

Humboldt County Planning Commission and  
Community Development Services  
3015 H Street  
Eureka, California 95501-4484



**Subject: Humboldt County General Plan Update**

Dear Commissioners and Staff,

This letter is submitted on behalf of the Environmental Protection Information Center (EPIC). EPIC is a non-profit organization that actively works to protect and restore damaged ecosystems on the North Coast of California.

We submit the following comments to assist Humboldt County's efforts to update the General Plan in order to comply with relevant laws and policies to protect the beneficial uses and public trust values provided by streams, rivers, and Humboldt Bay.

**Support for Alternative A**

EPIC supports Alternative A, which would focus future growth and development into areas with existing infrastructure, including roads, water and sewer, and fire protection. This alternative would minimize conversion of agricultural and forest lands by focusing future development in areas with existing services.

Resource lands such as agricultural and timber lands provide important ecosystem functions, and conversion of such areas to urban uses cannot be reversed in the lifetime of the proposed General Plan. As the environmentally superior project alternative, Alternative A would minimize significant environmental effects of future development, and would have fewer impacts on salmonids and other wildlife, water quality, scenic and recreational values, and other values important to EPIC members, than either of the alternatives postulated.

In general, EPIC supports the Guiding Principles adopted by the Board of Supervisors in 2004. These Guiding Principles were recommended by the Board after much deliberation by the Planning Commission, as well as numerous public hearings and workshops. In particular, EPIC strongly supports the following Guiding Principles as described in the September 2004 report, *Sketch Plan Alternatives: Summary of Planning Commission and Board of Supervisors Recommendations*:

- The proposed project must ensure efficient use of water and sewer services and focus development in those areas and discourage low density residential conversion of resource lands and open space.

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- The proposed project must contain long-term agriculture and timber land protections such as increased restrictions on resource land subdivisions and patent parcel development.
- The proposed project must include unambiguous natural resource protections; especially for open space, water resources, water quality, scenic beauty and salmonids.

In addition, the report noted that a reasonable range of alternatives must include an environmentally superior alternative that would result in the least conversion of lands to development, and that the proposed project must be practical and actionable in order to comply with the California Environmental Quality Act (CEQA).

The General Plan Update (GPU) draft documents contains a number of very positive programs and improvements, which EPIC generally supports. However, we are very concerned that implementation of the GPU as currently drafted will result in significant individual and cumulative impacts to some of Humboldt County's most important natural resources. Two related categories of potential impact are of paramount importance here: further degradation of waterbodies and water quality; and impacts to aquatic species, especially salmonids, included species protected under California and federal law, and their habitat.

As the California Department of Fish & Game notes in that agency's comments regarding the GPU (emphasis added),

*DFG finds that over the life of the Update, the County is likely to undertake or permit projects pursuant to CEQA that may result in the incidental take of listed salmonids, such as coho salmon.*

Under state and federal law, and as a matter of moral imperative, the County must adopt policies and practices which clearly minimize such potential harm to fish and the waters that support them in Humboldt County.

### **Threatened and Impaired Waterbodies**

Under the current framework plan approved in 1984, development policies as implemented by the County have failed to prevent numerous Humboldt County waterbodies being degraded to the point where they have been listed as threatened and impaired by the State Water Resources Control Board and the U.S. Environmental Protection Agency. The County's current policies, ordinances, and implementation practices are clearly inadequate to protect beneficial uses of water, including supporting salmonids important to commercial and recreational fisheries, listed species, drinking water quality, and recreational uses.

Humboldt Bay, the Eel, Elk, Klamath, Mad, Mattole, Trinity, and Van Duzen Rivers, and Freshwater, Jacoby, and Redwood Creeks are now formally designated as sediment-impaired under the Clean Water Act §303(d) or are otherwise impaired by high water temperatures, water diversions, loss of riparian habitat, and/or barriers to fish passage. Humboldt Bay and its tributaries, as well as the lower Eel, Mad, and Van Duzen Rivers, are of particular concern since these areas are most likely to be impacted by future development that will be governed by the GPU. It is essential that the County strengthen policies in the GPU with regard to riparian buffer

zones, inappropriate or poorly planned conversion of timberlands and agricultural lands to residential uses, unregulated water diversions, and location and management of road systems to protect beneficial uses of our North Coast water resources.

### **Impacts to Listed Salmonids**

Salmonids have declined at alarming rates over the past 100 years, with devastating impacts to the local commercial and recreational fisheries particularly evident in the last generation. According to the State Water Resources Control Board and DFG, degradation and loss of freshwater habitat is considered one of the leading causes for the decline of salmonids in California.

Urbanization and conversion of open space lands to residential uses harms salmonids, through sedimentation, barriers to fish passage, increased peak flows and erosion, increased water diversions and associated low summer flows, flooding, and increases in point source and non-point pollution. The GPU should seek to avoid such impacts wherever possible, and require comprehensive and effective mitigation measures where those impacts cannot otherwise be avoided.

### **Riparian Buffer Zones**

The current Streamside Management Buffers (SMA) and Grading Ordinance should be updated to minimize impacts of development on beneficial uses of waters of the state, riparian and aquatic habitats, and species dependent on these riparian and aquatic habitats.

