

COMMISSIONERS

1st Division: Aaron Newman
2nd Division: Greg Dale
3rd Division: Stephen Kullmann
4th Division: Craig Benson
5th Division: Patrick Higgins

**Humboldt Bay Harbor,
Recreation and Conservation
District**
(707)443-0801
P.O. Box 1030
Eureka, California 95502-1030



STAFF REPORT
HARBOR DISTRICT MEETING
July 24, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: July 22, 2024

TITLE: Consider, Discuss, and Take Action on Harbor District Permit Application 2024-01 for Billboard Repair/Replacement. Consider Adopting Resolution 2024-08 Establishing Findings Relative to Permit 2024-01

STAFF RECOMMENDATION: Staff recommends that the Board consider and discuss the information presented in the staff report, accept public comments, and take action either approving or denying Permit Application 2024-01:

- Adopt Harbor District Resolution No. 2024-08 which includes:
 - Establishing Findings Relative to the Permit Application for Billboard Repair
 - Determining the Existence of a California Environmental Quality Act Exemption
 - Approving Permit 2024-01 with conditions for Billboard Repair and Continuation of Use for Five Years; or
- Deny Permit Application 2024-01

SUMMARY:

A legally nonconforming billboard located within tidally-influenced portions of Humboldt Bay was damaged during winter storms in January 2024. The owner of the billboard is seeking a permit to conduct "like for like" repair work to restore the billboard. If approved, the permit before the Board of Commissioners would allow the repair as well as implement Amendment No. 2 to Ordinance No. 7 by permitting the continued operation of the billboard for a five-year amortization period, after which the billboard will be removed.

BACKGROUND:

The HBHRCD Board adopted Amendment No. 2 to Ordinance No. 7 in 2021 (Attachment A), implementing certain portions of the Humboldt Bay Master Plan related to billboards and signs in a

manner consistent with and authorized by State law. Under Ordinance No. 7 as amended, no new billboards or off-premises signs and structures may be constructed. The Ordinance further declares, consistent with state law, that all preexisting billboards erected in Humboldt Bay in conformance with state law and local ordinances in effect at the time of their erection or subsequently brought into full compliance with state law and local ordinances, and which have continuously occupied the same site without expansion or modification other than customary maintenance, are recognized as legally nonconforming. Under state law such legally nonconforming billboards may be removed only after notice to the billboard owner that provides a long enough time period for the billboard owner to recover invested capital.

Ordinance No. 7, as amended, establishes five years as the presumptively reasonable time period before a nonconforming billboard can be ordered removed. The five-year presumption is rebuttable by the billboard owner upon factual evidence that supports the need for a longer amortization period to recover invested capital. The District has not received any evidence to rebut this presumption.

To summarize, Ordinance No. 7 as amended outlines procedures for:

- Declaring preexisting billboards nonconforming;
- Requiring such nonconforming billboards to receive a Harbor District permit;
- Establishing a rebuttable amortization period for their removal; and
- Seeking approval to conduct maintenance, repair, or reconstruction within the amortization period.

The billboard in question never received a permit and never received notice of an amortization period after which it must be removed. Therefore, the District is implementing Ordinance No. 7 as amended through its review and approval of this Harbor District Permit Application 2024-01 for Billboard Repair/Replacement. The conditions of approval implement Ordinance No. 7 as amended.

DISCUSSION:

A billboard located in Humboldt Bay west of Highway 101 near Indianola cutoff was damaged during winter storms in January 2024 ([Caltrans billboard No. 6277](#) and OutFront billboard unit #4567A). Following initial storm damage to supportive beams, more of the support structure failed and the billboard collapsed into Humboldt Bay. See Attachment B for project location map and photos. Geoff Wills, on behalf of OutFront Media, applied for a Harbor District permit and other regulatory approvals (i.e. Coastal Development Permit) for Billboard Repair/Replacement. As the billboard is in the Bay and requires construction that touches the ground (or water) below the high tide line, this repair project is within Harbor District jurisdiction and the Harbor District Board is to consider issuing a permit. The purpose of the repair project is to remove the fallen existing billboard structure, replace damaged uprights, and to install six (6) new main posts and six (6) new support posts in the same location as the previous ones. The repair project will also include reconstruction of the billboard itself in the exact same location and to the same specifications (12'x40') as the damaged one.

