

From: Robert Sutherland [woods@asis.com]

Sent: Monday, April 06, 2009 1:10 PM

To: Spencer, Martha

Subject: DEIR comments

Martha: Please forward this to the Planning Commission members. Thank you!

Dear friends,

Please consider the following comments on the Draft Environmental Impact Report for the Housing Element. These comments are for the permanent record. The DEIR page numbers cited herein pertain to the pdf pagination; this pagination at points differs from the pagination in the Table of Contents (for example Attachment 2 begins on pdf page 94, not page 100 as in the Table of Contents, and Section 5.15 begins on pdf page 70, not page 66 as in the Table).

1. At many places in the DEIR the logic is muddy. A number of these are not very important, but a few are. One important example concerns the No Project Alternative, where the writer is plainly ignorant of the basic concept. DEIR page 43 states: *The No Project alternative is not feasible because the County would be out of compliance with State Housing Element law if the Housing Element is not updated.* This interpretation nullifies the alternative of No Project, and thus flagrantly violates CEQA. In the correct interpretation, the Board could duly consider and decide that no changes are needed to the previous Plan. Such an interpretation fulfills the mandate of State law while meaningfully adopting the No Project alternative. Please correct the DEIR in this major matter, so as not to preclude a full and fair discussion.

In a confusing example of muddiness, at a number of places the DEIR speaks as if the Housing Element and the Framework Plan are separate; at others, as if the Housing Element is a part of the Framework Plan. Please clarify which it is, and be consistent.

2. The DEIR states that the Housing Element sets policies and programs for the unincorporated areas of the County (DEIR 4). For muddiness, note the conflicting statement at DEIR 6: *The Housing Element contains the goals, policies, standards and programs designed to guide the physical development of housing in Humboldt County until the year 2014.* This statement implies that all the County is covered. It is not. Yet, since most of the projected growth will be in urban areas (DEIR 66), it is obvious that there needs to be a thorough discussion of the interface of the Housing Element and the plans of the urban areas in their parallel efforts, but such discussion is virtually wholly missing from the DEIR. I cannot construe this as anything less than a fatal flaw. There are seven cities in Humboldt County (DEIR 20), each of which is obligated under State law to have its own General Plan (DEIR 18), and these are not the subject of the Housing Element. Throughout the DEIR there is nearly no discussion of what the seven cities are doing or facing on relevant matters. In fact, *most* of the seven cities are nowhere even mentioned outside the bare list on DEIR 20, unless one digs deeply into the list of obscure and essentially unavailable references in the back pages, where there is no informative detail at all, and some cities are not even mentioned there. For example, if Blue Lake even has a General Plan (a fact nowhere revealed), the writers of the DEIR apparently did not consult it because it is not referenced. There is only the highly uninforming comment at DEIR 18 that *In developing the Housing Element, county staff worked with the cities to ensure compatibility of the projected housing needs.* Any implication by this statement that "all is well, we checked it and there are no significant problems", is highly conclusionary and a flagrant violation of CEQA. Essentially no details are presented anywhere. According to the DEIR at 18, *Since cities have jurisdiction over the lands within their boundaries, revisions of city plans, based on policy in the County's Housing Element, is strictly voluntary.* Anyone reviewing the DEIR can only wonder then how the policies and programs of the Housing Element are going to work where they abut the cities, which is where the lion's share of the development proposed under this Element will occur (DEIR 33). How can you present this as an adequate informational document? The DEIR also calls for changes to city plans (for example DEIR at 26, Eureka, McKinleyville) but only daydreams that it will be able to implement this.

3. DEIR at page 31 states that *The County shall update standards for alternative owner-built/ owner-occupied housing to ensure consistency with environmental and resource protection policies of this Plan, health and safety requirements and to promote permit compliance in rural lands.* As the County is painfully aware, the recent and past efforts to achieve permit compliance have been controversial, and many residents believe the County has used this intention as a cover to enforce illegal social and political disruption. Given the well known controversy, why is there no meaningful discussion? The implication here is that instead of being open and forthright the County is merely quietly reserving its next opportunity to engage again in abuse that will be justified under this Housing Element apologeta. This is not an adequate discussion.

4. The DEIR does not propose program mitigations for wildlife other than aquatic ones. Yet there is a mandate to protect *species identified as a candidate, sensitive, or special status species* (DEIR 12). How are you to protect them if you do not know where they are? Clearly the program should require wildlife surveys for individual-level projects. It should also specify in general terms that adequate mitigations for protected species must be provided.

In contrast, the policy at DEIR pages 13 and 70 requiring Fish and Game approvals for water withdrawals is laudable but draconian. This proposed policy needs to be tempered or it may be used to attempt to prevent nearly any occupancy of unincorporated lands in the County. No one lives where they cannot draw sufficient domestic water, and this usually comes from within or near perennial sources. Take the village of Garberville, for example. The ministerial permit for any structure there would obligate a Fish and Game review pursuant to the proposed plan since the water at Garberville is drawn from in or near the Eel River, although the County's intended targets may be the more remote rural residents. Draconian measures are unlikely to be peaceably received by those rural residents that the County has already so severely alienated. The County modified the Fire Plan and surely it needs to sharply modify this water withdrawal plan also.

5. DEIR at 67 discusses parking. As a resident in the southern part of the County for more than 35 years, I can tell you clearly that Garberville has long had a serious shortage of parking opportunities, nowhere discussed in the DEIR. This shortage has been strongly aggravated by the Planning Department and the Board of Supervisors because they have repeatedly excused builders such as Jim Johnson from having to provide sufficient parking. Why have you not discussed this? Past policies have not worked largely because the County has not adhered to them. Selective application of the laws, policies, and programs has long been a hallmark of Humboldt County government. The DEIR continues to pretend that no such inequity has existed or will exist. This inequity reaches from inappropriate protection of logging and ranching interests to suppression of the poor and homeless. Many aspects of the General Plan Update continue to support this old style of running the County. I'm tired of the winking. It is time for big change.

6. DEIR at page 43 explains why Option B has been selected over the others. CEQA provides however that the County must select the least environmentally damaging alternative (Public Resources Code 21002). That has not been done and in instances cited above some of them have not even been properly considered. The DEIR appears to wink at the requirements of CEQA without taking them seriously. I request that you revise the DEIR and recirculate the corrected version. Please provide me a full written response to all the objections raised in this letter.

Planners are frequently criticized for the duty they perform. On the contrary, I want to thank you for the effort you have made. I am hopeful the County will allocate enough funding and time for you to significantly revise this DEIR, as it has serious flaws. I sincerely believe that if you have the opportunity you will greatly improve the EIR. Thank you!

Best regards,
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