



June 1, 2012

Mrs. Virginia Bass, Chair
Board of Supervisors
Humboldt County
825 Fifth Street
Eureka, California 95501

Subject: General Plan update DEIR

Dear Chair Bass and Members of the Board:

Your General Plan update DEIR does not comply with even the basic requirements of CEQA.

CEQA (California Environmental Quality Act) states in Section § 21002.1.

(a) **The purpose of an environmental impact report is to identify the significant effects on the environment of a project**, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (emphasis added)

2012 California Environmental Quality Act (CEQA) Statute and Guidelines, Page 5:

The purpose of an environmental impact report is to provide public agencies and the public in general with **detailed information about the effect which a proposed project is likely to have on the environment**; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. (emphasis added)

CEQA Section § 21065. PROJECT

“Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following: (a) An activity directly undertaken by any public agency.

CEQA Section § 21001.1. REVIEW OF PUBLIC AGENCY PROJECTS (emphasis added)

The Legislature further finds and declares that it is the policy of the state that **projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies.**

In the case of the subject DEIR, the “Project” is the update, at full build-out, of the 20-year Humboldt County General Plan.

The subject DEIR **does not** identify the anticipated effects, significant or otherwise, on the environment in the Summary of Impacts and Mitigation Measures Table 1-2. It starts on Page 1-12 of the subject document.

There are 52 items listed under the “Environmental Impact” column of the Summary Table 1-2. They do not identify whether the implementation of the individual GPU programs will, or will not, impact the environment. The first three (3) items say the item “**may**” do something, without saying whether it is expected to, or not. The remaining 49 items all include the wording “**if it would**” or “**if it could**”, and thus do not identify whether the implementation of those GPU programs will or will not impact the environment. For example, included in Table 1-2 are:

- Impact 3.1.3.4. **Induce Population Growth** Implementation of the proposed County General Plan Update would have a significant impact **if it would** induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure.)
- Impact 3.1.3.5 **Displace Existing Housing or People** Implementation of the proposed County General Plan Update would have a significant impact **if it would** displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.

- Impact 3.2.3.1 **Convert Farmland or Forest Land** Implementation of the proposed County General Plan Update would have a significant impact **if it would** convert Prime Farmland, Unique Farmland, or Farmland of statewide importance.....”

As you read through the remainder of the DEIR, you find many programs which will result in significant impacts. **All** GPU programs and related impacts, including those identified in Chapter 3, **Environmental Setting and Impacts** need to be incorporated into Table 1-2 **Summary of Impacts and Mitigation Measures**.

The analysis performed was not adequate to provide you, the decision makers, the data / information from which you could evaluate the effect or impact on the environment as a result of the implementation of the proposed General Plan. Without that information, the 873-page DEIR in front of you is worthless.

How could your County Counsel have approved this document?

How many taxpayers' dollars have been spent on this effort thus far? Members of the private sector should not have to spend their time and money doing staff's work. It has become a trend which has been pervasive for far too many years.

How can those who profess to be ardent protectors of the environment, support this document? Granted, staff did not provide adequate time for the Planning Commissioners to thoroughly review the DEIR, however we would have hoped that those who are so familiar with environmental law, such as Commissioner / attorney Faust, would have taken the time to, at the very least, scan the 30-page Summary Table 1-2 referenced above.

Attachment “A” to this letter provides a few examples from another county's General Plan DEIR, which identifies the appropriate level of specificity required by CEQA regarding Impacts and Mitigation Measures.

The DEIR misses the purpose of CEQA and the EIR process. There are many problems with the subject DEIR. However, until you direct the document be redrafted and recirculated to meet CEQA's basic requirements, it is a waste of everyone's time to devote more effort pointing out its additional shortcomings.

The citizens of Humboldt County deserve better than this. We all want to protect the environment while balancing various human needs. We beg of you to provide the accountability and leadership which is so badly needed, by rejecting this DEIR and insisting the appropriate professional full build-out analysis be performed and properly reflected in Table 1-2.

Respectfully,

Kay Backer

Kay Backer, representing
Humboldt Economic and Land Plan

cc: Planning Commissioners
Phillip Smith-Hanes, County Administration Officer
Wendy Chaitin, County Counsel
Carolyn Ruth, Assistant County Counsel
Martha Spencer, Interim Planning Director
Tom Hofweber, Supervising Planner
John Miller, Senior Planner
Michael Richardson, Senior Planner
Kathy Hayes, Clerk of the Board
Norma Lorenzo, Planning Commission Clerk

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ATTACHMENT “ A ”

EXAMPLES OF SACRAMENTO COUNTY’S Executive Summary of Impacts and Mitigation

First Column: Impacts / Effects:

Division or Disruption of an Established Community

The Project **does not** include any elements that would result in significant division or disruption of an established community, as the only new roadways and other project aspects that could divide communities are located in relatively undeveloped areas.

