

# Chapter 1

## Introduction

# Chapter 1. Introduction

## 1.1. Purpose of the EIR

This document is a revised Draft Environmental Impact Report (EIR) for the County of Humboldt General Plan Update (GPU). The EIR discloses to decision-makers, agencies and the public possible environmental impacts from approving the GPU. This EIR also identifies ways to minimize adverse environmental impacts of the GPU, and describes alternatives that may reduce or avoid its significant environmental impacts. The California Environmental Quality Act (CEQA) requires this environmental review be considered before approval of the GPU. (State CEQA Guidelines §15121[a]).

This document is a substantial revision of the Draft EIR for the County of Humboldt GPU that was originally circulated for public comment between April 2, 2012 and June 15, 2012. The 2012 EIR has been revised to include environmental analysis of changes to the Planning Commission draft GPU made through the course of a series of public hearings conducted by the Board of Supervisors between June, 2012 and March, 2016, and tentatively approved by the Board of Supervisors. A listing of those changes is attached as Appendix U of this revised DEIR.

This revised Draft EIR also reflects changes made in response to public comments received on the initial Draft EIR, and the addition of significant new information, including updated data and analysis of traffic, noise, and greenhouse gas emissions.

The public, along with local, regional, state and federal agencies, are invited to review the revised Draft EIR and the Appendices and to provide comments. The EIR and its Appendices are available for review during normal business hours at the following locations:

- Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501
- Humboldt County Library, Eureka Main Branch, 1313 3rd Street, Eureka, CA 95501

The documents are also available online at:

- <http://www.humboldt.gov/273/General-Plan-Update>.

Comments should be directed to:

John Miller  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501

The comment period for the revised Draft EIR will begin **April 20, 2017** and continue through **June 9, 2017**. Written comments received during the review period will elicit a formal written response which will also be available for public review.

The revised Draft EIR, comments, and responses will all be combined together into the Final EIR, which will be presented to the County Board of Supervisors for consideration as they review the

proposed GPU.

Pursuant to CEQA Guidelines §15200, public and agency review and evaluation of the Draft EIR will serve the following purposes:

- Sharing expertise
- Disclosing agency analyses
- Checking for accuracy
- Detecting omissions
- Discovering public concerns

In addition, the EIR may be used by the California Coastal Commission when approving the portions of the GPU in the coastal zone.

### 1.1.1. Tiering and Required Approvals

This EIR is a Program EIR, which is typically prepared for an agency plan, program, or series of actions that can be characterized as one large project and are related by any of the following characteristics, all of which would apply to the GPU:

- (1) Geographically,
- (2) As logical parts in the chain of contemplated actions,
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (CEQA Guidelines §15168(a))

This Program EIR is a first-tier environmental document that assesses and documents the broad environmental impacts that can be expected to occur from the adoption and implementation of the General Plan Update during the planning period to 2040, as more fully explained in Chapter 2 – Project Description. However, this EIR does not necessarily address the site specific impacts that individual development projects implementing the GPU may have. CEQA requires additional environmental review for these subsequent development projects to assess their site-specific impacts. If a subsequent project would have effects not examined in the GPU Program EIR, a second-tier CEQA document, such as a project EIR or Negative Declaration, would be required.

On the other hand, if it is determined that a subsequent project implementing the GPU would have no environmental effects beyond those analyzed in the Program EIR or would require no new mitigation measures, further environmental analysis would be minimized. In this way, environmental evaluation of future projects is to be based on (i.e., “tiered off of”) this EIR. Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR.

All mitigation measures in the certified EIR will be incorporated into future actions carrying out the General Plan. To assist in the implementation of the General Plan Update, this EIR contains recommendations for some of the analysis that will be needed in the future. For example, this EIR establishes performance measures that would be applied for future projects when the County issues permits and approvals required for those projects.

