

Lippre, Suzanne

From: Maggi Draper <maggi@humboldt1.com>
Sent: Wednesday, October 31, 2018 7:41 PM
To: Planning Clerk
Subject: Zoning Change agenda item comments for Nov. 1 County Planning Commission meeting

Dear Humboldt Planning Commission and County Supervisors:

Please include this letter in the packets of the Commissioners.

I have already submitted input (via email submitted 1/17/2018) into this matter of Mercer Fraser's cannabis processing goals and zoning changes in my watershed. As you know, Mercer Fraser Co. is requesting rezoning to "Heavy Industry" to allow cannabis manufacturing facilities to operate in the Mad River floodplain - just upstream from the Humboldt Bay Municipal Water District's intake wells. Much more reasonable zoning would be AE. The HBMWD, correctly, appealed this project after the Planning Commission approved it under the condition that the zoning be changed at a later date. Seven cities and Community Service Districts supported the appeal to protect our drinking water supply. This proposal went away, and it should have stayed away.

The purpose of paying government positions such as the County Board of Supervisors that you serve, is for the citizenry to fund protection of health and safety and get services on an efficient scale: water, sewer, fire and crime protection etc. Your job includes protecting our water supply. We do not pay government salaries with our taxes so representatives may rubber stamp unreasonable proposals from corporations that endanger our health and safety.

Here, our very intake water wells are practically adjacent to the Mercer Fraser real estate; and butane, petrochemical, toxic spills, errors, or daily operations can poison the water we drink. I am informing you of an important aspect to consider as a matter in the comment record on this zoning proposal. As a citizen who gets this water from my tap, in the event of a spill or problem, I and many others may have standing to sue for reckless decision-making in a situation where this zoning change was made by someone who knew, or should have known, that danger that could result in harm to persons drinking water from those wells. While Boards/commissions are protected somewhat by the law, egregious endangerment is likely inconsistent with State law. Approximately 88,000 people drink water in the HMBWD. In this particular matter, the the planning commission and the Board of Supervisors - and each person on them individually - has full knowledge of possible health impacts resulting from this zoning change gained from Humboldt County water supply experts who have already objected to this proposal and zoning change's possible impact to the water supply. In the event of toxicity in the water from the zoning change, the problem would easily be traced to recklessness in zoning, if this matter is not carefully thought through with cooperation and agreement among all related agencies, consistent with all laws, zoning, and regulations for water safety in California.

The State Water Resource Control Board emphasizes cooperation among agencies: "Coordination with the U.S. Environmental Protection Agency (**USEPA**), state agencies within the California Environmental Protection Agency (e.g., DTSC, Air Resources Control Board), air pollution control districts, local environmental health agencies, and other responsible federal, state, and local agencies: (l) **promotes effective protection of water quality, human health, and the environment**

and (2) is in the best interest of the people of the state. The principles of coordination are embodied in many statutes, regulations, and interagency memoranda of understanding or agreement which affect the State ..."

Establishing a zoning change that would allow even the possibility of water contamination near the uptake wells must be prevented. Allowing Heavy Industry zoning in that area would be very irresponsible, and those who care about our health and budget should grasp that.

To quote from my last email on the subject referenced above: "Rather than simply approving this change with a tiny modification for backflow, the Commission could have found a way to create strong protections for this and any other industrial waste risk on the site, or opted to do further research before approval. What state and federal laws apply to toxins? Plenty. Apparently, there are currently 30,000 gallons of diesel fuel stored there now. In an earthquake, would we have diesel coming out of what remains of our taps? There is an existing problem, even without the cannabis project. What must the County do to mitigate risk and avoid liability for contamination in future?"

The voters, drinkers of water, are watching and Humboldt County is not Flint, Michigan. I urge the Planning Commissioners and County Supervisors they serve to come up with creative solutions and ensure the safety of our water supply now and in the future, in a manner that protects the County's legal status as well as the citizens they serve.

Thank you for your attention to this matter.

Margaret Draper

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