



Keeping Northwest California wild since 1977

*Submitted via electronic mail*

March 6, 2014

Board of Supervisors  
County of Humboldt  
825 5<sup>th</sup> St., Room 111  
Eureka, CA 95501

**RE: Irregularities in Humboldt County General Plan Update Process**

Dear Supervisors,

On behalf of the Environmental Protection Information Center (“EPIC”), a public interest organization that works to protect and restore ancient forests, watersheds, coastal estuaries, and native species in northwestern California, we submit the following letter regarding what we perceive as a highly irregular process in concern of the development of the Humboldt County General Plan update (“GPU”). As on many previous instances EPIC takes this opportunity to urge the County to move forward and approve an updated General Plan in a timely manner, and ensure that it complies with federal, state and local laws. To this end we feel compelled to share with supervisors some insights about what we have observed happening with the GPU, as well as concerns about the implications of the lack of leadership offered by the Humboldt County Board of Supervisors for the GPU process and the role of the Planning Commission, and how that lack of leadership is manifesting itself in inappropriate, irregular, and potentially illegal changes to the GPU draft by the Humboldt County Planning Commission.

**Irregular Process and Lack of Guidance by Supervisors for Planning Commission**

The decision by the Supervisors to remand the GPU draft to the Planning Commission for review before it was appropriate was unfortunate. The decision has also proven to be demonstrably inadequate in terms of providing correct and efficient parameters to the Planning Commission as to what specific review tasks Supervisors were requiring the Planning Commission to fulfill. This absence of adequate leadership by the Supervisors has created a crisis in democracy by invalidating years of previous public participation. It is also wasting scarce county resources, and has resulted in changes being made to the GPU draft that, if not rectified, could eventually expose the County to liability and risk. What has occurred over the last several weeks demonstrates a complete lack of respect for the efforts of literally hundreds of Humboldt County residents who have made contributions to the development of the GPU over

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the space of these last many years. It is imperative that the Board of Supervisors exercises their authority to regain control of the GPU process. We strongly recommend that the Board of Supervisors not delegate any more review of the GPU to the Planning Commission until the GPU process is once again under the complete control of the Board of Supervisors, and until the Board of Supervisors is capable of providing the appropriate specific and detailed directions to the Planning Commission regarding the Planning Commission's role in review of the GPU. Effective guidance from the Supervisors will enable the Planning Commission to fulfill their duties, and will enable the Board of Supervisors to regain control of the GPU process. The changes to the GPU made by the Planning Commission emphasize the irregularities of the process, and the changes in the GPU draft as well as the process itself must be properly seen by the Board of Supervisors as carrying a certain degree of risk and liability for the County in terms of what might occur if a deficient GPU were to result from these irregularities in the process.

### **Protections for Threatened and Endangered Species and Restoration of Biodiversity**

EPIC has supported and continues to support the inclusion of mitigation and implementation measures within the GPU that will benefit threatened and endangered species, and ultimately contribute to the recovery and restoration of all native biological diversity. The goal for these measures must be to actually engage with state and federal resource agencies. Simply stating that the County will work with resource agencies is not enough. We understand that making a request at this juncture that the General Plan Update include specific dates and benchmarks in the process for completing a multi-species Federal Habitat Conservation Plan with both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, and a Natural Community Conservation Plan with California Department of Fish and Wildlife, may be outside of the scope of what the Board of Supervisors may be able to accomplish within the parameters of review of the GPU. We also know that the County is legally bound to implement a GPU that respects and adheres to the fundamental state and federal laws that govern endangered species, water and forest management, and public participation. We therefore strongly recommend that the Board of Supervisors fulfill their obligation to the residents of Humboldt County and ensure that all efforts are made to reduce and eliminate the exposure of the County to future risk and liability that might result from the failure of the GPU to abide by federal and state law, including but not limited to the California Environmental Quality Act (CEQA), which is ultimately the guiding regulatory framework for the Humboldt County GPU. To fail to do so would be a disservice not only to the landscapes upon which we depend for our livelihood, but as well to the residents of Humboldt County who are relying upon the Supervisors to act responsibly and provide appropriate leadership in completing the long overdue GPU.

Respectfully,



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