

Humboldt Planning Commission
Humboldt County Planning Department
Community Development Services
3015 "H" Street
Eureka, California 95501

March 11, 2007

Re: Mineral Resources GP Update Group 2, Chapter 16, Mineral Resources

Dear Planning Commissioners:

You probably don't remember me. I am Carlos Quilez and live at 1630 River Bar Road, Fortuna. In 2005, Jack and Mary Noble of the Van Duzen River Ranch, asked for yet another modification to their gravel mining CUP. The Planning Commission did not know that there was a thriving community that would be adversely affected by the increase in traffic, noise and pollution. You, Commissioners, rightly denied the modification. The Nobles appealed to the Board of Supervisors and they overturned your decision in January 2006. What followed on February 2006 was: Carlos Quilez, et. al. v. Humboldt County and Humboldt County Board of Supervisors et. al. Case No. CV 060094. The Nobles withdrew their application and Supervisors rescinded their decision on September 19, 2006 under our threat of lawsuit.

Please recall that the issues we raised included lack of adequate notification to nearby residents that a gravel mine was going to operate in 1997; lack of notification that the mine was going to expand in 2000; and lack of notification that the mine was going to expand again in 2005. I and several other Petitioners and neighbors that we represented had lived here and/or owned property long before 1997.

We found the Planning Department's aggressive support of the mine, to the detriment of the health and safety of the surrounding residents and consequent environmental destruction, simply incredible. We found later that other communities had experienced similar issues with the planning department staff.

You, the Planning Commission was purposely misled by Planning Department staff. You were told that there was no one living within three miles of that mine when in fact there was a long established and thriving community all living within two miles or less of the mine. You were further misled by Planning Department staff into certifying a vague and misleading SEIR that didn't even acknowledge the existence of our community and provided little practical mitigation.

Now, I find the following statement(s) by Planning Department staff for the General Plan: "New residential owners then become concerned that there is an active mining operation in the vicinity of their residences and claim that it is a nuisance through the hearing process, even though the mining operations had been conducted under the conditions of their previous permit for many years."

I find that statement, written by the same staff that drove down our street, saw our houses and nonetheless told the Planning Commission that no one lived on River Bar Road,

offensive and irresponsible. The General Plan is no place for this type of self-serving nonsense.

The above quote would tilt reality on it's head and presume that it's the public's own fault for living where they live. It presumes that staff did due diligence in CUP permitting and that the public sought to build next to a gravel mine when, at least in our case, the exact opposite is true.

The General Plan should address, not "let the buyer beware" of moving next to a gravel mine, but the adequacy of zoning and the adequacy of due diligence on the part of planning staff. The county bears responsibility for the health and safety of its residents. The principle that, the health and safety of residents trumps all other concerns, was violated in our case. It is this principle - that health and safety trumps all other concerns - that should be codified in the General Plan. It should not include staff's disgusting and self serving opinions such as the quote above, that tries to blame residents, when the true fault lies with staff's laziness, incomplete analysis and staff's stubborn resistance to simply admit an error, try to rectify and move on. Yes, there will be nuisance lawsuits as a result of gravel mines and gravel post processing encroaching on neighborhoods. And yes, neither the public nor the mine operators are well served by having to go through expensive lawsuits over CUPs that should have never been issued in the first place. And yes, it's the fault of ill-informed and entrenched staff that are more concerned with job security and denial of errors, than they are with doing a good or even an adequate job. Perhaps the General Plan should mandate ethics and CEQA training for their senior planning staff. What we need in the General Plan are further assurances to the residential public of this county, that even lucrative special interests will not be placed above the health and welfare of the people. The residents of this county are it's greatest resource. Gravel extraction, as a resource, pales in comparison.

Sincerely

Carlos Quilez
1630 River Bar Road
Fortuna, 95540