Process to date

- Billboard damaged and Harbor District Permit for repair application filed in early 2024.

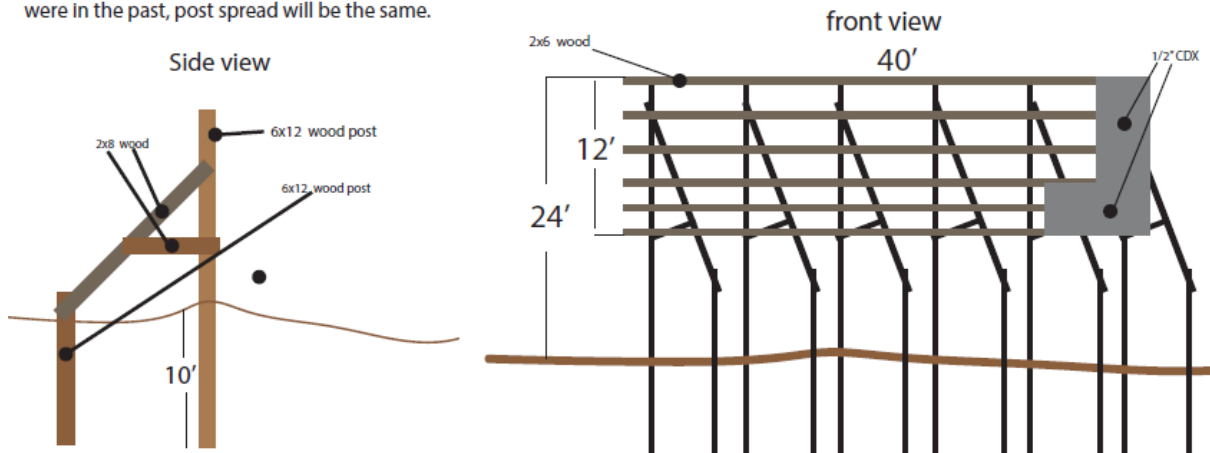
- Application accepted for filing by District Board. Comment letter received from Humboldt Waterkeeper.
- Notice of Application sent to referral agencies, tribes, adjacent property owners, published in the times standard, and posted on District website. Request for additional information letter sent to applicant.
- Site visit conducted with applicant, California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC) representatives.
- Received email comments from CDFW (summarized below) and letter from Bear River Band of Rohnerville Rancheria requesting that Inadvertent Discovery Protocols are in place before any work begins.

Proposed Repair Project

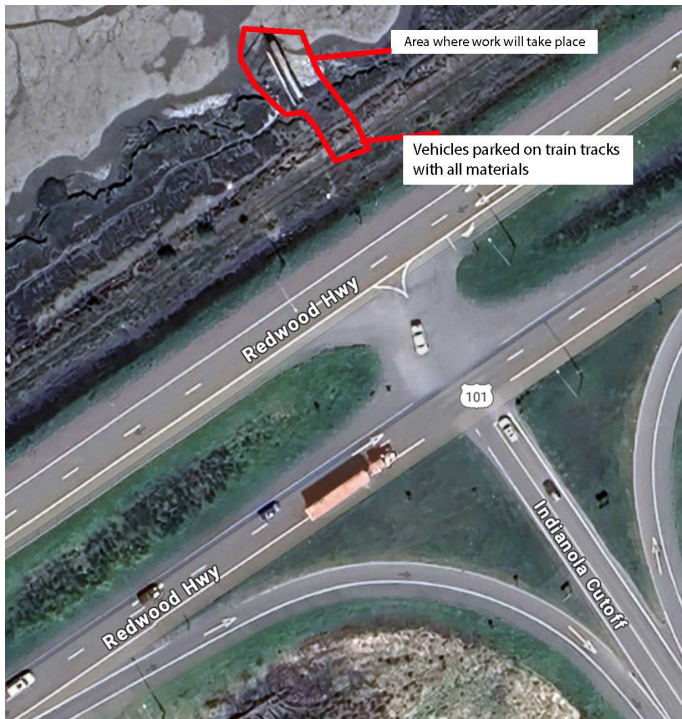
The submitted work plan includes removal of the existing fallen structure and existing uprights. The repair project would install six (6) new main posts and six (6) new support posts in the exact location as the old ones. The construction of the new uprights will involve using pile-driving techniques to drive 6x12 dimensional lumber posts into the ground to a depth of 10 feet. An excavator, accessing the site via the railroad tracks and employing wooden mats to distribute its weight, will perform the pile driving. The width of excavator is 8' and it will travel the length of the billboard which is 40'.