## 1.2. Evaluating Environmental Significance

For each impact identified in this EIR, a statement of the impact's level of significance is provided. Impacts are categorized in one of the following categories:

- A **less-than-significant** impact would cause no substantial adverse change in the environment.
- A **potentially significant** impact would have a substantial adverse impact on the environment but could be reduced to a less-than-significant level with mitigation.
- A **significant unavoidable** impact would cause a substantial adverse effect on the environment, and no feasible mitigation measures would be available to reduce the impact to a less-than-significant level.
- The term "**no impact**" was used when the topic area being discussed would not be adversely impacted by implementation of the General Plan.

The impact assessment provided in this document is divided into a number of individual impact statements that deal with specific topics. Following each impact statement is a discussion of the potential impact and the General Plan policies and implementation measures that help to mitigate this impact. The end of each discussion provides a statement identifying the level of the potential adverse impact.

Impact determinations are based on evaluation criteria drawn from adopted local, state, and/or federal policies, such as the current Humboldt County General Plan, the California Coastal Act, the Federal Endangered Species Act, and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.). The evaluation criteria, along with applicable policies, plans, codes, and regulations, are stated for all environmental issues analyzed in the EIR.

## 1.3. EIR Review Process

### 1.3.1. Scoping the Issues To Be Discussed in the EIR

The EIR process begins with public scoping of the items to be covered in the EIR. For this GPU, the County of Humboldt Planning and Building Department (PBD) is the "lead agency", the agency with principal responsibility for carrying out the General Plan. The County distributed a Notice of Preparation (NOP) (Appendix P) to numerous agencies to let them know an EIR was being prepared for the GPU, and asking the agencies for comments on what should be included in the EIR. The agencies included the following:

- "Responsible agencies" such as the California Coastal Commission, whose approval is required for the coastal portion of the GPU to take effect, and
- "Trustee agencies", state agencies having jurisdiction by law over natural resources affected by the project which are held in trust for the people of the State of California. Trustee agencies for the Humboldt County General Plan include:
  - California Department of Fish and Wildlife (CDFW)
  - California Department of Forestry and Fire Protection (CAL FIRE)
  - California Department of Transportation (Caltrans)
  - California Environmental Protection Agency (Cal/EPA)
  - California Office of Historic Preservation (OHP)
  - North Coast Unified Air Quality Management District (NCUAQMD)

- North Coast Regional Water Quality Control Board (NCRWQCB)

The NOP also sent to federal trustee agencies, including:

- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFWS)
- NOAA Fisheries
- U.S. Environmental Protection Agency (EPA)

The formal comment period on the NOP was from January 22, 2007, to February 22, 2007. The County held public scoping meetings, workshops, and public hearings from February 15, 2007, through January 30, 2009, soliciting additional input from agency representatives and the public on the items to be addressed in the EIR (see Appendix P).

The County also held General Plan Update workshops on draft land use maps in a number of Humboldt County communities between September 5, 2007, and September 26, 2007. The purpose of these workshops was to identify preferences and concerns of the affected public, public agencies, and other stakeholders. Input from these workshops was used to formulate the alternatives assessed in this EIR. These workshops were held in the following communities: Willow Creek, Orick, Trinidad, Fortuna, Garberville/Redway, Fieldbrook, Arcata/Eureka, South Eureka, and Petrolia.

The County prepared an Administrative Hearing Draft of the GPU in 2007, and held 14 public hearings with the Planning Commission prior to releasing the Planning Commission Hearing Draft on November 20, 2008, along with three Plan Alternatives. The Planning Commission conducted 76 meetings from April, 2009 through March, 2012 in order to take straw votes and refine the Planning Commission Approved Draft.

A Draft EIR for the Planning Commission Approved Draft GPU was circulated for comment on April 2, 2012. The Planning Commission considered the Draft EIR for the Project at public hearings on April 19, May 10, and May 17, 2012. Public Comments were accepted on the DEIR through June 15, 2012.