Proposed Policies

There are two proposed policies that **have** a potential for significant health-related noise impacts: NO-9 and NO-15. Neither includes a maximum allowable noise threshold, which could result in noise levels that exceed safe levels. Mitigation recommends that both policies be revised to include language establishing an upper noise ceiling of 75 dB in any area where it is reasonable to expect long-term noise exposure (except in industrial areas, where higher noise levels are expected and planned for by use of proper hearing protection).

Temporary Increase In Ozone Precursor (ROG AND NO_x), CO, Particulate Matter Exhaust, and Fugitive Dust Emissions During Grading And Construction Activities

Construction allowed in the Project area **would result** in the temporary generation of ozone precursor (ROG, NO_x), CO, and particulate matter exhaust emissions that would result in short-term impacts on ambient air quality in the Project area. Construction within the Project area **will cause** significance thresholds to be exceeded. The SMAQMD requires the implementation of measures to reduce construction-related emissions. In the case of emissions from equipment, this is sufficient to offset impacts. In the case of particulate matter arising from dust, even the application of feasible mitigation will not reduce all impacts to below significance.

Temporary Generation of Naturally Occurring Asbestos During Grading and Construction Activities

Project elements resulting in grading and ground-disturbing activities in areas with a moderate likelihood of containing naturally occurring asbestos, such as eastern Sacramento County, may disturb asbestiform-containing soils and generate asbestos dust. As also discussed in the Geology and Soils chapter, the only change proposed by the Project that **appears to be** affected by NOA is some small portion of the Grant Line East New Growth Area. Air Resources has adopted an ATCM to control exposure to asbestos from construction, grading, quarrying, and surface mining operations (17 CCR §93105, 7/26/01). Compliance with the requirements of the ATCM **would** offset any potential impacts associated with NOA.

Generation Of Stationary, Area, And Off-Road Criteria Pollutant Emissions In Excess Of SMAQMD Thresholds

The Project **will result** in emissions that exceed SMAQMD significance thresholds. Even with the preparation of Air Quality Management Plans on a project-level basis, and the County’s General Plan policies aimed at promoting smart growth, reducing vehicle trips and trip lengths, and improving air quality, it is anticipated that emissions from development anticipated under the Project would still exceed SMAQMD threshold levels.

Exposure Of Sensitive Receptors To Substantial Concentrations Of Carbon Monoxide

No violations of the state or federal 1- or 8-hour CO standards are anticipated in the Project area under cumulative-year conditions. Due to continuing improvements in engine technology due to relatively stricter emission control standards and the retirement of older, higher-emitting vehicles, **it is anticipated** that vehicle emissions in future years will be lower than current years. As a result, although roadway volumes increase in future years, intersection congestion and volumes are not sufficient to result in elevated CO levels.

Elevated Health Risks From Exposure of Sensitive Receptors to Sacramento International Airport Emissions

The Final Environmental Impact Report prepared for the Sacramento International Airport Master Airport’s Master Plan. The Final Environmental Impact Report **found that health risks ranged** from 0 to 0.64 in 1 million for the maximum exposed individual receptors analyzed (i.e., residence, school, and offsite worker). These values **are below** the threshold of 10 in 1 million.

Mineral Resources

There are aggregate resource areas within the Jackson Highway Corridor. Growth within this area **has the potential** to result in obstruction of access to and removal of mineral resources. The resource areas in this location are extensive, and the resource itself is not renewable, so no mitigation for this loss is possible.

Historical/Structural Resources

Although the proposed and existing policies provide the foundation for preservation of historical resources, some of the supporting policies that would specifically guide development are lacking in the current update. Furthermore, even with implementation of these policies and with best efforts made to discover and protect important resources, **impacts can be** inadvertent and significant. Due to the uncertainty of future development and associated historical resources impacts at the project-specific level, impacts to historical/architectural resources are considered *significant and unavoidable*.

Cultural Resources

According to the record search conducted at the North Central Information Center, **there are** three recorded resources within the “West of Watt” growth area, thirty within the Jackson Highway Corridor, thirteen within the Easton area, and thirteen within the Grant Line East area. Impacts related to Easton **were determined to be** *less than significant* with the application of mitigation, but impacts in all the other growth areas **are** *potentially significant or significant and unavoidable*.

(Emphasis added)