

Stephen Avis
P.O. Box 777 • Ferndale, California 95536

July 13, 2022

John Ford, Director
Planning and Building Department
H Street
Eureka CA 95501

RE: Meeting of July 11, 2022. to discuss a use permit to increase allowable motorcycle noise to 99DB at the County Fairgrounds in Ferndale.

Dear Director Ford,

Jennifer Raymond and I, as board members Friends of Ferndale for a Livable Community, met with you and Planner Steven Lazar. The stated purpose of the meeting was to seek common ground to resolve the matter of CEQA requirements needed to approve a use permit with potential significant noise impacts.

The Friends of Ferndale are opposed to the adoption of the Proposed Amendments to the use permit (see letter dated April 8, 2022) and will have no choice but to challenge the CUP modification and supplemental MND if it is based on an unsupported and flawed noise analysis.

To demonstrate this, the firm of Illingworth & Rodkin prepared a peer review of the noise study by Whitchurch Engineering used to establish conditions of approval and mitigation needed to achieve required noise reductions as required by the use permit. You have received a copy of the firm's report.

Section 4.2.2 in the report recommends: *“Subsequent noise studies should quantify noise levels from a similar level of racing and not rely on adjustments to account for the increased numbers of riders. Predicted noise levels should also carefully consider the increase in ambient noise levels due to the project in addition to the absolute noise limits established by Humboldt County (see King and Gardiner Farms, LLC v. County of Kern, 45 Cal. App. 5th 814 - Cal: Court of Appeal, 5th Appellate Dist. 2020). The interior noise calculations should also be revised to correctly account for windows and doors within the “assumed wall construction of an average single- family residence.”*

The Friends of Ferndale concur with this recommendation.

- We request that the use permit application be replaced with a single event permit in order to conduct accurate noise monitoring and studies at a racing event at the Fairgrounds as envisioned by the HCFA using American Motorcyclist Association (AMA) standards. Humboldt County Code section 62.1.1 permits the issuance of a use permit for a single racetrack event, subject to conditions.
- Motorcycles will be tested and allowed to race at no more than an instantaneous noise limit of 99dB as measured at the tailpipe, per the HCFA's pending request.
- Testing and race monitoring will be conducted by an independent acoustical noise engineer agreeable to both HCFA and the Friends of Ferndale.
- For testing purposes only, no mitigation will be required for the single event. If the noise can be reduced to a less than significant level at nearby sensitive receptors, then noise monitoring results will include recommendations on what measures would be necessary to achieve a sufficient reduction in noise to meet the applicable threshold.

- An independent acoustical noise engineer will monitor the area and measure the effects of the sound and proposed mitigation to verify adequacy for reducing noise to County established noise levels.
- Results of the independent noise engineer will be provided to the County, HCFA staff, and Friends of Ferndale.
- Based on the independent acoustical noise engineer's mitigation recommendations, and assuming that the motorcycle noise would not cause a significant impact to nearby sensitive receptors, a new application for a Conditional Use Permit may proceed incorporating adequate mitigation measures to meet the noise standards.

If a conditional use permit is issued in future, proper mitigation measures will be included so that first races can pass the required CNEL noise reduction the first time. A series of races to "fine tune" mitigation is not appropriate given the significant impacts over a period of months or years. Get it right the first time.

Respectfully,

Stephen Avis
President