The Board of Supervisors held 66 public hearings on the Project and Plan alternatives from June, 2012 through March, 2016, to take straw votes and refine the Planning Commission Approved Draft GPU, resulting in the Board of Supervisors 2016 Markup Draft which is the Project being considered in this EIR..

SB 18 (Stats. 2004, ch. 905, as amended. Government Code sections 65352.3 – 65352.4, 65562.5) consultation with the area Native American tribes on the GPU was initiated on September 24, 2013. Consultation occurred between the tribes and the County on the proposed new land use designations that would be applied to the reservations and rancherias, the TL - Tribal Lands and TTL - Tribal Trust Land designations, and the Cultural Resources Element of the GPU through March 2014. In addition to the changes made to the GPU in consultation with the tribes, the County and the tribes established a standardized protocol for individual consultations separate from the GPU for future County CEQA review of projects that may be tiered from this Program EIR. The SB18 consultation process is further documented in Appendix K of this DEIR.

### **1.3.2. Prepare and Distribute Revised Draft Program EIR**

PBD and its consultants prepared this Revised Draft EIR to address the changes to the Project made by the Board of Supervisors since June, 2012, and to address the comments made on the 2012 Draft EIR for the Planning Commission Approved Draft. The Revised Draft EIR also incorporates significant new information which became available after 2012, as well as changes

in CEQA and General Plan law requirements that occurred after release of the 2012 Draft EIR. Copies of the Revised Draft EIR will be available for viewing at the PBD office, on its website, and at the Humboldt County Library. The Revised Draft EIR and a Notice of Completion were sent to the State Clearinghouse for distribution to the responsible, trustee and other state agencies.

### 1.3.3. Receive Comments on the Draft Program EIR

The Revised Draft EIR will be circulated for a minimum of 45 days from Thursday, April 20, 2017 through Tuesday, June 9, 2017 to allow the public, agencies and tribal governments to review and comment on the document. **No separate written responses to comments made on the 2012 DEIR will be provided in the Final EIR.** Any new comments must be submitted for the Revised Draft EIR. The county will only respond to those new comments submitted in response to the recirculated Revised Draft EIR.

### 1.3.4. Respond to Comments and Prepare the Final Program EIR

After the public review period, PBD will respond in writing to comments made during the review period. The comments and the responses will be appended to the Revised Draft EIR, which together then become the Final EIR. The written responses to comments on the Revised Draft EIR will be available for public review at least ten days prior to certifying the Final EIR.

### 1.3.5. Certify the Final Program EIR, Approve the GPU, and Prepare a "Notice of Determination"

Before approving the General Plan Update the Humboldt County Board of Supervisors must certify the Final EIR. Pursuant to CEQA Guidelines Section 15090, certification requires that the Board of Supervisors find that 1) the Final Program EIR has been completed in compliance with CEQA, 2) the Final Program EIR was presented to the Board of Supervisors and they reviewed and considered the information contained in the Final Program EIR, and 3) the Final Program EIR reflects the County's independent judgment and analysis. The Final Program EIR must be certified before the County can take any action on the General Plan Update or applications associated with the General Plan Update.

Pursuant to CEQA Guidelines Section 15091, the County may not approve the GPU if the Final EIR identifies one or more significant effects on the environment that would occur if the GPU is approved or implemented unless the County makes one or more of the following findings for each significant effect:

- 1) Changes have been required in, or incorporated into, the GPU which avoid or substantially lessen the significant effect;
- 2) Such changes are within the responsibility and jurisdiction of another public agency, and have been, or can and should be adopted by that agency.
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

Further, the GPU cannot be approved unless either 1) it will not have a significant effect on the environment, or 2) it is determined that all significant effects on the environment have been eliminated or substantially lessened as provided in the Section 15091 findings, and any remaining significant effects on the environment found to be unavoidable under Section 15091 are determined to be acceptable because the economic, legal, social, technological, or other benefits of the GPU, including any region-wide or statewide environmental benefits, outweigh or

“override” the unavoidable adverse environmental effects, as provided in CEQA Guidelines Section 15093. When a lead agency approves a project with significant effects that are not avoided or substantially lessened, a Statement of Overriding Considerations is required to document the reasons the agency finds that the unavoidable adverse environmental effects of a project are considered acceptable.

