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May 18, 2020

Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

RE: Formal Withdrawal of Appeal of Planning Commission Approval of Applications 13319/SP16-868, 13328/SP16-870, 13339/SP16-871, and 13346/SP16-872 submitted by Michael Brosgart and Arielle Brosgart; APN 516-111-064

To the Humboldt County Board of Supervisors:

On September 19, 2019, the Humboldt Bay Municipal Water District (the District) appealed the September 5, 2019 Planning Commission decision to approve applications 13319/SP16-868, 13328/SP16-870, 13339/SP16-871, and 13346/SP16-872 (collectively, “the Project”) submitted by Michael Brosgart and Arielle Brosgart (Applicants) for APN 516-111-064. This appeal was based on evidence that the Project may result in significant environmental impacts that were neither analyzed nor mitigated in the mitigated negative declaration (MND) prepared for the Project. Specifically, the District was concerned that the Project may exacerbate contaminated conditions at the Project site by causing PCP and/or dioxins to migrate off the Project site into Hall Creek and/or the Mad River, potentially resulting in significant environmental and human health impacts since the Mad River provides drinking water to 88,000 Humboldt residents. Because the MND failed to analyze these potentially significant impacts, the District requested that the Applicants undertake soil and groundwater sampling at the Project site to evaluate the risk posed by the Project to the District’s drinking water supplies and whether an environmental impact report needed to be prepared.

The Applicants addressed the District’s concerns and undertook the requested soil and groundwater sampling. The District expresses its appreciation to the Applicants for their cooperation in addressing the District’s concerns. The soil and groundwater sampling met rigorous testing protocols to ensure that the lab results accurately reflect contamination levels at the Project site. The District notes there were some concerns with the laboratory calculations and reporting, and it remains particularly concerned by the anomalous presence of dioxins in groundwater. However, the results demonstrated that PCP and dioxin contamination levels are low at the Project site. Based on expert advice and recognizing that the contamination levels at the Project site are low, the District finds that the Project poses a low risk to its drinking water supplies. Therefore, the District formally withdraws its appeal.

The District’s decision to withdraw its appeal is a data-driven decision and is limited to the Project site and the facts as currently known. By withdrawing its appeal, the District does not waive any right to continue to maintain the public’s interest and safeguard its public drinking water supply. The

District reserves all rights to investigate, comment on, and challenge future development projects, including, but not limited to, development of the surrounding properties, that potentially pose a threat to the District's drinking water supplies for 2/3rds of the County's population. It further reserves all rights to make demands and pursue legal actions related to the need for more extensive investigations and remediation of contamination related to the McNamara & Peepe site specifically. The District appreciates the County's collaboration in addressing the need for ongoing investigation and monitoring of contaminated conditions arising from the McNamara & Peepe site. The District looks forward to reviewing DTSC's plans to investigate, monitor, and aggressively remediate the source/s of the contamination at the McNamara & Peepe site to ensure those plans address its 2018 finding that that soil and groundwater contamination is not under control and the previously implemented remedial actions are no longer protective of human health and the environment.

Respectfully,



Anne Baptiste

cc: Michael and Arielle Brosgart
Humboldt Bay Municipal Water District
California Department of Toxic Substances Control
California Department of Fish and Wildlife
North Coast Regional Water Quality Control Board
Humboldt Baykeeper