The repaired billboard will be constructed of CDX plywood and dimensional lumber as specified by an engineer. The structure includes vertical support posts that measure 6 inches by 12 inches, horizontal stringers that are 2x6, and half-inch CDX plywood. Additionally, the catwalks will be constructed from 4x6 wood, while back braces will use 2x8 lumber. Work will be performed by 2-4 people using standard cordless tools over a two-week time frame.

All materials will be the same, all footings will be smaller as they will be pile drove with no concrete vs hand dug with concrete as they were in the past, post spread will be the same.



Each day crews would arrive by vehicle on train tracks and park in a designated parking area, one path to and from the billboard will be used to minimize impacts from a human walking. No temporary staging is required and all materials can be staged on railroad tracks, on vehicles and carried by hand to billboard for installation. Construction timeframe is approximately two weeks.



Site Visit

A site visit was conducted with the applicants representative and representatives from California Department of Fish and Wildlife (CDFW), the California Coastal Commission (CCC), and the Harbor District. The proposed repair project methods and details were discussed during the site visit. CDFW provided the following email comments/ recommendations (per 4/25/24 email):

“The California Department of Fish and Wildlife (CDFW) is the State’s trustee for fish and wildlife resources, and as requested, I’d like to summarize our recommendations to avoid or minimize impacts to sensitive salt marsh and tidal mudflat habitat. The site location consists of remnant tidal salt marsh and intertidal mudflats, both sensitive and ecologically important wetland habitats.

Although the salt marsh is invaded with dense-flowered cordgrass (*Spartina densiflora*), it still supports a native plant community, with Humboldt Bay owl’s clover (*Castilleja ambigua* ssp. *humboldtiensis*; CRPR 1B.2) located in nearby patches of marsh. In addition, the salt marsh along this margin of the bay gets significant use by roosting shorebirds. Placement of a billboard in this location is not consistent with the ecological functions and values of these habitats and can include short- and long-term impacts to native plants, shore bird roosting, and potentially increased erosion potential of the marsh. As the Harbor District is aware, this site is under consideration for a significant marsh restoration project associated with sea level rise (SLR) resiliency. While there is no guarantee such a project would be implemented, it’s clear that installing a billboard within the footprint of a restored marsh would not be consistent with the goals of a nature based SRL resiliency project.

CDFW recommends the Harbor District take this opportunity to phase out a land use activity that is not consistent with ecosystem functions of the site and not permit the replacement/repair of the billboard. If the Harbor District chooses to permit the billboard replacement, CDFW recommends incorporating the following conditions of approval:

- Work below the mean high tide line shall only occur during low tide (i.e., no in-water work permitted)
- Uprights shall be installed with vibratory pile driving techniques rather than percussive pile driving during low tide or receding tides when water is at least 50ft from the site.
- New footings shall be installed within the footprint of existing uprights.
- Require the removal of the billboard with no option to replace it if a SLR resiliency marsh restoration project is implemented at the site.

Regardless of whether the structure is replaced, the existing failed billboard should be disassembled onsite and hauled off in pieces to minimize damage to salt marsh and tidal flat. Since the wood is pressure-treated, measures should be taken to minimize chips and sawdust from contaminating the area.”

The Applicant continues to pursue required Coastal Commission permits/approval for both removal of the damaged billboard and replacement.

Best Management Practices and Conditions of Approval

The proposed repair project will include the Harbor District’s Best Management Practices for Piling Removal and Installation (Exhibit 1).

Permit for Continuation of Billboard

In addition, the District’s Ordinance No. 7, as amended, requires that owners of non-conforming billboards obtain permits consistent with Ordinance No. 14 and allows for continuance, maintenance, repair or reconstruction provided the activities meet the established criteria and are within the amortization period. All permits shall contain at a minimum the following conditions:

- i. Giving notice that the sign, structure and use remain nonconforming to the Humboldt Bay Master Plan.
- ii. Stating reasonable amortization period after which the billboard shall be removed.
- iii. Requiring the applicant to provide financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the reasonable amortization period.

