



April 6, 2009

Attn: Martha Spencer
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Via e-mail: mspencer@co.humboldt.ca.us

Re: Humboldt County 2009 Housing Element Draft Environmental Impact Report

Dear Planning Commissioners and Staff:

On behalf of the Board and Staff of Humboldt Baykeeper, the following comments are submitted regarding the Draft Environmental Impact Report prepared for the Humboldt County 2009 General Plan Housing Element (“DEIR”).

The concerns that follow relate to the water quality analysis provided in the DEIR. Humboldt Baykeeper was disappointed in reading this section with the complete lack of analysis of the potential significant impacts to water quality that could result from the adoption of the proposed Housing Element. The document relies almost entirely on the implementation of policies found within the September 2002 Natural Resources and Hazards Report¹ (“2002 Report”) and does not include, analyze or consider any of the changes that have occurred to local water quality since that time. Furthermore, it is unclear whether any of the policies and options identified in the 2002 document have since that time actually been implemented. By relying upon a document that contains ideas that have not been implemented the County is clearly abdicating its responsibility to identify and analyze potentially significant impacts to the environment, as well as failing to identify, analyze, and implement mitigating measures as required by the California Environmental Quality Act.

Impact 5.8-A

The most notable omission from the DEIR is the lack of any discussion of the current status of local waterbodies as impaired under section 303(d) of the federal Clean Water Act. Since the 2002 Report was prepared numerous waterbodies have been listed as impaired – a listing determination that directly impacts whether the proposed housing element will or will not result in a significant impact to the environment and requires complete analysis under CEQA. For example, Jacoby Creek was listed as impaired for sediment, the Mad River was

¹ Available at <http://co.humboldt.ca.us/gpu/documentsBackground.aspx>.

listed as impaired for temperature, Humboldt Bay was listed as impaired for PCBs and dioxins and furans, and Clam, Luffenholtz, Moonstone, and Trinidad Beaches were listed as impaired for indicator bacteria.² Without accurately describing the environmental setting it is impossible to determine whether or not the proposed housing element is likely to result in a significant impact to the environment. These potentially significant impacts must be analyzed and appropriate mitigation measures and implementation ordinances must be identified.

The threshold question that is asked regarding water quality and whether the proposed project has the potential to result in a significant effect on the environment is whether adoption of the project as proposed will result in the violation of water quality standards or waste discharge requirements. The DEIR recognizes that unless mitigation occurs, the development of new housing pursuant to the policies of the housing element violation of this requirement may occur. DEIR at 54. The DEIR does not discuss however, how those violations may occur – that construction is likely to result in increased sedimentation to local waterbodies – including those already listed as impaired.

In addition to the impacts to water quality caused by construction activities themselves, there is the related issue of impacts to water quality through development in areas that are not currently served by municipal water supplies. The DEIR recognizes that new construction may result in negative impacts to water quality as a result of new leachfields. DEIR at 54. This is concerning due to the listing of so many of our area beaches as impaired for indicator bacteria. This listing clearly shows that we already have a considerable problem due at least in part to the use of septic systems. It is inappropriate for the DEIR to merely address this issue by stating that implementation of the policies in the 2002 Report is mitigation sufficient to reduce the impact to a level of less than significant.

The DEIR also fails to discuss the impacts to water quality from increases in impervious areas resulting in increased stormwater runoff with its associated pollutant loadings. Stormwater runoff is a considerable source of metals, petroleum hydrocarbons and other pollutants of concern to water quality. This has the potential to result in significant impacts to water quality and potentially violations of water quality standards or waste discharge requirements.

Impact 5.8-B

The question analyzed in this portion of the DEIR only addresses half of the equation – whether implementation of the housing element of the General Plan will result in increased withdrawal of groundwater. The portion that is omitted is what impact the implementation of the housing element will have on groundwater recharge. Increased development in undeveloped areas invariably results in increased impervious surfaces. The necessary corollary of this is the decrease in water recharge zones – and the potential for a substantial interference with groundwater recharge.

² See Region 1, North Coast Regional Water Quality Control Board, Draft 2008 California 303(d)/305(b) Integrated Report Supporting Information, available at http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/.

In order for this section of the DEIR to meet the requirements of CEQA, the document must include a complete analysis of the entire question, not merely a partial analysis of half of the equation.

General Comments

Humboldt Baykeeper appreciates the complexity of developing adequate environmental review of a project such as the update to the County's General Plan. However, since this document will be guiding the development of our county and our communities for years into the future it is imperative that the analysis conducted at this stage be thorough.

Humboldt Baykeeper believes that the extent of impacts to water quality can easily be lessened by concentrating future development in areas that are already served by municipal services such as water and sewer. Many of the potentially significant impacts identified are a direct result of encouraging new development in areas that are currently undeveloped. This should be considered and analyzed as a mitigation measure for the impacts identified above.

Thank you for your consideration of our comments.

Sincerely,

_____/s/_____

Michelle D. Smith
Staff Attorney Humboldt Baykeeper