. Draft EIR Section 13.3.2 explicitly considered the Plan's potential effects on access and recreation, including trails; the EIR's assessment concludes with the following summary statement:

“A number of policies in the Management Plan pertaining to shoreline protection could affect public access ... These policies, and others in the Draft Plan, should have minor effects on shoreline access, or none, depending on the specific circumstances of the shoreline being discussed, the adjacent upland conditions, and the reason or purpose for the proposed access. ... Such context-specific considerations are best left to future implementation discussions, rather than being speculatively advanced in this EIR.”

The District has concluded that the coverage of potential effects on recreation, including trails, in the Draft EIR satisfies CEQA's requirements.

## **10.12 OTHER PLANS OR STUDIES**

This comment states an opinion that the Draft EIR should have included an explicit consideration of the potential environmental effects of the 2003 Harbor Revitalization “Plan”<sup>2</sup> and the District's 2001 Strategic Plan.

This issue is virtually identical to an issue raised in a comment from the National Marine Fisheries Service, which was addressed in Section 5.3 of this Final EIR. Readers should review the District's response at that location.

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<sup>2</sup> The comment also refers to a 2004 “Humboldt Bay Revitalization Plan.” The only “revitalization plan” developed for the bay is the 2003 study prepared by PB Marine for the District, the City of Eureka, and the County of Humboldt.

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June 8, 2006

Board of Commissioners  
Humboldt Bay Harbor, Recreation, and Conservation District  
601 Startare Drive  
P.O. Box 1030  
Eureka, CA 95502

RE: Comments on the Humboldt Bay Management Plan Draft Environmental Impact Report (DEIR)

Commissioners,

On behalf of the board, staff, and supporting members of Humboldt Baykeeper, I submit comment on the *Draft Humboldt Bay Management Plan Draft Environmental Impact Report* (from here on the "DEIR"). Humboldt Baykeeper works to safeguard our 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.

10.1 As you will see in our comments, Humboldt Baykeeper has many concerns about the DEIR for this project and feels it does not adequately address the environmental effects of the policies outlined in the Management Plan. We feel that the Harbor District is avoiding potential future environmental review through developing this DEIR which falls short in many areas regarding proper assessment of potential impacts to the health of the Humboldt Bay environment. It is the District's ultimate responsibility to maintain, and enhance, the health of the Bay for the sake of the Humboldt Bay community.

Thank you for your consideration of our comments.

Sincerely,

  
Pete Nichols, Director

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## HBMP DEIR as a “Programmatic EIR”

The California Environmental Quality Act (CEQA) is an environmental analysis and disclosure based statute. The fundamental concept behind its design and implementation is that decisions of government that have the potential to impact the environment must be analyzed and disclosed to the public. The CEQA Guidelines state that the basic purposes of CEQA are to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities; to identify the ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and finally, to disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. 14 CCR § 15002.

The Humboldt Bay Management Plan (HBMP) is a policy document designed to “Provide a comprehensive framework for balancing and integrating conservation goals and economic opportunities in a cooperative manner for the management of Humboldt Bay’s resources.” HBMP Mission Statement, DEIR at 2-1. The DEIR goes on to state that “(t)he primary discussion in this EIR is a programmatic assessment of the potential effects of the proposed Plan on the “environmental resources” in the Humboldt Bay region that could be affected by the policies in the Plan.” HBMP DEIR at 2-4.

10.2 As a programmatic assessment, the DEIR expresses the opinion that the analysis of environmental impacts of future specific projects that are proposed to implement the HBMP will be tiered to the HBMP DEIR. We are of the opinion that the analysis included in the DEIR is far too vague and indefinite to be able to be used in the future for tiering purposes. For example, the Aquatic Ecosystem Dynamics section of the DEIR states, regarding impacts on ecosystems from the dredging of Humboldt Bay, that “(t)his EIR is unable to identify in a categorical sense the degree of ecosystem productivity loss that represents a threshold of significance for this effect, and the EIR thus cannot determine whether the minor unmitigated loss is environmentally significant.” Any and all future projects that are proposed to implement the policies contained in the HBMP must include a full environmental analysis. In fact, existing case law (Stanislaus Natural heritage Project v. County of Stanislaus (1996) 48 Cal.App. 4<sup>th</sup> 182, 197, quoting §21100.) states that use of a programmatic EIR “does not excuse a governmental entity from complying CEQA’s mandate” to prepare an EIR which includes a “detailed statement setting forth “all significant effects on the environment of the proposed project.”