Those mandatory conditions as established by Ordinance No. 7 are covered in this permit’s Conditions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

District staff has determined that the repair project qualifies for CEQA exemption pursuant to Class 1, §15301 Existing Facilities and Class 2, §15302 Replacement or Reconstruction. The repair project will replace severely damaged billboard uprights and associated structures and would not result in an expansion of capacity or use. Further, the repair project involves the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and have the same purpose and capacity as the structure being replaced.

ATTACHMENTS:

- A. Amendment No. 2 to Ordinance No. 7
- B. Project Location & Photos
- C. Resolution No. 2024-08 Establishing Findings Relative to and Approving Harbor District Permit 2024-01 with Conditions for Billboard Repair (including California Environmental Quality Act – Notice of Exemption)
 - a. A-1. Harbor District Permit 2024-01 with Conditions for Billboard Repair
 - i. Exhibit 1 - BMPs

Documents incorporated here by reference are on file with the Harbor district and the initial application is available online (<https://humboldtby.org/public-notices-announcements-information>)

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

AMENDMENT NO. 2 ORDINANCE NO. 7

AN ORDINANCE IMPLEMENTING
CERTAIN PORTIONS OF THE
HUMBOLDT BAY MASTER PLAN

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT, DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1. Findings and Purposes. The Board of Commissioners (the "Board") of the Humboldt Bay Harbor, Recreation, and Conservation District (the "District") finds and declares as follows:

- (a) On September 16, 1976, the District adopted Ordinance No. 7 Implementing Certain Portions of the Humboldt Bay Master Plan pursuant to its authority as Trustee of the public trust, and under the police power enabling authority delegated to the District by the State of California in Appendix II of the Harbors and Navigation Code.
- (b) Ordinance No. 7, among other provisions, prohibits all signs and related structures in the District's tidal and submerged lands except when related to navigational, public safety, resource management and identification purposes.
- (c) On June 26, 1986, the District adopted Ordinance No. 14, prohibiting, among other provisions, the construction or repair of any structures on property within the District's jurisdiction without the owner first obtaining a permit from the District.
- (d) The District desires to further implement the existing Ordinance No. 7 billboard prohibition by amending Ordinance 7 to require that owners of non-conforming billboards obtain permits consistent with Ordinance No. 14 and to provide the mechanism for orderly billboard removal in a manner consistent with the District's regulatory authority, its Ordinances, Plans, Policies, and with state law.

Section 2. Ordinance Amendment. ARTICLE IV SECTION 9, ENVIRONMENTAL QUALITY, OF ORDINANCE NO. 7 IS HEREBY AMENDED BY INSERTING NEW LANGUAGE AFTER EXISTING SUBDIVISION (f) AS FOLLOWS:

- (f) Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.
- 1) **Billboards and Off Premises Signs:** Billboards and off premises signs and structures are inconsistent with the purposes and standards of the District's regulatory and

jurisdictional authority and are, therefore, prohibited in all Planning Designations in Article III of this Ordinance No. 7.

