

To: COUNTY OF HUMBOLDT PLANNING COMMISSION

5/13/2023

From: Ed Voice

For: Meeting on May 18, 2023

Re: Public Comments

Subject: Cooks Valley Events (2023-2027)

Conditional Use Permit & Special Permit Modifications

Northern Nights Music Group, LLC - Application Number PLN-2023-18107

Mateel Community Center, Inc. - Application Number PLN-2023-18108

Cooks Valley area Assessor's Parcel Number(s): (APN's): (Humboldt County): 033-271-007, 033-271-009, 033-271-008, 033-271-004, 033-271-005, and 033-271-015

Dear Humboldt County Planning Commission and Planning Department,

Thank you for the opportunity to make comments for this project. I would like to start by making the following constructive criticism after reviewing the CEQA document:

Since this project intends to increase the size of attendees, camping and parking to Northern Nights Music Festival (NNMF), Reggae on the River (ROTR) and Summer Arts Music Festival (SAMF), I cannot find any discussion concerning the cause and effect of inducing growth, either directly or indirectly and the cumulative effects it could have on the surrounding environment, eco-system and within a state and federally listed Wild & Scenic River watershed, aka, South Fork Eel River?

Sections 15126(d) and 15126.2(d) of the State CEQA Guidelines require that an EIR analyze growth inducing impacts and state that an EIR should discuss the ways in which the project could foster economic or population growth or construction of additional housing, either directly or indirectly, in the surrounding environment. This section examines ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. An assessment of other projects that could affect the environment, individually or cumulatively, is also required. To address this issue, potential growth inducing effects should be examined through analysis of the following questions:

- Would the project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development)?
- Would this project result in the need to expand one or more public services to maintain desired levels of service?
- Would this project foster population growth (e.g., construction of additional housing), either directly or indirectly?

- Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
- Would this project promote the development of or encroachment on an isolated or adjacent area of open space (being distinct from an in-fill project)?
- Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

In summary, CEQA requires a discussion of how a project could increase population, employment, or housing growth in surrounding areas and the impacts resulting from this growth. CEQA Guidelines indicate that a project would normally have a significant effect on the environment if it would induce substantial growth or concentration of population. e.g. increasing attendance size. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The following are my comments to: " MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM (MMRP)"

Mitigation Measure BIO-1 (Floating Boom): A boom shall be positioned downstream of the event and used to capture rafts and other flotation devices that are inadvertently carried off during events. Netting or similar materials which can entrap wildlife, are prohibited from use.

Comment: Where is the study or engineering report that describes this "Floating Boom" and its physical location, operation or cause more harm than good? And does it obstruct navigation of a Wild & Scenic River?

Mitigation Measure BIO-2 (Bullfrog Management – Arthur Pond): The pond located on the Arthur Property (French’s Camp) shall be completely drained annually. Draining of the pond must be completed by September 1st of each year. Before draining may occur, a plan for discharge of stored water from the pond shall be submitted to the California Department of Fish & Wildlife for review and approval. The plan shall identify the timing, volume, and areas where release of water is proposed. Water from the pond shall not be discharged directly into the South Fork of the Eel River, or its tributaries.

Comment: Again; where is the study, analysis, engineering report and review by CDFW providing who, what, why, when and where?

Mitigation Measure BIO-3 (Event Lighting): Elements of the lightshow (such as lasers, projections, and similar lighting) shall be directed in a way that ensures they remain contained within the boundaries of the property and event footprint (i.e. directed at the dance floor and stages, venues, etc. and not onto adjacent forested slopes throughout the river canyon).

Comment: Besides this statement sounding good on paper; how will this project keep from creating harsh artificial night lighting through massive psychedelic laser lightshows, projections and festival stage lighting, when everything faces the river and forested hillsides? Which I might add, have always lit up (no pun) the entire river bar and forested hillside across the river in all directions and reflect off the river?

Mitigation Measure BIO-8 (Stage Orientation) To minimize potential noise disturbance all performance stages shall be constructed and positioned in such a way that, to the extent feasible, noise will be projected away from designated critical habitat for the Marbled Murrelet and from Richardson Grove State Park.

Comment: What does it mean, "to the extent feasible"? What if its not "feasible"? How will noise be projected away from the river bar and forested hillside across the river, when that is how the stages and speaker are oriented. And lets not forget about the subwoofer frequencies, which are not directional in nature and can be felt over 4 miles away, 360 degrees from the venue site, since the typical frequency range of subwoofers is at 50 to 100 Hz. Here's an idea, just turn it down!

