To: Humboldt County Board of Supervisors
From: Jesse Noell
DENY Appeal of Humboldt Wind Project

Dear Supervisors,

I stand with the Wiyot Tribe and those who oppose granting Terra-Gen a permit. Please **Deny Humboldt Wind's Appeal** of the Planning Commission's Denial of a permit for the Humboldt Wind Project.

The Permit Streamlining Act does not apply to administrative appeals within a state or local agency (Section 65922). Therefore, if a permit is appealed to a higher body there is no strict time frame within which the appeal must be heard.

The Statement of Overriding Concerns from the Condition Use Permit states: "The project will be privately owned and operated, and although it will feed into the PG&E grid, **it will be controlled by a separate energy provider**."

It appears to the public that the **control** will be exercised by the Humboldt County Joint Powers Authority or RCEA,

Further, it states: "Each benefit set forth below constitutes a separate, independent, and severable overriding consideration warranting approval of the project, despite the unavoidable impact."

This too, demonstrates Humboldt County that exercises of **control over the unavoidable impact.**

And, "Pursuant to law, wind energy is ordered dispatched first and curtailed last, thus it is able to bid into the grid at a lower price and will directly displace fossil fuel generation."

The above indicates that some government entity exercises **control over when and for how long resident's homes and property will be appropriated for invasion by infrasound noise intrusion**.

The Joint Powers Authority stands to extract large amount of revenue directly from exercise of its control of **over when and for how long resident's homes and property will be appropriated for invasion by infrasound noise intrusion**.

This exercise of control will violate:

•**General Welfare Standard:**
"The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood" *(Hawkins v. County of Marin* (1976) 54 Cal.App.3d 586).

•**Nuisance Standard:**
"Any use found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characterisitics may be prohibited" *(Snow v. City ofGarden Grove* (1961) Cal.App.2d 496).

•**GPU**: "The proposed use is not detrimental to the public health, convenience, safety, and welfare;" and "That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity."

With these necessarily truncated comments, I incorporate all of my prior submissions to the DEIR and Planning Commission and emails to the Board of Supervisors members and as part of a general assurance that the entire AR preceding these proceedings be similarly incorporated.

Sincerely,
Jesse Noell, December 9, 2019