- a) *New Billboards and Off Premises signs and structures:* No new billboards or off premises signs and structures shall be permitted.
- b) *Illegal Billboards and Off Premises Signs and Structures:* A billboard or off premises sign or structure that has not continuously occupied a site since September 16, 1976, and does not have an active permit from the District, shall be deemed an illegal sign and shall be subject to removal in compliance with this Ordinance No. 7.
- c) *Existing Non-conforming Billboards and Off Premises Signs and Structures:* A billboard or off premises sign or structure that was erected in conformance with state law and local ordinances in effect at the time of its erection or that was subsequently brought into full compliance with state law and local ordinances, and that has continuously occupied the same site without expansion or modification other than customary maintenance, shall be deemed to be a non-conforming billboard or off premise sign or structure. The elimination of existing non-conforming billboards and off premises signs is as important to the Humboldt Bay aesthetic and public health, safety, and welfare as the prohibition of new billboards and off premises signs that would violate the provisions of this section and because findings cannot be made pursuant to Harbors and Navigation Code Appendix 2 Section 24. It is also recognized that non-conforming billboards and off premises signs should be eliminated in a manner that avoids an unreasonable invasion of established property rights. With these goals in mind, the District regulates non-conforming billboards and off premises signs as outlined below.
 - 1) *Non-conforming Billboards and Off Premises Signs Elimination.* Nonconforming billboards and off premises signs or structures shall be discontinued and removed from their sites after a reasonable amortization period which shall be specified in the District permit authorizing the billboard or off premises sign or structure. The District hereby finds that five years is presumptively a reasonable amortization period, or until January 31, 2026, because it provides the sign owner adequate time to recover capital investment and is consistent with the length of time for an outdoor advertising permit issued by the California Department of Transportation (CalTrans). This five year presumption amortization period is subject to rebuttal by the permit holder and the permit review authority may define an alternative amortization period based on the evidence presented at their discretion.
 - 2) *Continuation and maintenance.* Until the end of the reasonable amortization period specified in the District permit, a nonconforming billboard or off premises sign may be continued in operation and maintained, but may not be:
 - i. Replaced with another nonconforming billboard or off premises sign;
 - ii. Moved to another location on the property; or

- iii. Expanded or enlarged.
- 3) *Allowed change in copy.* The copy on a non-conforming billboard and off premises sign may be changed before the expiration of the amortization period without a permit provided that the change of copy does not increase the sign area or make the sign more non-conforming.
- d) *Maintenance, Repair or Reconstruction.* Provided that repair or reconstruction is started within one year and diligently pursued to completion, non-conforming billboards and off premises signs may be reconstructed and the nonconforming use may be resumed until the end of the amortization period as follows:
 - 1) Permit approved by the Executive Director pursuant to District Ordinance No. 14.
 - i. Structures may have “like for like” repair work completed, as long as there is no enlargement or expansion of the structure or use and all repair is completed above the water level at the time repair work is completed.
 - ii. Structures which are damaged by high winds, destroyed by fire, or other calamity may with have the portions of the damaged structure above water level at the time the repair work is completed restored.
 - iii. Structures which are damaged by vandalism may be repaired or replaced and existing piles and anchors reattached provided that the applicant provides documentation that the work is not in any way enlarged over the existing structure and the work will have no significant impact on biological resources.
 - 2) All reconstruction not completed under section d)1) above shall require an Administrative Permit in accordance with Ordinance No. 14 Section 1.09.
 - 3) All permits shall contain at a minimum condition(s):
 - i. Giving notice that the sign, structure and use remain nonconforming to the Humboldt Bay Master Plan.
 - ii. Stating reasonable amortization period after which the billboard shall be removed.
 - iii. Requiring the applicant to provide financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the reasonable amortization period.
 - 4) Consistent with Ordinance No. 14, Section 24, 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.

- e) *Billboard Declared a Nuisance.* Any billboard or off premises sign or structure operated in violation of Ordinance No. 7, or the District's permit is deemed a nuisance and subject to abatement.

PASSED AND ADOPTED THIS 14TH DAY OF JANUARY 2021 BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: DALE, DOSS, HIGGINS, KULLMANN

NOES: MARKS

ABSENT: NONE



STEPHEN KULLMANN, PRESIDENT
Board of Commissioners

ATTEST:



PATRICK HIGGINS, SECRETARY
Board of Commissioners

COMMISSIONERS

1st Division: Aaron Newman
2nd Division: Greg Dale
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ATTACHMENT B: Project Location & Photos



Figure 1: Location of proposed Billboard Repair in Humboldt Bay, CA



Figure 2: Location of Billboard Repair Project

Photo 1. Billboard Unit #4567A prior to storm damage



Photo 2. Billboard Unit #4567A initial storm damage



Photo 3. Billboard in the Bay to be removed



Photo 4. Billboard pilings to be removed & replaced



**HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2024-08

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO PERMIT 2024-01; DETERMINING THE
EXISTENCE OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION; AND APPROVING
HARBOR DISTRICT PERMIT 2024-01 WITH CONDITIONS FOR
BILLBOARD REPAIR AND CONTINUATION OF USE FOR FIVE YEARS**