Mitigation Measure GHG-1 (GHG Reduction): Each event shall include and implement select measures to reduce Greenhouse Gas (GHG) Emissions generated by the event. Measures include all of the VMT reduction techniques found in Mitigation Measure TRANS-1. Additional measures designed to discourage and reduce generator use, include but are not limited to:

- Providing convenient locations for charging phones and other small portable electronic devices
- Prohibiting use of private generators within all river bar camping areas
- Offering discounts to attendees who bring portable battery power generators
- Promoting use of solar charging and/or other alternative energy generators by attendees
- Using and developing new grid power infrastructure to reduce reliance on generators to power event infrastructure.

Comment: Again; how many examples in this section are being implemented to reduce GHG (Co2)? Where is the study that shows these examples will mitigate GHG effects from these events to less than significate? And, where on the events website does it give a "discount" to attendees who bring their own portable battery generator and where do they charge it from after the first night?

Mitigation Measure WQ-1 (Monitoring Water Usage): Water use on both the County Line Ranch and Cooks Valley Campground properties shall be monitored throughout the event season (May through October) including prior to, during, and after each event. Daily readings of water use shall be collected from the water meters during each day an event occurs. This information shall be recorded and tabulated and provided in the post event report.

Mitigation Measure WQ-2 (offsetting water use - County Line Ranch): To offset event-related water demand at County Line Ranch, the property owners and occupants shall agree to forbear from use of the well between September 1st and October 15th. Forbearance shall be required during any year where events occur, for the life of the permit. If enough water storage is developed to meet all event-related water demand at the County Line Ranch place of use, forbearance shall no longer be required.

Mitigation Measure WQ-3 (offsetting water use - Cooks Valley Campground): To offset event-related water demand at Cooks Valley Campground, the property owner and occupants shall reduce water use during the standard forbearance period (May 15th thru October 31st) so that the total water use during those months is reduced by an amount equal to the amount of water used by all events occurring within that same period.

For example, if all event-related water use totals 200,000 gallons (between May 15th and October 31st), the maximum amount of water that may be taken during the forbearance window shall not exceed 1,146,000 gallons (1,346,000 gallons – 200,000 gallons).

Comments for all 3: In the IS, section 10. HYDROLOGY AND WATER QUALITY, it states the following:

Potable water is provided to the County Line Ranch and Cooks Valley Campground (Bowman) properties through individual wells located on terraces above the South Fork of the Eel River. Both wells are viewed as hydrologically connected to (i.e. diversions from) the South Fork of the Eel River, given their proximity to the river channel.

The word "wells" should be replaced by surface water, from the South Fork Eel River. Both property owners of County Line Ranch and Cooks Valley Campground have surface water diversion rights and permits through the State Waterboards Division of Water Rights. Each property has two (2) points of diversion for each property, one under riparian water rights and one under appropriated water rights, and which water rights are being mitigated, all four or just two? In all the annual water diversion report both property owners have filed with the State Water Board, not one has ever stated the water came from a "well". In all cases, it was surface water being diverted from the South Fork Eel River! And can someone again, please provide the studies that show both property owners will both offset event-related water demand, since they both have two different sources of surface water from the South Fork Eel River and the County is only keeping track of one?

Mitigation Measure WQ-4 (Dust Control) Use of Chemical Dust Suppressants is prohibited. Water for dust control be sourced from the existing pond at the Cooks Valley Campground.

Comment: Thank you very much for adding this condition of approval! However, I would like to point out, the proerty owner states on his annual water diversion report, that surface water

diverted from the South Fork Eel River is used to fill that pond, they did not say it was from rain catchment!

Mitigation Measure WQ-7 (Water Quality Education and Enforcement) Campers and other attendees utilizing the river and river bar areas shall be prohibited from using soap in the river. Signage and other information prohibiting use of soap in the river and encouraging use of ecologically friendly sunscreen options.

Comment: Good luck with that! Can anyone please define "ecologically friendly sunscreen options"? Is there a sunscreen or tanning lotion approved by CDFW or NOAA Fisheries that will have a less than significant effect on aquatic habitats in the South Fork Eel River. e.g. threatened and endangered species et al. Chinook, Coho and Steelhead Salmon and Foothill Yellow Legged Frogs?

I would like to end with; I am opposed to events 'On The River', I always have and always will. These events do not benefit the South Fork Eel River or its indigenous wildlife habitat and aquatic species. If anyone can provide source information or studies that prove me wrong, I would sure like to read them. And please remember, during the time of year of these events, the river is at its lowest flow and highest temperature and other downstream water rights holders of domestic use, would also like safe, clean and drinkable water too, without adding allot more chlorine to make it safe to drink during and after all four of these events on the river!

Thank you for you time,
Ed Voice