

## Hayes, Kathy

---

**From:** Damico, Tracy  
**Sent:** Tuesday, September 15, 2020 7:22 AM  
**To:** Bohn, Rex; Fennell, Estelle; Wilson, Mike; Bass, Virginia; Madrone, Steve  
**Cc:** Hayes, Kathy; Eberhardt, Brooke; Sharp, Ryan  
**Subject:** FW: Please deny the appeal regarding Billboard Removal

FYI from the COB email.

---

**From:** Meighan O'Brien <meighanobrien@yahoo.com>  
**Sent:** Tuesday, September 15, 2020 7:06 AM  
**To:** COB <COB@co.humboldt.ca.us>  
**Subject:** Please deny the appeal regarding Billboard Removal

Dear Supervisor,

I am writing to please ask you to uphold the Planning Commission's decision and deny the appeal regarding billboards removal along the coastal viewshed along Highway 101.

These billboards remain in areas where spectacular views and conditions of precious coastal wetlands should be our only concern. They do not belong in areas held in Public Trust, areas that draw thousands of tourists every year to experience a wildlife refuge and open space still remaining in its natural state.

The recent wildfires in California are a grim reminder of how poor stewardship have made us all vulnerable to the trends of Climate Change. The destructive quality of these billboards, although mild compared to other poor choices of land use, are derelicts of a bygone era. Let's allow them to gracefully enter their sunset and never spoil our common treasured resource of our much loved Humboldt Bay again.

I respectfully ask you to please make a no vote on this appeal and form a united front with the Planning Commission to uphold the integrity of our Humboldt Bay Public Trust lands.

Sincerely,  
Meighan O'Brien  
1862 Bird Avenue  
McKinleyville, CA 93940  
707-267-5435

**Hayes, Kathy**

---

**From:** Damico, Tracy  
**Sent:** Tuesday, September 15, 2020 7:21 AM  
**To:** Bohn, Rex; Fennell, Estelle; Wilson, Mike; Bass, Virginia; Madrone, Steve  
**Cc:** Hayes, Kathy; Sharp, Ryan; Eberhardt, Brooke  
**Subject:** FW: Billboard/Elk River

Forward from the COB.

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

**From:** Schultze/Huff <schultzehuff45@sonic.net>  
**Sent:** Monday, September 14, 2020 9:29 PM  
**To:** Bass, Virginia <VBass@co.humboldt.ca.us>  
**Cc:** COB <COB@co.humboldt.ca.us>  
**Subject:** Billboard/Elk River

Please put me on the record as opposed to granting a permit to re-build the fallen billboard, both for esthetic and ecological reasons.

Thank you.

Robert Schultze  
Eureka

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:43 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: NO BILLBOARDS

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Gisèle <giseleandco@gmail.com>  
**Date:** September 13, 2020 at 1:56:12 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** **NO BILLBOARDS**

Hi Mike,

Please uphold the Planning Commission's decision to deny the appeal for a billboard on coastal wetlands along the Elk River. The County admits that the billboard property is entirely within coastal wetlands, which are held in trust by the State for the benefit, use, and enjoyment of the public. Public trust uses include preservation of land in its natural state for open space and scenic beauty. The Elk River is certainly scenic, with views of Humboldt Bay, agricultural lands, and a State Wildlife Refuge, interrupted by billboards that would never be allowed to be built there today.

All state and local agencies, including Humboldt County, have a responsibility to protect public trust resources. Yet the County is attempting to shirk its duties by giving away an entitlement to a private billboard company to use public trust lands for commercial profit.

In California, the public trust predates private property rights. The Public Trust Doctrine is what declares that ocean beaches, rivers, lakes, and wetlands belong to all of us, and must be managed for public trust resources, including clean air and water, wildlife and fisheries, boating and swimming.

Sincerely,

Gisèle Albertine  
425 Blake Court  
Arcata, CA 95521

**Hayes, Kathy**

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:43 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: Deny the appeal on billboards

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Lee Dedini <dedinilee@gmail.com>  
**Date:** September 13, 2020 at 1:49:26 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** Deny the appeal on billboards

Hi Mike, Let us put an end to billboards on the bay wetlands. They are an eyesore to the public.  
Thank you, Lee Dedini

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:44 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: Billboard

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Barbara Goldberg <barbara.goldberg@humboldt.edu>  
**Date:** September 13, 2020 at 1:47:44 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** Billboard

Hi Mike, Once again I reiterate my strong objection to the rebuilding of the billboard in protected wetlands. What's up that the Planning Commission repeatedly votes to approve the rebuilding. This is not a repair. It is a replacement of a formerly allowed but now prohibited construction in wetlands. I know your support for our environment is consistent. I urge you to try to persuade other supervisors for whom this issue is not so clear—our quality of life is at stake; our precious wetlands are at stake, and in a severe storm or earthquake our safety is at stake. I know you'll do what you can. Thank you.

**Hayes, Kathy**

---

**From:** Meighan O'Brien <meighanobrien@yahoo.com>  
**Sent:** Tuesday, September 15, 2020 7:06 AM  
**To:** COB  
**Subject:** Please deny the appeal regarding Billboard Removal

Dear Supervisor,

I am writing to please ask you to uphold the Planning Commission's decision and deny the appeal regarding billboards removal along the coastal viewshed along Highway 101.

These billboards remain in areas where spectacular views and conditions of precious coastal wetlands should be our only concern. They do not belong in areas held in Public Trust, areas that draw thousands of tourists every year to experience a wildlife refuge and open space still remaining in its natural state.

The recent wildfires in California are a grim reminder of how poor stewardship have made us all vulnerable to the trends of Climate Change. The destructive quality of these billboards, although mild compared to other poor choices of land use, are derelicts of a bygone era. Let's allow them to gracefully enter their sunset and never spoil our common treasured resource of our much loved Humboldt Bay again.

I respectfully ask you to please make a no vote on this appeal and form a united front with the Planning Commission to uphold the integrity of our Humboldt Bay Public Trust lands.

Sincerely,  
Meighan O'Brien  
1862 Bird Avenue  
McKinleyville, CA 93940  
707-267-5435

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:40 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: billboards

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Suzanne Simpson <suzanne.simpson.litzky@gmail.com>  
**Date:** September 13, 2020 at 3:22:03 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** billboards

Hi Mike,

Hope you are against more billboards! We are here because of our beautiful and pristine nature, and don't need any more than that!