WHEREAS, the Board of Commissioners (“Board”) of the Humboldt Bay Harbor, Recreation, and Conservation District (“District”) is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, pursuant to said powers, the Board adopted Ordinance No. 7, as amended, *Implementing Certain Portions of the Humboldt Bay Plan* (“Ordinance No. 7”), and Ordinance No. 14 *Establishing Procedures for the Evaluation of Applications for Grants, Franchises, Leases, Permits, Rights, or Privileges, affecting or Involving Areas or Activities Within the Jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, and Establishing Rules and Regulations Pertaining Thereto* (“Ordinance No. 14”); and,

WHEREAS, Ordinance No. 7 and Ordinance No. 14 together prohibit the construction, maintenance or repair of any new signs in the tidal and submerged lands within the jurisdiction of the District, and require that all existing legal and nonconforming signs be permitted by the District and eliminated after a reasonable amortization period; and,

WHEREAS, Ordinance No. 7 establishes five years as a presumptively reasonable amortization period because, without factual rebuttal by the sign owner, 5 years provides the sign owner adequate time to recover capital investment; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, Geoff Wills on behalf of OutFront Media applied to the District to repair and reconstruct the nonconforming billboard designated by the California Department of Transportation as billboard No. 6277 (Outfront Media billboard No. 4567A) located in tidal and submerged lands of Humboldt Bay within the District’s jurisdiction; and

WHEREAS, the District has not previously issued a permit for the continuation of use Outfront Media billboard No. 4567A as required by Ordinance 7; and,

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the impact of the Project upon the air, land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District, after considering the impact of the repair of billboard No. 4567A and continuation of use thereafter for five years (the “Proposed Use”) upon the air, water, land, environment, and ecology of the lands under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, hereby makes the following findings:

- a) Outfront Media Billboard No. 4567A was erected in conformance with state law and local ordinances in effect at the time of its erection and has continuously occupied the same site without expansion or modification other than customary maintenance;
- b) The Proposed Use is necessary to promote public safety, health, comfort, and convenience of the public;
- c) The Proposed Use is required by the public convenience and necessity;
- d) The Proposed Use will not have any substantial adverse environmental or ecological effect;
- e) The proposed billboard sign, structure and use remain nonconforming to the Humboldt Bay Master Plan pursuant to Article IV, Section 9(f)1)c) of District Ordinance No. 7, as amended;
- f) The billboard owner has failed to present any evidence as to why five years is not a reasonable time period in which it may recover its capital investment;
- g) The Proposed Use including proposed billboard repairs may not be implemented until the applicant provides financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the five-year amortization period.
- h) The permit, right, or privilege is reasonably required by public convenience to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree; and
- i) The Proposed Use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.

SECTION 2. That the Proposed Use is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, §15301 (Existing Facilities) and Class 2 (§ 15302 Replacement or Reconstruction), there is no substantial evidence the project will have a significant effect on the environment, and the Executive Director is hereby directed to prepare and file a Notice of Exemption (NOE).

SECTION 3. That the Board of Commissioners does hereby authorize the Executive Director to issue Permit No. 2024-01 conditionally approving the onetime billboard repair and continuation of use thereafter for five years (Resolution Attachment A-1).

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 28th day of August 2024 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

**Greg Dale, President
Board of Commissioners**

**Aaron Newman, Secretary
Board of Commissioners**

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2024-08 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO PERMIT 2024-01; DETERMINING THE EXISTENCE OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION, AND APPROVING HARBOR DISTRICT PERMIT 2024-01 WITH CONDITIONS FOR BILLBOARD REPAIR AND CONTINUATION OF USE FOR FIVE YEARS

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the **28th day of August 2024**; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of August 2024.