After certification of the Final Program EIR and approval of the GPU, the County will post a Notice of Determination with the Humboldt County Clerk, send it to anyone who previously requested notice, and submit it to the State Clearinghouse for posting. After the Notice of Determination has been posted, CEQA requires that a period of 30 days elapse before the General Plan Update can actually take effect; this provision is so that any person or agency who wants to file legal challenges to the Final Program EIR has sufficient time to do so.

## 1.4. Organization of the EIR

This EIR is organized as follows:

**Chapter 1 - Introduction and Summary:** provides an overview of the EIR, and summarizes the major issues, impacts and mitigation measures, and includes a list of common abbreviations in the EIR.

**Chapter 2 - Project Description:** describes the principles, purpose and assumptions of the GPU.

**Chapter 3 - Environmental Setting and Impacts:** describes the environmental setting and standards of significance, analyzes the environmental impacts, and proposes mitigation measures to reduce the level of impacts; also describes unavoidable significant environmental effects, and economic and social effects of the GPU.

**Chapter 4 - Evaluation of Plan Alternatives:** compares the environmental impacts of the GPU policies with alternative policies, including the No Project Alternative, which is what would occur if the GPU were not adopted, and development continued under the policies of the existing 1984 Framework Plan.

**Chapter 5 - Other CEQA Considerations:** evaluates the impacts of the GPU in terms of the following additional considerations:

- A. Significant Irreversible Effects
- B. Growth Inducing Impacts
- C. Cumulative Impacts
- D. Long Term Benefits versus Short Term Gains
- E. Mandatory Findings of Significance

Chapter 5 also identifies the organizations and persons consulted in preparation of the EIR and the preparers of the EIR.

**Appendices** - The appendices to this EIR are provided as separate attachments, and are incorporated into this EIR as if set forth herein in their entirety. They include:

- A. Summary of GPU Changes made by the Board of Supervisors June, 2012 - March, 2016
- B. *Critical Choices Report*, 2001- Identified issues to be addressed in the General Plan

- Update.
- C. *Building Communities Report*, February 2002 - Background report on population, housing, employment, land use and services.
  - D. *Natural Resources and Hazards Report*, September 2002 - Preliminary resource assessments for water resources, biological resources, forest resources, agricultural lands, parks and open space, cultural resources, mineral and energy resources, scenic resources, air quality, geologic, seismic and soil hazards, flooding, fire and noise.  
Volume I. Discussion Paper  
Volume II: Detailed Watershed Characteristics and Regulatory Framework
  - E. *Agricultural Resources Report*, October 2003 - Detailed assessment and policy report.
  - F. *Forest Resources Report*, October 2003 - Detailed assessment and policy report.
  - G. *Moving Goods and People Report*, October 2002- Existing conditions, planned improvements and policy options for transportation planning.
  - H. Transportation Analysis Supporting Documents
  - I. Humboldt County Community Wildfire Protection Plan, 2013
  - J. *Sketch Plan Alternatives Report*, June, 2004 - A discussion paper for community workshops for selecting the preferred plan alternative
  - K. SB18 Consultation with Native American Tribes
  - L. *Local Coastal Plan Issues Report*, September 2003.
  - P. *Water Resources Technical Background Report*, November 2007 - Detailed water resources assessment.
  - Q. *Community Infrastructure & Services Technical Report*, July 2008 - Detailed infrastructure and public facility assessment report.
  - R. *Energy Element Technical Background Report*, October 2005 - Provides a framework and background information for the Energy Element.
  - S. Notice of Preparation and Responses
  - T. Assumptions used in development projections
  - U. Forecasts of Unincorporated Area Energy Consumption
  - V. Comparison of Alternatives