Thanks,

Suzanne Simpson

--

Suzanne Simpson  
Home: 707/822-5583  
Cell: 707/601-7956

[www.locallygrownthefilm.com](http://www.locallygrownthefilm.com)  
[suzanne.simpson.litzky@gmail.com](mailto:suzanne.simpson.litzky@gmail.com)  
[www.suzannesimpsonartist.com](http://www.suzannesimpsonartist.com)  
[www.locally-delicious.com](http://www.locally-delicious.com)

**Hayes, Kathy**

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:41 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: Ugly billboards

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Margaret Dickinson <ppotter1931@gmail.com>  
**Date:** September 13, 2020 at 2:31:24 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** Ugly billboards

Please vote NO! on the proposed billboard on Elk River Slough. It's stupid to advertise our beautiful area, and then clutter the landscape with ugly billboards!  
Thank you, Peggy Dickinson

Sent from my iPhone



## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:42 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: Please : NO : Elk River billboards

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Rita <ritaepa@gmail.com>  
**Date:** September 13, 2020 at 2:30:56 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** Please : NO : Elk River billboards

...

Dear Mike Wilson -

Respectfully,

As your rural constituent, I write again on this concern. I trust that you will uphold the County Planning Commission's denial of the billboard permit within the Elk River wetlands, south of Eureka.

Please allow me to reiterate—first impressions are lasting.

To inform travelers of local services, the state of California provides recognizable, concise signage available for businesses such as Gas-Lodging-Restaurants.

It must be restated that random, frequently large billboards along this coastal corridor mis-creates an unwelcome visual eyesore and a driving distraction for not only visitors to our region—but for locals, as well.

Please.

- . Allow the best advertisement—our unique landscape—to speak volumes.
- . Our aesthetically pleasing landscape is natural, welcomed invitation for new and returning guests to rest, recreate and replenish within our greater community.

With appreciation for your time and thoughtful consideration of this far reaching concern.

Every good intention - Rita

...

**Hayes, Kathy**

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:42 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: No more billboards

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Mark Colwell <mac3@humboldt.edu>  
**Date:** September 13, 2020 at 2:07:28 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** No more billboards

I'm simply registering my strong objection to any approval of billboards being permitted/erected on public lands adjacent to Humboldt Bay.

Sincerely,  
Mark

Professor, Wildlife Department  
Humboldt State University

**Hayes, Kathy**

---

**From:** diane ryerson <adryerson7@gmail.com>  
**Sent:** Monday, September 14, 2020 9:16 PM  
**To:** Wilson, Mike  
**Cc:** COB  
**Subject:** Deny Elk River Billboard appeal

Hello Supervisor Wilson,

As one of your constituents who travels Hwy 101 regularly between Arcata and Napa County, I strongly urge you to uphold the Planning Commission decision and deny the appeal. Because of the ugliness of billboards in coastal wetlands, I make a mental note not to patronize the business being advertised. Coastal wetlands are held in trust by the State for the benefit, use, and enjoyment of the public. Please don't let a private company use our coastal wetlands for commercial profit; deny the appeal.

Thank you.

Diane Ryerson  
1659 I St, Arcata, CA 95521  
707-826-7750

**Hayes, Kathy**

---

**From:** Schultze/Huff <schultzehuff45@sonic.net>  
**Sent:** Monday, September 14, 2020 9:29 PM  
**To:** Bass, Virginia  
**Cc:** COB  
**Subject:** Billboard/Elk River

Please put me on the record as opposed to granting a permit to re-build the fallen billboard, both for esthetic and ecological reasons.

Thank you.

Robert Schultze

Eureka

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:39 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: No private billboard on the Public Comments

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Walter Paniak <wpaniak@gmail.com>  
**Date:** September 13, 2020 at 6:32:25 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** No private billboard on the Public Comments

The planning staff have got it wrong.  
Wetlands are part of the public Commons. Private profit should not be allowed . Back the Planning Commission and vote no for the appeal.  
Walt Paniak  
Arcata  
--  
Walt Paniak

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:39 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: No private billboard on the Public Comments

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Walter Paniak <wpaniak@gmail.com>  
**Date:** September 13, 2020 at 6:32:25 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** No private billboard on the Public Comments

The planning staff have got it wrong.

Wetlands are part of the public Commons. Private profit should not be allowed . Back the Planning Commission and vote no for the appeal.

Walt Paniak  
Arcata

--  
Walt Paniak

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Monday, September 14, 2020 9:39 PM  
**To:** Hayes, Kathy  
**Subject:** Fwd: Humboldt Bay Billboard(s)

Received.

Mike Wilson P.E.  
Humboldt County Supervisor, District 3  
707.476.2393

Sent from my iPad

Begin forwarded message:

**From:** Kit Davenport <davenport.kit@gmail.com>  
**Date:** September 13, 2020 at 4:55:47 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** Humboldt Bay Billboard(s)

Supervisor Wilson

I object to billboards on coastal wetlands that obstruct scenic views of open space, and am writing to request that Supervisors uphold the Planning Commission's decision and **deny the appeal** for rebuilding a billboard on Elk River wetlands.

The County admits that the billboard property is entirely within coastal wetlands, which are held in trust by the State for the benefit, use, and enjoyment of the public. Public trust uses include preservation of land in its natural state for open space and scenic beauty. The Elk River is certainly scenic, with views of Humboldt Bay, agricultural lands, and a State Wildlife Refuge, interrupted by billboards that would never be allowed to be built there today.

All state and local agencies, including Humboldt County, have a responsibility to protect public trust resources. Yet the County is attempting to shirk its duties by giving away an entitlement to a private billboard company to use public trust lands for commercial profit.

In California, the public trust predates private property rights. The Public Trust Doctrine is what declares that ocean beaches, rivers, lakes, and wetlands belong to all of us, and must be managed for public trust resources, including clean air and water, wildlife and fisheries, boating and swimming.

Approval of this billboard would also set a bad precedent in the case of future eye-sore billboards' replacement or establishment.