Aaron Newman, Secretary
Board of Commissioners



HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

BILLBOARD REPAIR AND CONTINUATION OF USE PERMIT

Permit No. 2024-01

Permittee:

OutFront Media
3408 Jacobs Ave, Eureka, CA 95501
Attn: Geoff Wills, Owner's Agent
Geoffwills33@yahoo.com; 707-445-7741

Permit Application: No. 2024-01

Billboard ID: California Department of Transportation unit # 4567A

Billboard Location: Humboldt Bay at Highway 101 and Indianola intersection

Permit Issue Date: August 28, 2024

Permit Expiration Date: *September 20, 2029*

You are hereby authorized to conduct those activities consisting of the following and collectively referred herein to as the "Authorized Use":

1. **Repair:** The one-time repair of Caltrans billboard No. 6277 (Outfront Media billboard # 4567A) located near the Indianola intersection with Highway 101 on the Humboldt Bay side of the levy in accordance with **Permittee's** Application and all terms, conditions, and requirements of this Permit. The reconstruction work plan includes removal of the existing fallen structure, potentially the removal of the existing uprights, and the installation of six (6) new main posts and six (6) new support posts. The project will also include reconstruction of the billboard itself to the exact specs (12'x40') as the damaged one. Construction of the existing uprights will involve driving 6"x12" dimensional lumber posts into the ground to a depth of 10 feet using pile-driving techniques. Pile driving will be conducted by an excavator entering the Bay from the railroad tracks, with wood laid down to spread the load. The billboard itself will be constructed out of plywood and dimensional lumber as specified by an engineer more particularly described in the Application filed by **Permittee**.
2. **Continuation and Maintenance:** After repair, the continuation of use and maintenance, including change in ad copy, of OutFront billboard unit #4567A located near the Indianola intersection with Highway 101 on the Humboldt Bay side of the levy, provided that said Billboard is not:
 - a. Replaced with another nonconforming billboard or off premises sign;
 - b. Relocated;

- c. Expanded or enlarged; and
 - d. Change in ad copy does not increase the sign area or make the sign more non-conforming.
3. Billboard Removal: The complete removal of OutFront billboard unit #4567A no later than the Permit expiration date.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. No material changes to the Authorized Use are allowed without a Permit revision approved by the District Board of Commissioners.
2. The Authorized Use is subject to the additional approval of the following public agencies as applicable:
 - A. United States Army Corps of Engineers
 - B. North Coast Regional Water Quality Control Board
 - C. California Coastal Commission
 - D. California Department of Fish and Wildlife
 - E. Humboldt County (including Building Permit, Grading Permit, Access Permits, and/or others)
 - F. California Department of Transportation (Caltrans)

and **Permittee** shall fully comply with all regulations and conditions affecting the Authorized Use as imposed by the above agencies.

3. All billboard repair work must be completed no later than 180 days after issuance of this Permit. If **Permittee** cannot complete the work within such time, an application for extension may be filed prior to the specified deadline. Up to 1 extension may be granted, for a total repair time of up to 12 months.
4. All work in or around the billboard site, including billboard repair, ad copy change, and billboard removal must follow the District's Piling Removal and Installation Best Management Practices (Exhibit 1).
5. Any in-water work in or around the billboard site requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the billboard site during any active repair, ad copy change, and billboard removal work. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain spilled materials.
6. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.
7. If archeological or cultural features or materials are unearthed at any time, all work in the immediate vicinity of the find shall halt until the **Permittee** has contacted the Wiyot Tribe's Cultural Department, and the significance of the resource has been evaluated to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with

Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the **Permittee** prior to resumption of construction activities. If human remains are exposed by project related activity, the **Permittee** shall comply with California State Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code §5097.98.

8. **Permittee** shall not allow or cause any unreasonable interference with navigation.
9. **Permittee** shall not, and shall not attempt to, interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the site.
10. The Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District Board** of a violation by the **Permittee** of any condition or requirement of this Permit.
11. The **Permittee** shall comply with any regulations, conditions, or instructions affecting the Authorized Use if and when issued by the Federal Water Pollution Control Administration and/or the State of California Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.
12. This Permit is valid as of the date of issuance stated above and shall expire on the date listed above, unless sooner revoked.
13. This permit establishes a five-year amortization period. The applicant has waived the right to rebut this five-year amortization period. The applicant has waived the right to seek a shorter or longer amortization period.
14. Notice is hereby given that the billboard and Authorized Use remain nonconforming to the District's Humboldt Bay Master Plan per Ordinance No. 7, as amended by the Harbor District Board of Commissioners in 2021.
15. No later than 30 days after the Permit issuance date, **Permittee** must provide financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the five-year amortization period.
16. This Permit is not transferable.