### Mitigation

For mitigation purposes, the DEIR states that “ (t)o the extent possible the EIR identifies an addition, deletion, or modification of policy text for the Draft Management Plan as mitigation for potential impacts that might occur because of the Draft Plan’s proposed policies. The aim of this approach is to produce a “self-mitigating” Plan, in which any potential adverse effects that may result from Plan policies are avoided, reduced, or offset by other policies in the Plan.” HBMP DEIR at S-12. This “self-mitigating” quality, however, is only possible should all of the policies in the HBMP be fully implemented. See HBMP DEIR pp. 3-9, 4-16, 5-12, 6-13, 7-5, 8-

10.3 20, 9-26, 10-15, 11-29, 12-31. There is no indication, from either the DEIR or the HBMP itself, that any, let alone all, of the policies contained in the HBMP will be implemented. This creates a situation in which policies that will negatively impact the environment will occur without the concomitant mitigation measures being implemented, clearly violating the requirements of CEQA.

#### **Analysis of Potential Environmental Impacts from the HBMP**

The HBMP DEIR additionally states that “(t)he assessments in this EIR considered the potential effects of the proposed Plan and, where appropriate, identified policy modifications or additions that serve as mitigation measures to reduce potential effects to levels that are less-than significant. This EIR finds that all potential policy-related environmental impacts are reduced to less-than significant levels by the proposed measures.” HBMP DEIR at S-14. Even ignoring the fact noted above, that environmental impacts will only be mitigated should the entire policy contained in the HBMP be fully implemented, the DEIR does not analyze all of the significant environmental impacts that result from the HBMP, let alone “reduce them to a level of less than significant.”

In addition to the lack of commitment to the mitigation measures identified as “sufficient” in the DEIR, there are measures that amount to collaborative studies and collaborative management plans, such as that found for storm water runoff in CAE-4, that are identified as addressing the hydrological and water quality impacts of the HBMP. There is not, however any analysis of the impacts should these plans not be developed nor any indication of what would be required or included in the plans that could be analyzed as to their environmental impact.

10.4.1 Some examples of environmental impacts that are not addressed in the DEIR are impacts to groundwater, the potential for increased underwater landslides, and the resultant impacts on benthic habitats, as a result of dredging, and the impacts to traffic caused by the encouragement of increased industrial development, for example. This fact emphasizes the requirement that

10.4.2 future projects undergo full, independent, CEQA analysis when they are proposed, and do not attempt to rely on the analysis contained in this document.

10.5 In addition to the project specific analyses that are not contained in the DEIR, there are significant policy issues that are completely ignored in the HBMP DEIR. These issues include the splitting of Humboldt Bay into three units for management purposes, the use designations applied to these areas, and the overlay designations that are also applied in discrete areas of the Bay. By breaking Humboldt Bay into segments, a complete and holistic analysis, also known as cumulative impacts analysis, cannot be conducted as required.

10.6 The DEIR does not analyze the environmental impacts of upland development, although the policies contained in the HBMP will result in such impacts. The reasoning presented for this omission is that the Harbor District does not have direct regulatory authority over such uses. *See e.g.* 12-22 (“The general conclusion of the Initial Study was that implementation of the Draft Plan “will have no effect on upland uses” (Item IX.a); this conclusion rests primarily on the fact that the District has no direct regulatory authority for prescribing or regulating uses of uplands.”)