Thank you for taking this citizen's view into consideration!  
Kit Davenport (Arcata)

## Hayes, Kathy

---

**From:** Jennifer Lower <jlower@janssenlaw.com>  
**Sent:** Monday, September 14, 2020 2:58 PM  
**To:** COB; Ford, John  
**Cc:** Jeff Slack; Bohn, Rex; Fennell, Estelle; Wilson, Mike; Bass, Virginia; Madrone, Steve  
**Subject:** Appeal of Allpoints Outdoor, Inc. Special Permit: PLN-2020-16389  
**Attachments:** Wills - Ltr. to County re. Allpoints.pdf

Board of Supervisors and Mr. Ford,

Attached find correspondence from Jeffrey Slack regarding Appeal of Allpoints Outdoor, Inc. Special Permit: PLN-2020-16389.

If you have any questions regarding the attached, please contact Mr. Slack.

Thank you.  
-Jennifer.

Jennifer L. Lower, CCLS  
Legal Secretary  
Janssen Malloy LLP  
730 Fifth Street  
P.O. Drawer 1288  
Eureka, CA 95502  
Telephone: (707) 445-2071  
E-mail: jlower@janssenlaw.com

This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance on the communication is strictly prohibited. Any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please immediately return it to the sender, delete it from your system, and contact the sender at (707) 445-2071.



**JANSSEN MALLOY LLP**

W. TIMOTHY NEEDHAM  
DENNIS C. REINHOLTSEN  
MICHAEL J. CROWLEY  
PATRIK GRIEGO  
AMELIA F. BURROUGHS  
MEGAN A. YARNALL  
JEFFREY SLACK  
DAVID S. NIMS

-----  
CLAYTON R. JANSSEN (1925-2000)  
MICHAEL F. MALLOY (1949-1999)  
MICHAEL MORRISON (retired)

ATTORNEYS AT LAW  
730 FIFTH STREET  
EUREKA, CALIFORNIA 95501  
(707) 445-2071  
FAX: (707) 445-8305  
www.janssenlaw.com

MARLA G. ZUMWALT  
NANCY J. HOLMES McPARTLAND  
KAREN O. ELLIS  
CONNIE A. SCHECKLA  
LESLIE AMES  
PARALEGALS

-----  
MAILING ADDRESS  
P.O. DRAWER 1288  
ZIP CODE: 95502

September 14, 2020

Humboldt County Board of Supervisors  
Clerk of the Board  
825 Fifth Street  
Eureka, CA 95501  
cob@co.humboldt.ca.us

VIA ELECTRONIC MAIL

Mr. John Ford, Director  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
jford@co.humboldt.ca.us

VIA ELECTRONIC MAIL

RE: Appeal of Allpoints Outdoor, Inc. Special Permit, PLN-2020-16389

Dear Board of Supervisors and Director Ford:

I write this letter on behalf of my client, Geoff Wills and Allpoints Outdoor, Inc., who is the applicant for the special permit to reconstruct a legal non-conforming billboard located at mile marker 74.23 R along Highway 101.1 Allpoints Outdoor, Inc. is a local small business that employs eight local people and serves advertising needs for the local business community. Its customers include local entities such as the Sequoia Park Zoo and the Humboldt County Fair.

This letter will specifically address the issues raised by other comments regarding the Special Permit application and the Initial Study and Mitigated Negative Declaration (IS/MND) prepared by the Humboldt County Planning Department (the "County") which found that the proposed project as proposed and mitigated will have no significant environmental impact. The applicant would respectfully request that the IS/MND be

---

<sup>1</sup> See State of California – Department of Transportation Outdoor Advertising Permit No. 15322 attached hereto as Exhibit A

adopted for this project, the Humboldt County Board of Supervisor's overturns the Planning Commission's decision to deny the application and approve the special permit.

I. The County's Determination of the Environmental Baseline Conditions Is Supported by Substantial Evidence

Under the California Environmental Quality Act (CEQA), the County has discretion to establish the environmental baseline where the proposed project contemplates continuing a historic use. Although the environmental baseline is normally considered the conditions as they exist at the time environmental review begins, neither CEQA nor its guidelines mandate a uniform, inflexible rule for a determination of existing baseline environmental conditions.<sup>2</sup> Rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions can be measured.<sup>3</sup> The agency's determination will be upheld if it is supported by substantial evidence.<sup>4</sup>

An agency's determination of environmental baseline conditions is supported by substantial evidence where the environmental baseline chosen is not hypothetical, but rather is based on the applicant's right to conduct the activity on the site and the recent history of substantially the same use.<sup>5</sup> In other words, where the baseline is based on recent historical use under an entitlement and not merely "hypothetical," an agency's determination of the historical use as baseline is supported by substantial evidence.<sup>6</sup>

Here, the use of a standing billboard as the baseline environmental conditions is supported by substantial evidence because the applicant is proposing to continue the identical legal non-conforming use that existed at the site for over 60 years. The fact that portions of the structure are still standing provide additional support for the County's determination of the environmental baseline as an existing billboard. The billboards materials, including its face, the concrete footings, and the supports, still exist at the site. The temporary lull in operations of the standing billboard due to a windstorm should not change the baseline analysis from a standing billboard to a completely clean site.<sup>7</sup> Using a "clean site" baseline would impermissibly overstate the impacts of the reconstruction project as proposed.

---

<sup>2</sup> *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal. 4th 310, 328

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal. App. 4th 316, 337

<sup>6</sup> *North County Advocates v. City of Carlsbad* (2015) 241 Cal. App. 4th 94, 105

<sup>7</sup> *Id.* at 106

Re: Appeal of Allpoints Outdoor, Inc.  
Special Permit, PLN-2020-16839  
September 14, 2020  
Page 3

## II. The Billboard is Permitted and is a Lawful Display

The Outdoor Advertising Permit issued by Caltrans for this particular billboard is enclosed with this letter. To claim otherwise, is clearly erroneous and is not supported by substantial evidence. Moreover, to claim that this billboard is non-conforming because the State California Division of Highways had regulations on the books in 1933 prior to the erection of this particular billboard is misleading. In 1933, the California Legislature first regulated the use of off property. However, this initial regulation was concerned only with matters of safety, structural integrity, and decency. Three decades later, the federal government enacted the Highway Beautification Act of 1965. In response, the California Legislature amended the Outdoor Advertising Act.<sup>8</sup>

As amended, the Outdoor Advertising Act defines a display as “lawfully erected” if the display was erected in compliance with state laws and local ordinances in effect at the time of their erection or which were subsequently brought into full compliance with state laws and local ordinances. There shall be a rebuttable presumption pursuant to Section 606 of the Evidence Code that an advertising display is lawfully erected if it has been in existence for a period of five years or longer without the owner having received written notice during that period from a governmental entity stating that the display was not lawfully erected.<sup>9</sup>