According to the California Department of Fish & Game comments regarding the GPU dated July 17, 2007,

*DFG finds the current County SMA buffers are unlikely to effectively minimize significant impacts of development projects on streams and rivers. Without more effective mitigations, **these projects may result in take of listed species** such as coho salmon due to increased water temperatures, loss and degradation of habitat, non-point source pollution inputs, and altered hydrology. These impacts will likely result in cumulatively impacts on riparian and aquatic species, as defined in CEQA §15065(a)(3).*

EPIC supports DFG recommendations of a 150-foot no-disturbance buffer on major rivers such as the Eel, Mad, and Trinity rivers; 100-foot buffers on smaller fish-bearing streams; and 50-foot buffers on non-fish-bearing streams. The current County SMA standard provides for 100-foot buffers on perennial streams and 50-foot buffers on intermittent streams outside urban development and expansion areas (urban areas), and 50-foot and 25-foot buffers, respectively for streams inside urban development and expansion areas. The County's proposed standard fails to reflect the best available science on riparian and aquatic protections.

EPIC would further encourage the addition of language that would encourage and facilitate protection of riparian areas, addressing appropriate management actions and best practices within

riparian buffers, with a particular emphasis on practices in urban areas of the county, where buffers are likely to be smallest. Just as the degradation of riparian habitat has been one of the major drivers of watercourse impairment, improving riparian habitat conditions is critical to maintaining, restoring, and enhancing watershed condition and function.

For more information on DFG's recommendations, please refer to other documents, including DFG's *2004 Recovery Strategy for California Coho Salmon* and the *2002 Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in mid-California Coastal Streams*, as well as the State Water Resources Control Board's recently proposed *Policy for Maintaining Instream Flows in Northern California Coastal Streams* ([http://www.waterrights.ca.gov/HTML/instreamflow\\_nccs.html](http://www.waterrights.ca.gov/HTML/instreamflow_nccs.html)).

The draft instream flow policy finds that:

*Historical and continuing urban, agricultural, and timber harvest land use practices affect fish habitat by increasing pollutant loading and causing sedimentation of spawning gravels. Land use practices also have resulted in removal of riparian habitat and physical alteration of stream channels, including the creation of barriers to fish migration.*

EPIC encourages the adoption of DFG's recommendations for riparian buffers in Humboldt County's General Plan Update to minimize impacts of development to streams and rivers to a less than significant level.

### **Wetlands and Floodplains**

EPIC strongly supports restriction of further development in floodplain and wetland areas. This is one of the most important steps we can take to prevent further degradation of these key terrestrial habitats and the aquatic habitats to which they are linked. EPIC would support wetland recovery and restoration projects, but would object strongly to the use of such projects to mitigate for degradation of currently existing wetlands.

### **Water Diversions**

The County currently issues building permits without consulting with DFG regarding the potential impacts of new water diversions on fisheries as required under Section 1600 of the DFG code. According to Eric Goldsmith, Executive Director of Sanctuary Forest in Whitethorn, in the Mattole River headwaters, any diversion should be considered a substantial diversion, yet the County regards the DFG consultation to be the responsibility of the landowner, and County health and planning departments don't routinely inform landowners of this need to consult.

The GPU should address potential significant impacts on salmonids and other aquatic species from water diversions associated with future residential development; otherwise, the implementation of the GPU is likely to result in take of endangered species. Such policies should be implemented to ensure that development proceeds in compliance with existing laws and regulations.

The State Water Resources Control Board's *Policy for Maintaining Instream Flows in Northern California Coastal Streams* cited above finds that:

Water diversion has resulted in a significant loss of fish habitat in California (NMFS, 1996). Water withdrawals change the natural hydrologic patterns of streams and can directly result in a loss or reduction in the physical habitat that fish occupy. Flow reduction can exacerbate many of the problems associated with land use practices by reducing the capacity of streams to assimilate pollutants. Construction and operation of dams and diversions have created barriers to fish migration, thereby blocking fish from access to historical habitat.

The Water Resources Report (page I-53) incorrectly states that "Water resources are plentiful enough in the County that withdrawal of any kind is not considered an issue of great importance for the foreseeable future." Significantly impaired flows resulting from residential and agricultural water diversions are increasingly problematic in Humboldt County, particularly in parts of the Mattole and South Fork Eel watersheds. Water diversions are likely to become an increasingly significant issue for fish, wildlife and rural residents, and should be addressed in the GPU. Stream water diversions can have significant negative impacts on flows, temperatures, and other aquatic habitat values.

EPIC supports DFG's recommendations for development of a County policy to ensure that water diversions for rural development and agriculture maintain sufficient stream flows for fish and wildlife species, as well as development of a water budget for each of the County's 12 planning watersheds.

### **Policy on Water Export**

EPIC strongly supports the development of a County policy prohibiting the large-scale export of river water to maintain adequate water supplies for fish and wildlife species.

We appreciate the time and effort that the County planning staff and commission has put into obtaining public input on the General Plan Update. We also appreciate the opportunity to comment on the draft document, and look forward to commenting on the Draft EIR. Please notify us when this document is available for public review and comment.

Sincerely,

/s/

Scott Greacen

Executive Director

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