



# Sierra Pacific Industries

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March 24, 2011

Commissioner Mary Gearheart, Chair  
Humboldt County Planning Commission  
3015 H Street  
Eureka, CA 95501-4484

Rec'd  
03/24/11

***RE: Comments on Draft of Part 3, Chapter 10, Section 10.3 Biological Resources of the Humboldt County General Plan Update***

Dear Chair Gearheart and Commissioners:

We are concerned about the use of the terms “Critical Habitat” and “Essential Habitat” and recommend that they be removed from the Biological Resources Element. The edits provided by the Humboldt County Resource Lands Working Group (Working Group) have provided for this.

Critical Habitat is a federal designation that only applies to federal land or federally permitted projects. The County General Plan has no jurisdiction over federal land. Here are a few facts obtained from the USFWS (Service) website:

- The determination and designation of critical habitat is one of the most controversial and confusing aspects of the (Endangered Species) Act.
- A critical habitat designation has no effect on situations where a Federal agency is not involved – for example, a landowner undertaking a project on private land that involves no Federal funding or permit.
- The areas shown on critical habitat maps are often large but not all areas within the mapped boundaries are considered critical habitat.
- The Service finds that precisely mapping critical habitat boundaries is impractical or impossible.
- The critical habitat designation usually affords little extra protection to most species, and in some cases it can result in harm to the species.

Essential Habitat as used in the Draft General Plan Update (GPU) creates confusion over the exact role of the California Department of Fish and Game (DFG) as a trustee agency. I don't believe that DFG has produced any maps of Essential Habitat areas and if they have, those maps would most likely have some of the same problems outlined in the bullets above for Critical Habitat.

Both Federal and State laws are very complex and must be followed. Last week representatives from DFG and the Service both encouraged consultation with their respective agencies. I concur that consultation is an effective way to address rare, threatened or endangered species. The best way to insure that the Federal and State laws are followed is to have projects, where necessary, referred to the appropriate trustee agency for review and determination if

mitigation measures are needed. If no mitigation measures are required, the Trustee Agency can provide a letter stating that the project as proposed is acceptable. Where mitigation measures are required, the details are then worked out between the Trustee Agency and the project proponents. Subsequently the mitigation measures can be incorporated into the proposed project.

We recommend retaining the term "Sensitive Habitat" as modified by the Working Group version because it provides for protection of Rare, Threatened and Endangered species in conformance with Federal and State laws.

Sincerely,

A handwritten signature in cursive script that reads "William E. Blackwell".

William E. Blackwell  
RPF #2037