A nonconforming advertising display is an advertising display that was lawfully placed, but that does not conform to the provisions of this chapter, or the administrative regulations adopted pursuant to this chapter, that were enacted subsequent to the date of placing.<sup>10</sup> CalTrans has the responsibility for the enforcement of the statutes referenced above. The regulations provide a comprehensive system to enforce the federal and state standards regarding highway advertising while at the same time protecting individual property rights.<sup>11</sup>

Given that the permit for this billboard from ODA has been produced, that the display has existed since at least 1955 without the owner having received written notice from a governmental entity that the display was not lawfully erected, and that the billboard was erected prior to the enactment of the Outdoor Advertising Act of 1965 and therefore, at a minimum qualifies as a non-conforming display, there should not be a doubt that this billboard is lawfully erected pursuant to the Outdoor Advertising Act. Moreover, responsibility for the enforcement of the Outdoor Advertising Act is vested in CalTrans.

---

<sup>8</sup> *Pallco Enterprises, Inc. v. Beam*, (2005) 132 Cal. App. 4th 1482, 1488

<sup>9</sup> Cal. Bus. & Prof. Code § 5216.1

<sup>10</sup> Cal. Bus. & Prof. Code § 5216.5

<sup>11</sup> *Pallco Enterprises, Inc., supra*, 132 Cal. App. 4th at 1489–90

Re: Appeal of Allpoints Outdoor, Inc.  
Special Permit, PLN-2020-16839  
September 14, 2020  
Page 4

To date, there has been no evidence or comment from Caltrans indicating that this particular billboard was not lawfully erected or has subsequently become unlawful. Accordingly, the application for the reconstruction of this billboard should not be denied on the basis that it is unlawful under the Outdoor Advertising Act.

### III. Existing Uses Are Allowed in the Spruce Point Area Under the HBAP

The Humboldt Bay Area Plan (HBAP)<sup>12</sup> explicitly contemplates existing uses continuing in the Spruce Point Area where this project is located. The HBAP identifies the Spruce Point and Elk Rivers as wetland restoration study areas, as designated in Appendix I of the HBAP (See HBAP Chptr. 3 Pg. 46). According to the Planned Uses section of Chapter 3, "Within areas identified as "wetland restoration study areas" existing uses shall be maintained as long as they are needed for their present purposes." (HBAP Chptr. 3 Pg. 42). Development integral to existing uses adjacent to these areas shall be excluded from the requirements of uses located in wetland buffer areas. *Id.*

Here, the project under consideration contemplates continuing the existing use as a billboard site. The special permit is for re-erection of the billboard structure and is explicitly excluded from the requirements located in wetland buffer areas. Further, the use of this area as a billboard site pre-dates the regulations of the HBAP and regulations concerning environmentally sensitive habitat areas (ESHA), making it a legal non-conforming use that is subject to Humboldt County Code Sections 313-131 and 313-132.

Contrary to previous comments, the area of Spruce Point that is the subject of this permit has not been designated as an area of scenic and visual resources. A Scenic Route Study has not been prepared by the County in cooperation with Caltrans for this portion of Highway 101. Unlike a project for a new billboard, this re-erection project would not alter natural land forms. This project contemplates re-erecting the face of the billboard that is already existing on the site and re-digging existing footings. Portions of the billboard are still standing and will be reused in the reconstruction of the display.

### IV. The Project Does Not Implicate the Public Trust

The County referred this project to the State Lands Commission for its determination of jurisdiction over this project. In its response letter, State Lands Commission determined that this project and its location was not under its jurisdiction and is not subject to the Public Trust.<sup>13</sup> In follow up conversations with the Humboldt Bay Harbor District, it has

---

<sup>12</sup> <https://humboldt.gov/DocumentCenter/View/50844/Humboldt-Bay-Area-Local-Coastal-Plan>

<sup>13</sup> Letter from State Lands Commission to Steve Lazar re: Jurisdictional Determination for a Billboard Reconstruction Project within Assessor's Parcel Numbers 305-031-007, -008 and -009 adjacent to the Elk River, near Eureka, Humboldt County dated August 24, 2020 pg. 1

Re: Appeal of Allpoints Outdoor, Inc.  
Special Permit, PLN-2020-16839  
September 14, 2020  
Page 5

been determined that the location of this project is above the mean high tide of the Elk River and is not subject to its jurisdiction. Based on the evidence provided, this project does not implicate the public trust doctrine.

V. Conclusion

Based on the evidence and comments submitted on behalf of the applicant, the IS/MND prepared by the County, and the record contained herein, the applicant, Allpoints Outdoor, Inc. respectfully requests that the Board of Supervisors overturn the Humboldt County Planning Commission's decision to deny its application for reconstruction of the billboard, adopt the IS/MND, and approve the special permit for reconstruction of the billboard.

Regards,



Jeffrey Slack  
JANSSEN MALLOY LLP

Enclosures

**OUTDOOR ADVERTISING PERMIT**

ODA-0013 (REV 09/2017)

**IMPORTANT INFORMATION - PLEASE READ CAREFULLY**

Pursuant to the terms of Chapter 32, Status of 1939 and as amended, permission is granted to place and maintain an advertising display in its approved physical location as shown in the official records of the Department. Permit renewal is subject to the laws and implementing regulations of the California State Outdoor Advertising Act. This permit does not authorize placement or maintenance of a display prohibited by law or by an ordinance of any city, county or city and county. The permit owner is responsible for permit renewal on or before the expiration date. Immediately notify the Department to correct your mailing address, transfer ownership of this permit or cancel this permit. Include your permit number and mail notices to:

*Department of Transportation, Office of Outdoor Advertising, P.O. Box 942874, MS-369, Sacramento, CA*

District	County	Route	Post Mile or County Road	Property Owner
01	HUM	101	74.23 R	CALIF.DIV.OFHWHY
Permit Owner Name			Date Granted	Owner Display #
Outfront Media LLC 1731 Workman Street Los Angeles, CA 90031				

Permit

15322

Expiration Date

12/31/2031



**Notice** Failure to maintain a current permit may result in a violation notice, penalty and removal of display at permittee's expense. The permit entitles the holder to play the permitted display for the term of this permit provided all fees or pro rata fees are timely received.

