



March 11, 2024

Re: Harbor District Permit 2024-01: Billboard Repair, Agenda Item 8e

Dear Commissioners and Staff,

I am writing on behalf of Humboldt Waterkeeper regarding Agenda Item 8e, “Consider Accepting Application for Filing for Harbor District Permit 2024-01: Billboard Repair” as described in the agenda packet for your Thursday, March 14 hearing. We urge you to reject this application for the following reasons:

1. The permit application included in the packet is incomplete.

The application fails to identify the Name, Address, phone# and email of Legal Owner required (1). The only information provided is the Assessor’s Parcel Number. No list of names and addresses of all adjoining property owners is provided (4). The list of other related Project Permits & Other Public Approvals required is incomplete (5). The proposed project involves ground-disturbing activities and would require a Coastal Development Permit from the Coastal Commission, and may require permits and/or approvals from other relevant agencies.

2. The permit application fails to disclose and accurately assess environmental impacts of the proposed activities.

The application describes the use of an excavator to pile-drive 6 x 12 foot uprights ten feet into the bay floor. Contrary to the claims on the application, this would result in “Substantial change to existing noise or vibration levels in the vicinity” during construction (#27A). It is unclear whether the applicant intends to use treated lumber, since no project plans are included as required (#12), but if so, this would include the use of potentially hazardous/toxic materials (#29).

The Environmental Setting is not described as required by the application (#34 and #35), and should include information on the flora and fauna, scenic aspects, and other necessary information, particularly the presence of eelgrass habitat.



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The pre-project checklist on page 3 of the application fails to accurately characterize the site and potential environmental impacts by responding “no” to all of the following:

- c) Is any portion of the project located in an area with depths ranging from -10 to +4 feet?
- i) Is project construction likely to increase turbidity? To what extent and for what duration?
- j) Will construction require the use of a barge or other vessel that may temporarily impact the bay floor (e.g. spud poles, anchoring, prop scarring, etc.) within known eelgrass habitat or within depths ranging from -10 to +4 feet?

The application also contains two questions that it says “MUST BE ANSWERED!”

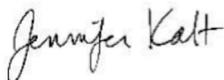
#35, “How will the proposed use or activity promote the public health, safety, comfort, and convenience?” The response is simply “yes” with no explanation.

#36, “How is the requested grant, permit, franchise, lease, right, or privilege required by the public convenience and necessity?” The vague response to this question is simply “ordinance” without clarifying which ordinance or how it might apply to the District’s Trust and Stewardship Responsibilities as described in Section 5.2 of the Humboldt Bay Management Plan.

The District’s Amendment No. 2 Ordinance No. 7, Section 4, states that “no permit may be issued authorizing an ongoing billboard or off- premise sign or structure use, or its maintenance, repair, or reconstruction, without the District first considering of the impact of the proposed use on the air, water, land, environment, and ecology of the District's lands, and thereafter finding that the proposed use is necessary to promote the safety, health, comfort and public convenience of the public, that the proposed use is required by the public convenience, and that the proposed use will not have an adverse environmental or ecological effect.”

Without this information, the application is incomplete. For these reasons, we urge you to reject this application as submitted with a request for this information. Thank you for your consideration.

Sincerely,



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Cc: Melissa Kraemer - California Coastal Commission
Mike Wilson, John Ford, Hank Seemann - Humboldt County
Mike Van Hattem – CA Dept. of Fish & Wildlife