It is interesting that the Harbor District is unable to analyze the environmental impacts of the policies that are included in the HBMP that encourage specific types of uses in certain areas of the bay, and specific classifications of development in certain areas, and yet are unable to analyze the environmental impacts of those policies. While the Harbor District may not have direct regulatory authority over upland uses, they do have the ability to include reasonable requirements as conditions of any permit issued.

### Alternatives Analysis

- 10.7 CEQA requires that a reasonable range of alternatives be analyzed for all actions subject to it, including actions for which a programmatic EIR is prepared. 14 C.C.R. 15126.6. The HBMP DEIR fails to address the required range of reasonable alternatives, as the only alternative considered is the "no action" alternative, taken in this context to be the continued application of the 1975 Master Plan. This is insufficient. Each and every policy proposal that is contained in the HBMP has alternatives, and the DEIR should have considered alternatives to those proposals instead of simply allowing for its adoption, with occasional changes, or continued application of the 1975 document. The DEIR is fundamentally flawed due to complete lack of consideration of reasonable alternatives or management policies for the different uses and areas of the Bay. Additionally, every policy which calls for collaboration or a study, the policy must include a commitment as to the direction to be taken. To the extent that various policies do not do this, the DEIR needs to evaluate the alternative of such a policy commitment.

### Erosion and Sedimentation

- 10.8 The DEIR references the primary source of sedimentation as the Pacific Ocean, and not the watershed. Watershed data shows that there are increasing amounts of sediment reaching the Bay and the majority of sediment entering the Bay through the mouth is from the Eel River watershed. It is incorrect to assume that the District has no jurisdiction over land use practices in the watershed, even the Eel River watershed, that negatively impact Humboldt Bay.
- The significant cost to the District, and the public, of repeated dredging project should mandate a policy set by the District to abate the amount of sediment reaching the Bay from the surrounding watershed.

### Water Quality

- 10.9 The DEIR fails to adequately address the significance of impacts to the environment from the Clean Water Act 303d listing for Polychlorinated Biphenyls (PCB's). Contamination from compounds such as PCB's and dioxin pose a significant threat to the Bay environment and community. It is the charge of the District to engage in broad water quality monitoring of the Bay and to develop policies to support, and implement, the findings of other agencies whether or not it is convenient for the District to do so.

### Visual Resources

- 10.10 The DEIR's lacks adequate consideration of the impacts of billboards within the District's jurisdiction to salt marshes and Humboldt Bay. There are numerous billboards located

on sensitive salt marsh habitat within the District's jurisdiction. Salt marshes of Humboldt Bay are home to two protected plant species protected under Cal. Code Regs. 14 §15380(d) and 15065. Northern coastal salt marsh is a rare plant community, and therefore is protected under Section IV(b) of the CEQA Environmental Checklist (Appendix G of the CEQA Guidelines).

Construction of new billboards and maintenance of existing billboards clearly has the potential to cause significant negative impacts to protected species and habitats. As the Lead Agency regulating activities within the intertidal zone, the District should include a clear policy in the Plan that limits future siting of billboards in habitats that are protected under CEQA. A similar policy should be developed regarding existing billboards: they should be eliminated wherever possible, and contracts for existing billboards should not be renewed upon expiration.

### **Recreation**

- 10.11 Port-related or harbor-related activities, proposed projects, or proposed plans should assess potential impacts to alternative transportation, including impacts to trails, access to trails, or potential sites for trails, including multi-use trails used for alternative transportation, such as bicycling. Impacts to recreational trails, including water trails, shoreline trails, and access points for passive recreation should be also addressed. Nature study and exploration are important aspects of recreation on and around Humboldt Bay. Botanizing, birdwatching, research, and other natural history nature-related activities are important to the recreational, educational, and scientific values of Humboldt Bay.

### **Other Plans**

- 10.12 Humboldt Baykeeper is concerned with the lack of environmental review of 3 documents (Humboldt Bay Revitalization Plan (2004), Harbor Revitalization Plan (2003), and the Strategic Plan (2001)), that are incorporated by reference in the HBMP and used extensively to develop policy. These documents should have been included as part of this document for public and environmental review.

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