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

**JENNIFER LUCCHESI, Executive Officer**  
**(916) 574-1800 Fax (916) 574-1810**  
*California Relay Service TDD Phone 1-800-735-2929*  
*from Voice Phone 1-800-735-2922*

**Contact Phone: (916) 574-1869**

August 24, 2020

File Ref: I2177

Steven Lazar  
Senior Planner  
Humboldt County Planning &  
Building Department  
3015 H Street  
Eureka, CA 95501

**Subject: Jurisdictional Determination for a Billboard Reconstruction Project Located within Assessor's Parcel Numbers 305-031-007, -008, and -009, adjacent to the Elk River, near Eureka, Humboldt County**

Dear Mr. Lazar:

This letter is in response to your request for a determination by the California State Lands Commission (Commission) as to whether it asserts a sovereign title interest in the property that the above referenced project will occupy and whether it asserts that the project will intrude into an area that is subject to the Public Trust.

We understand that the project is located within Assessor's Parcel Numbers 305-031-007, -008, and -009, which comprise a narrow strip of land situated east of State Highway 101 and west of the lower reaches of the Elk River. The parcels have hosted billboards since at least 1955 and are currently developed with three billboard structures which face northbound traffic. On November 26, 2019, the northernmost billboard was damaged when severe winds from a winter storm caused a number of the vertical supporting posts to snap, resulting in the collapse of the billboard. A permit from Humboldt County is being sought to allow for repair of the fallen billboard. Erection of the sign will require replacement of a number of the damaged posts and other structural elements. Any new vertical support posts will be installed within the same location as the damaged ones they are replacing. A total of 18 vertical posts are used to support the billboard structure.

Based upon the information provided and a preliminary review of our records, we have determined that the property on which the project is located does not include State sovereign land under the jurisdiction of the Commission and is not subject to the Public

Trust. Assessor's records show this property as owned by All Points Outdoor, Inc. The Elk River, adjacent to the property, is natural, possibly navigable, and possibly tidal. Both the bed of the river and the uplands at this location are within the exterior boundaries of lands the State acquired and patented under a land grant known as the 500,000 Acres Grant, with no minerals reserved. Any remaining State interest in the Elk River to the limit of tidal action has been granted to the Humboldt Bay Harbor, Recreation, and Conservation District pursuant to Chapter 1283, Statutes of 1970 and as amended, minerals reserved, excluding sand, gravel, and inert earth materials.

Please note that the Elk River may lie in an area that is subject to a public navigation easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but are not limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. This easement right of the public must not be restricted or impeded. In addition to compliance with California Streets and Highways Code section 84.5, the proposed project activities must not restrict or impede the navigation and recreational rights of the public.

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code §§ 6301, § 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the ordinary high water mark, which is generally depicted by the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.

This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.



If you have any questions, please contact Ninette Lee, Public Land Manager, at (916) 574-1869 or by email at [ninette.lee@slc.ca.gov](mailto:ninette.lee@slc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Bugsch', written in a cursive style.

Brian Bugsch, Chief  
Land Management Division

cc: Ninette Lee  
Land Management Division  
CSLC

Reid Boggiano  
Granted Lands Unit  
CSLC

## Hayes, Kathy

---

**From:** Ed & Anna Bernard <eabern@aol.com>  
**Sent:** Monday, September 14, 2020 9:37 AM  
**To:** COB; Bass, Virginia; Bohn, Rex; Fennell, Estelle; Madrone, Steve; Wilson, Mike  
**Subject:** Billboards on Humboldt Coast

Hello All,

I have been a Humboldt County resident for over 15 years.  
When we first came here I noticed the ugly billboards along the coast and wondered why anyone would allow them there.  
It is such a beautiful, natural area, and the billboards just did not fit in.  
They are an unnecessary, ugly eye-sore.

Please DENY the request to place billboards along the coast.  
Please help restore the natural beauty of the California coast.

One by one the billboards have been painstakingly removed.  
Please continue this effort to make Humboldt Bay and coastal California beautiful.

Best regards,  
Anna Bernard,  
3232 Alliance Road  
Arcata, CA 95521  
eabern@aol.com

**Hayes, Kathy**

---

**From:** kathleenkelcey <kathleenkelcey@att.net>  
**Sent:** Sunday, September 13, 2020 8:48 PM  
**To:** COB  
**Subject:** Billboards

I just sent an email to supervisor Madrone about rejecting g billboards. There should be nothing that interferes with my view of the bay and surrounding habitat. Thank you for supporting the planning Commission and staff. Kathleenkelcey@att.net

Sent from Samsung tablet

**Hayes, Kathy**

---

**From:** Kimberly Tays <kimkat067@gmail.com>  
**Sent:** Sunday, September 13, 2020 8:18 PM  
**To:** Bass, Virginia; Madrone, Steve; Wilson, Mike; Fennell, Estelle; Bohn, Rex  
**Cc:** COB  
**Subject:** Elk River Billboard

Dear Board of Supervisors:

I am writing to express my continued opposition to reconstruction of the Elk River Billboard in this sensitive wetland area. Humboldt County is plagued with too many billboards, dilapidated properties and aesthetically unpleasing industrial facilities along Humboldt Bay. This is an opportunity to reclaim a natural and scenic area that should have never been developed with billboards in the first place.

Please do the right thing and deny the appeal at your September 15 meeting so that this area can finally be restored for the benefit of wildlife and the public trust.

Thank you, Kimberly Tays  
Arcata, CA

**Hayes, Kathy**

---

**From:** Ellen Thuet <ethuet@yahoo.com>  
**Sent:** Sunday, September 13, 2020 6:05 PM  
**To:** Bohn, Rex  
**Cc:** COB  
**Subject:** Billboards; Deny the Appeal

Dear Supervisor Bohn,

RE: Billboards; Deny the Appeal

The County admits that the billboard property is entirely within coastal wetlands, which are held in trust by the State for the benefit, use, and enjoyment of the public.

I am counting on you to uphold the Planning Commission's decision and Deny the Appeal.

A. We don't need to be reminded of the businesses that are here. Billboards are an obstruction and an unsightly distraction.