17. Permittee must notify the Executive Director no less than 30 days prior to any change in billboard ownership. Failure to provide such advance notification will render this Permit null and void.

ISSUED on this 28th day of August 2024, by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District Resolution No. 2024-08.**

Greg Dale
President, Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

The undersigned, as the duly authorized representative of **Permittee**, hereby accepts and agrees to all of the conditions hereinabove set forth. The undersigned and **Permittee**, joint and severally, shall indemnify, release, and hold harmless the **District**, its Board of Commissioners, officers, employees, and agents from any and all claims of any nature arising from injury, death or damage to any person or property related to the Authorized Use.

The undersigned and **Permittee** further agree, joint and severally, to indemnify, release, and hold harmless **District**, its Board of Commissioners, officers, employees, and agents from and against any and all liability, loss or damage **District** may suffer from claims and demands by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorney's fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Dated: _____

Geoff Wills, *[Owner's Agent]*
OutFront Media, Inc.

Exhibit 1
Piling Removal and Installation Best Management Practices



The following Best Management Practices shall be followed. The Harbor District shall update these BMP's based on the specific site conditions and industry standards:

1. The following methods may be utilized for piling removal or installation:
 - a) Vibratory Hammer: A vibratory hammer with timber clamp.
2. Avoid staging the barge or other equipment over eelgrass habitat. If eelgrass is within 100 feet of the site, the District's Eel Grass Avoidance and Minimization Measures and Best Management Practices shall be followed.
3. Equipment:
 - a) An excavator, crane, or other similar piece of equipment carrying a vibratory hammer and timber clamp shall be used to remove the piles.
 - b) The excavator or crane operators shall be experienced with vibratory pile removal.
 - c) Bio-degradable hydraulic fluid shall be utilized.
 - d) All equipment will be checked before use in order to minimize risk of petroleum product releasing to the bay.
 - e) A spill response kit, including oil absorbent pads shall be on-site to collect any petroleum product that is accidentally released.
 - f) The barge, tug and all watercraft shall be of sufficient size, as determined by the Humboldt Bay Harbor Master, to be capable of safely handling the equipment. The Harbor Master, at his/her discretion may "retag" any watercraft determined to be unsafe or unseaworthy.
 - g) Contractor shall maintain Workman's Compensation, Jones Act, and/or Maritime insurance as may be required for the work performed.
4. Pile removal:
 - a) Pile removal and/or Installation may be conducted either from shore, pier/dock and/or from a barge.
 - b) If using a barge, piles shall be removed at a tide of sufficient elevation to float the barge and tug boat adjacent to the piles being removed without scarring the mudflats and/or Bay subsurface.
 - c) Grounding of the barge shall not be permitted.
 - d) The crane operator shall "break" the soil/pile bond prior to pulling in order to limit pile breakage and sediment adhesion.
 - e) Piles shall be removed slowly to limit sediment disturbance.
 - f) Piles shall not be hosed off, scraped, or otherwise cleaned once they are removed from the sediment.

- g) If piles cannot be fully removed, the broken piles shall be cut one foot below the mudline.
5. Work surface on barge deck, pier, or shore shall include a containment area for removed piles and any sediment removed during pulling to prevent materials/sediment from re-entering the water. Uncontaminated water run-off can return to the waterway after it passes through a waddle, haybale, or other sediment filter.
- a) The containment area shall be constructed of durable plastic sheeting.
 - b) Upon completion of the project, the plastic containment, and sediment filter shall be removed and disposed in accordance with applicable federal and state regulations.
6. Upon removal, the pile shall be moved expeditiously from the water into the containment area.
- a) The pile shall not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile.
 - b) The piles shall not be reused in Humboldt Bay and shall be disposed of in accordance with applicable federal and state regulations.
 - c) Holes left in the sediment by the pilings shall not be filled as they are expected to naturally fill.
7. Debris Capture in Water
- a) A floating surface boom shall be installed to capture floating surface debris.
 - b) The boom shall be located at a sufficient distance from the work area to ensure capture of all work materials.
 - c) Debris shall be collected, placed in the containment area, and disposed of along with the disposal of the pilings and containment material.
 - d) Debris contained within boom shall be removed at the end of each work day or immediately if waters are rough and there is a chance that debris may escape the boom.



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