B. Tourists do not visit Eureka to view Billboards. . .Billboards are an obstruction and an unsightly distraction.

C. TRUE---> "Unfortunately, for many years these scenic coastal views have been marred by the presence of unsightly billboards jutting up along the Highway 101 Safety Corridor between Arcata and Eureka."

This issue needs to be put to rest . .Deny the Appeal.. .Thank you.

Sincerely,  
Ellen Bryant  
3545 M St  
Eureka CA 95503  
707-442-2343

**Hayes, Kathy**

---

**From:** Greg Bundros <gbundros@gmail.com>  
**Sent:** Sunday, September 13, 2020 5:42 PM  
**To:** Madrone, Steve  
**Cc:** COB  
**Subject:** Please Deny Billboard Appeal

Dear Steve,

Please uphold the Planning Commission's decision and deny the billboard appeal. I find it amazing that County planners are again recommending approval of a billboard on coastal wetlands along the Elk River, even though they acknowledge there is no vested right to rebuild the sign that fell down nearly a year ago.

The County further acknowledges the billboard property is entirely within coastal wetlands, which are public trust resources held in trust by the county and State for the benefit, use and enjoyment of the public. Public trust uses include preservation of land in its natural state for open space and scenic beauty. The Elk River is certainly scenic, with views of Humboldt Bay, agricultural lands, and a State Wildlife Refuge, interrupted by billboards that would never be allowed to be built today.

Humboldt County is required to protect public trust resources, but instead it's poised to neglect its duties by giving away an entitlement to a private billboard company to use public trust lands for commercial profit. This is wrong!

Thank you in advance for denying the appeal. I hope you are well,

Greg and Teri Bundros  
Fieldbrook

**Hayes, Kathy**

---

**From:** Maggi Draper <maggi@humboldt1.com>  
**Sent:** Sunday, September 13, 2020 5:24 PM  
**To:** Bass, Virginia; Bohn, Rex; Fennell, Estelle; Madrone, Steve; Wilson, Mike  
**Cc:** COB  
**Subject:** Comments for the public record on Appeal regarding Billboard in Wetlands

Dear Supervisors:

This constitutes my input for the record regarding the Elk River Billboard appeal. I incorporate by reference all my prior comments on this matter into the record of this appeal.

The advertiser has no vested right to build this billboard. Full stop.

The coastal wetlands are held in trust for the people of California. There are ads, signs, neon lights, commercial billboards all over the state. The advertiser has other options in more suitably zoned commercial areas for such signage, so there is no hardship question involved in this matter. It is hard to justify upholding this appeal in the face of the community attempts to end the destruction of our viewshed.

Visual blight is even more upsetting when it obstructs a view of this wetland area. Beautiful wetlands are much more rare than billboards, and this scenic view in question in Humboldt is among those that benefit the county financially (in normal times, I should say) as well as environmentally.

You have a duty to protect our public resources, and it is your obligation to deny this appeal. For all the reasons that the record contains, this appeal should and must be denied. For legal and commonsense reasons, I request the Board uphold the Planning Commission's decision and deny the appeal.

Thanks for all you do,

Best,

M. Draper

--

**Margaret Draper**  
**Attorney at Law**

**POB 176**  
**Bayside, CA 95524**

**707.826.9072**



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)



**Hayes, Kathy**

---

**From:** sbecker@reninet.com  
**Sent:** Sunday, September 13, 2020 4:31 PM  
**To:** Madrone, Steve; Madrone, Steve  
**Cc:** COB  
**Subject:** No billboards on Elk River

Dear Supervisor Madrone,

Thank you for your past support, and please continue to uphold that Planning Commission decision, and deny the appeal for commercial exploitation of one of Humboldt County's natural gems - the Elk and surrounding wetlands.

Best wishes and thank you for your great work out there,

Stacy Becker

McKinleyville, CA

**Hayes, Kathy**

---

**From:** Carol Somebody <carolcon25@gmail.com>  
**Sent:** Sunday, September 13, 2020 4:16 PM  
**To:** Madrone, Steve  
**Cc:** COB  
**Subject:** Rebuilding of billboard on coastal wetlands along 101

Dear Mr. Madrone,

Please do what you can to see that the appeal to rebuild a billboard on designated coastal wetlands is denied and that the interests of the public trust are maintained. Given the site of the sign is on a designated coastal wetland, it appears highly irregular to permit one private commercial entity's enterprise to take precedence over that of the public interest in defiance of current codes and laws.

It is a very narrow view to suggest that this is in some manner an important commercial project. The Humboldt County economy is largely built on tourism, and anything that improves our environment, and the experience of our incredible natural setting, is a benefit for hundreds of local small businesses. Tourists are attracted to Humboldt County by the natural beauty of this area, and large commercial billboards along 101 only serve to diminish this quality.

This proposed new structure, which would be replacing one that has several generations of previous repairs, has only the most tenuous claim to having been "grandfathered" in. There is no provision of perpetuity for pre-code structures, and certainly not for structures which have been replaced entirely for all intents and purposes.

Again, please act in support of the interests of the community at large, and in support of our local businesses dependent on tourism, and vote against this proposed new construction.

Thank you,  
Carol Conaway  
McKinleyville, CA

**Hayes, Kathy**

---

**From:** stan wong <eswong999@msn.com>  
**Sent:** Sunday, September 13, 2020 4:14 PM  
**To:** COB  
**Subject:** rebuild billboard

I heard there is another attempt to rebuild a billboard, south of Eureka. I think it is a bad idea and not needed. No, I don't have any fancy titles with my name. I am a long time resident and do vote regularly.

A couple of years back Hank Seeman had a presentation about a Eureka South Gateway at Herick and the logistics were complex. If something wants to be done on this property, why not an "artsy" identifying sign/sculpture there? Have the land owner donate it to the County and be rid of it.

Stan Wong

You can contact me if this needs to be formatted or clarified. 707-498-2723 text first, as I don't answer unknown numbers.

**Hayes, Kathy**

---

**From:** S&S Kramer <skramer@sonic.net>  
**Sent:** Sunday, September 13, 2020 3:32 PM  
**To:** Madrone, Steve  
**Cc:** COB  
**Subject:** Deny the Appeal to rebuild the Elk River Billboard.

Dear County Supervisor Madrone,

Please uphold the Planning Commission's decision and deny the appeal by County planners that will allow reconstruction of the billboard on coastal wetlands along the Elk River.

There is no vested right to rebuild the sign that fell down nearly a year ago.

I object to billboards on coastal wetlands that obstruct scenic views of open space.

The County admits that the billboard property is entirely within coastal wetlands, which are held in trust by the State for the benefit, use, and enjoyment of the public. Public trust uses include preservation of land in its natural state for open space and scenic beauty. The Elk River is certainly scenic, with views of Humboldt Bay, agricultural lands, and a State Wildlife Refuge, that are currently interrupted by billboards that would never be allowed to be built there today.

All state and local agencies, including Humboldt County, have a responsibility to protect public trust resources. Yet the County is attempting to shirk its duties by giving away an entitlement to a private billboard company to use public trust lands for commercial profit.

Please uphold the Planning Commission's decision and **deny the appeal**.

Thank you for your assistance.

Steve Kramer

**Hayes, Kathy**

---

**From:** ja savage <jasavagehonest@gmail.com>  
**Sent:** Sunday, September 13, 2020 3:13 PM  
**To:** Bass, Virginia  
**Cc:** COB  
**Subject:** No on billboard, again

J.A. Savage  
Marsh Rd, Eureka  
707 672 5665  
[jasavagehonest@gmail.com](mailto:jasavagehonest@gmail.com)

## Hayes, Kathy

---

**From:** Karen Mueller <kkmmueller@earthlink.net>  
**Sent:** Sunday, September 13, 2020 3:06 PM  
**To:** Bohn, Rex  
**Cc:** Bass, Virginia; Wilson, Mike; smadrone@co.humboldt.ca.gov; Fennell, Estelle; COB  
**Subject:** Elk river billboard.

Dear Rex and all,

Tourism is an important part of the Humboldt County economy and is highly related to highlighting and maintaining the scenic beauty of the county. This billboard would be an eyesore at the entrance to Eureka. As you know there is already great public concern, interest and (some) funding for developing the 101 corridor through Eureka in a way that is more conducive to tourism.

In addition, the proposal to rebuild conflicts with numerous County and State policies and regulations especially those regarding coastal wetlands.

Please vote against the proposal to rebuild this billboard.

K Mueller  
Cutten

**Hayes, Kathy**

---

**From:** Julie Fulkerson <juliefulkerson@mac.com>  
**Sent:** Sunday, September 13, 2020 2:56 PM  
**To:** Bass, Virginia  
**Cc:** COB  
**Subject:** Uphold Planning decision re Billboards

Thanks for hanging in there on this. The BoS vetted and appointed Planning Commissioners. This is the best way to support the planning process.  
Elected BoS and appointed commissioners set policy. Staff implements. I know you know that but it is annoying to see staff intervene in community will.

julie

I sent a letter about this last month. Just a reminder now.

**Hayes, Kathy**

---

**From:** Linda Doerflinger <lindoerf@gmail.com>  
**Sent:** Sunday, September 13, 2020 2:47 PM  
**To:** Madrone, Steve  
**Cc:** COB  
**Subject:** Billboard

I urge the Board of Supervisors to DENY the approval of the billboard in the Elk River wetlands. This is a tedious item and because of the back and forth, and lack of clarity in the indecision, it begs to be decisive in the favor of county and state policies and regulations, and the public's understanding and belief in public trust resources.

This area is a wetland, albeit degraded; with a little foresight and planning, this section of the Elk River, like so many sections of this abused water way, can be improved and be lovely and enjoyed again.

This issue of billboards on Hwy 101 in Humboldt County needs to be put to rest. At the least, it is an embarrassment that our local leaders are bickering among themselves and between agencies on such a minor decision, in this time with life impacting issues facing us.

If you hear frustration in this email, yes, it is here, since I watched the Board of Supervisors meeting where this was last discussed. I urge the Board to uphold the Planning Commission's decision.

Sincerely,

Linda Doerflinger



**Hayes, Kathy**

---

**From:** suzanne2@fastmail.fm  
**Sent:** Sunday, September 13, 2020 2:16 PM  
**To:** Madrone, Steve  
**Cc:** COB  
**Subject:** Deny the billboard appeal

My comment concerns the Board of Supervisors consideration of the reconstruction of a fallen billboard on coastal wetlands along the Elk River.

Billboards have a hugely negative effect on communities – reducing property values and scenic beauty. Scenic beauty is one of the most valuable assets of our region. Humboldt County is known worldwide for its beauty. That is why tourists are attracted to our area and why they spend hundreds of millions of dollars here annually. We can't jeopardize that beauty and the resultant tourism income by allowing the billboard to be rebuilt along the Elk River.

Visual blight negatively impacts every aspect of the vitality of a community. I urge you to reject the appeal and not allow the fallen billboard to be rebuilt.

Suzanne Cook  
2584 Knox Cove Dr  
McKinleyville, CA 95519

**Hayes, Kathy**

---

**From:** Mary Gearheart <msgheart@gmail.com>  
**Sent:** Sunday, September 13, 2020 2:15 PM  
**To:** Bass, Virginia; Bohn, Rex; Fennell, Estelle; Madrone, Steve; Wilson, Mike  
**Cc:** COB  
**Subject:** Elk River Billboard

Supervisors, I urge you to uphold the planning commission's decision to deny the appeal to rebuild the sign that is in our coastal wetlands. It's a chance for you to protect the public's resources as opposed to protecting the monetary benefits of a commercial billboard company. The Elk River wetlands are not only environmentally important to citizens and visitors, but also provide important scenic views of agricultural and natural landscapes. Thanks for your consideration.  
Mary Gearheart

Sent from my iPhone

**Hayes, Kathy**

---

**From:** Carol Mone <cemone@reninet.com>  
**Sent:** Sunday, September 13, 2020 2:07 PM  
**To:** Madrone, Steve  
**Cc:** COB  
**Subject:** Elk River billboards

Dear Supervisor Madrone:

Here we are mid-pandemic, enveloped in a hazardous cloud of smoke, and the County is attempting to give an entitlement to a private billboard company to use public trust lands for commercial profit. The County admits that the billboard property is entirely within coastal wetlands, which are held in trust by the State for the benefit, use, and enjoyment of the public. I am a member of the public and do not enjoy billboards. Billboards are not scenic. Billboards are not beautiful. Billboards distract drivers. There are multiple less offensive ways to advertise products and services, and a beautiful, unobstructed view is an excellent advertisement for Humboldt County in and of itself.

As many have pointed out, In California, the public trust predates private property rights. The Public Trust Doctrine states that these wetlands belong to all of us, and must be managed as public trust resources, not for the commercial benefit of few and the major annoyance of many.

Thank you for considering my views.

Carol Moné  
Box 223  
Trinidad 95570

## Hayes, Kathy

---

**From:** Ted Pease <ted.pease@gmail.com>  
**Sent:** Sunday, September 13, 2020 2:06 PM  
**To:** Bass, Virginia; Bohn, Rex; Fennell, Estelle; Madrone, Steve; Wilson, Mike; COB  
**Cc:** ted.pease@gmail.com; Brenda Cooper  
**Subject:** Read This Sign: No Billboards!

Dear Supervisors:

This should be a no-brainer, but let us add our voices to those calling on the county to deny approval of replacing a billboard in wetlands along the Elk River.

Beyond this specific site, we would expand that to call for a ban of all billboards on public land in Humboldt County, whether on wetlands or in cow pastures. As passing motorists, we would much prefer to see the beauty of Humboldt County than be urged to hit the casino or buy a mattress or tires. If we need a mattress (which we do) or tires (which we don't), we don't need advertisers to nag us.

In the specific case of the of the Elk River billboard: it's in coastal wetlands, which are supposed to be protected areas held and preserved in public trust. "Public trust uses include preservation of land in its natural state for open space and scenic beauty," as Humboldt Baykeeper correctly points out.

Billboards may have a legitimate purpose in an urban setting, but out in the countryside they are an unnecessary and unwelcome intrusion and an insult to the eye that seeks to enjoy the view.

We urge the Board of Supervisors not only to deny the appeal to permit this particular billboard, but also to undertake a rewriting of applicable county ordinances to remove all billboards from public lands in rural viewsheds, perhaps beginning with those along the 101 Safety Corridor.

Sincerely,

—  
Ted Pease  
PO Box 996  
Trinidad, California 95570  
707-677-5222; 707-502-5806 cell  
[ted.pease@gmail.com](mailto:ted.pease@gmail.com)



## Hayes, Kathy

---

**From:** Patricia Dougherty <pdougherty65@gmail.com>  
**Sent:** Sunday, September 13, 2020 2:01 PM  
**To:** COB  
**Subject:** Fwd: Bill board

Copy of msg sent to [smadrone@co.humboldt.ca.us](mailto:smadrone@co.humboldt.ca.us) re billboard appeal.  
Pat Dougherty

----- Forwarded message -----

**From:** Patricia Dougherty <pdougherty65@gmail.com>  
**Date:** Sun, Sep 13, 2020, 1:52 PM  
**Subject:** Bill board  
**To:** <[smadrone@co.humboldt.ca.us](mailto:smadrone@co.humboldt.ca.us)>

Please deny the replacement of the controversial billboard. Also, I would like all billboards along the bay removed. Small discrete signs would do for hotels and things like less schwab and restaurants. Smaller signs that are useful such as are located on freeways prior to off ramps.

**Hayes, Kathy**

---

**From:** Lee Dedini <dedinilee@gmail.com>  
**Sent:** Sunday, September 13, 2020 1:52 PM  
**To:** COB  
**Subject:** Deny appeal on billboards

Clerk of Board, Please record comment.

Let us put an end to billboards on the bay wetlands. They are an eyesore to the public.

Thank you, Lee Dedini

## Hayes, Kathy

---

**From:** Bruce Campbell <madroneweb@aol.com>  
**Sent:** Tuesday, September 15, 2020 12:21 PM  
**To:** Bohn, Rex  
**Cc:** COB  
**Subject:** please deny appeal of Planning Com.n rejection of proposed Elk R. billboard re-erection

September 15, 2020

Dear Supervisor Bohn,

Some of my concerns which should lead to a vote to deny the Elk River billboard project are:

1. note under "setting" that the MND tells of land uses in various directions from the collapsed billboard site – HOWEVER THEY FORGOT THAT VALID DIRECTION known as EAST in which direction is the GLOBALLY-RENOWNED HEADWATERS FOREST RESERVE WHICH INCLUDES THE "LAST REDWOOD WILDERNESS" TOWARD THE UPPER STRETCHES OF THE LITTLE SOUTH FORK OF THE ELK RIVER !;
2. note that while "pressure treated wood" is supposed to be prohibited for use on the proposed billboard re-erection, it does not mention possible USE OF TOXIC WOOD PRESERVATIVES such as PENTACHLOROPHENOL, CREOSOTE, AND COPPER ARSENATE – WILL SUCH BE USED NEAR THIS SENSITIVE WATERWAY BEARING ANADRAMOUS FISH SPECIES?
3. if one refers to the Webster's Dictionary, one sees that the majorly collapsed billboard does not meet the formal definition of a "structure";
4. the project does not comply with county zoning rules;
5. while one could contend that generally wildfire has largely avoided western Humboldt County in recent decades, but with recent major burning in the world's largest wetland in southern Brazil / northern Argentina area (and with burning of Sepulveda Basin seasonal wetland recreational area in the San Fernando Valley almost monthly these day) – sadly a billboard could catch on fire like kindling and accelerate a dangerous fire in the area;
6. the site was carefully measured and pictured as if, phew, good thing the ocean / bay won't come up any higher. But what of headline in last two days about Antarctica breaking apart, plus Greenland and other glacial melting leading to sea level rise which is as significant in the Humboldt Bay area as in any other area along the Pacific West Coast?
7. there are some parts of the proposal's wording where the wording is noteworthy for being a rough-shod inaccurate document – such as when a sentence reads: "Installation of signage will be grounds for permit revocation or modification" – they meant "installation of lighting" but it shows they put little energy into this document which deserves a fuller environmental analysis;

8. despite being mentioned earlier, check out this wording in relation as to whether there was a Habitat Conservation Plan nearby... There is no admission that the Headwaters Forest Reserve exists, but then there is this sentence: "The closest Habitat Conservation Plan was developed in concert in concert with creation of Headwaters Preserve and covers activities logging activities on nearby timberland managed by Humboldt Redwood Company."

9. other statutes which supposedly allow the proposed project do not measure up when investigated, so the proposal must be denied.

Thank you for your consideration,

Bruce Campbell  
10008 National Bl. # 163  
Los Angeles, CA 90034