

Exhibit A

1. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations, and
2. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

Wetlands and Other Wet Areas

BR-S10. Development Standards for Wetlands. Development standards for wetlands shall be consistent with the standards for Streamside Management Areas, as applicable except that the widths of the SMA for wetlands are as follows:

- seasonal wetlands = 50 ft.
- perennial wetlands = 150 ft.

and the setback begins at the edge of the delineated wetland. Buffers may be reduced based on site specific information and consultation with the California Department of Fish and Wildlife. No buffer shall be required for man-made wetlands except wetlands created for mitigation purposes.

BR-S11. Wetlands Defined. The County considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Other Sensitive and Critical Habitats

Oak Woodlands

BR-S12. Discretionary Review within Oak Woodlands. Discretionary projects which may result in a significant effect on oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, specifically Public Resources Code Section 21083.4.

Invasive Plant Species

BR-S13. Principally Permitted Accessory Use. Invasive plant species management and control measures shall be considered a principally permitted accessory use in all zones, except in the Coastal Zone.

10.3.5 Implementation Measures

BR-IM1. Biological Resource Maps. The County shall maintain the best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, rookeries, and ranges of species identified in the California Natural Diversity Database.

Exhibit B

In working with County Planning and Building Department staff, builders, developers, and environmental consultants to prevent the loss of wetlands and wetland habitat values, CDFW determined there is a strong interest and need for a wetland mitigation bank in the Humboldt Bay-Eel River Delta area. While it is CDFW's policy to provide for the protection, preservation, restoration, enhancement and expansion of natural wetland habitat, CDFW finds that in certain limited instances, utilization of a local wetland bank may be the most environmentally sound, feasible, and cost-effective approach to mitigate for impacts to wetlands. CDFW therefore recommended the County consider working with local, state, and federal agencies and private stakeholders to promote or facilitate developing a wetland bank for the Humboldt Bay-Eel River Delta area. CDFW is willing to provide technical support for the creation of a local wetland bank. The Board of Supervisors incorporated this recommendation into the GPU with Implementation Measure BR-IMx2 - Wetlands Bank.

Under Standard BR-S11, Wetlands Defined, the County must follow the identification and classification policies of the California Department of Fish and Wildlife which considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. In Standard BR-S11, wetlands must have the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. This definition does not work well because areas cannot logically have both hydric soil substrate and non-soil substrate at the same time.

Conclusion

Through implementation of General Plan Update policies, standards, and implementation measures the County will assess development impacts on wetlands and associated sensitive habitats, as part of the review process for discretionary permits, as well as to protect water quality. As discussed above, the definition of wetland contains a logical flaw, and needs to be revised.

Mitigation

The following implementation measure below shall be fulfilled to help address the potential impacts related to the definition of wetlands in the General Plan Update. Alternative language is presented below that would correct the existing logical flaw in Standard BR-S11.

Mitigation Measure 3.11.3.2. Replace BR-S11 with the below definition of wetlands:

BR-S11. Wetlands Defined. The County considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. ~~Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.~~ An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

Level of Significance After Mitigation

With the above revision to Standard BR-S11 and continued implementation of existing federal and state regulations, and proposed new policies and implementation measures of the General Plan Update regarding protection of wetlands, impacts to federally protected wetlands would be **less than significant**.

Impact 3.11.3.3. Wildlife Corridors and Nursery Sites

Implementation of the General Plan Update would result in additional development that could interfere with the movement of native resident or migratory fish or wildlife species or with their migratory wildlife corridors, or impede the use of native wildlife nursery sites.

This impact analysis addresses item "d" of the significance standards listed in Appendix G of the CEQA Guidelines as provided in Section 3.11.2 above. Pursuant to these standards, the proposed County General Plan Update would have a significant impact if it would:

- a) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Development and land use activities consistent with the General Plan Update could result in a reduction in existing habitat, could contribute to further fragmentation of remaining natural areas, and could substantially interfere with the movement of native fish and wildlife species. These include potential impacts to special-status species, sensitive natural communities, and streams and wetlands, as well as more general wildlife habitat resources.

Roosevelt Elk habitat and deer winter range are mapped on the Biological Resources maps that identify important wildlife corridors. Within the coastal zone, a Roosevelt Elk Habitat combining zone is applied to lands which contain elk corridors, and calls for their protection.

Streams tend to serve as important movement corridors for terrestrial and aquatic wildlife, and protection of areas that qualify as SMAs is essential to protecting existing habitat functions and values. Forested areas and native woodlands also tend to provide important habitat resources to wildlife.

A substantial amount of development could occur in the unincorporated areas as a result of buildout of the General Plan Update land use designations at specified minimum parcel sizes, despite many site specific constraints that may exist. A portion of this development would occur on parcels containing SMAs.

Discretionary development that would occur under the General Plan Update would be sited and designed to avoid impacts to the movement of native resident migratory fish or wildlife species and to avoid established native resident or migratory corridors and wildlife nursery sites. Such areas are identified in biological resource maps, Humboldt County GIS layers, and the California Natural Diversity Database. The County uses these tools to assess whether or not new development would potentially impact the movement of wildlife, and to ensure that such impacts would be avoided through project design, siting, and conditions of approval.

Exhibit C

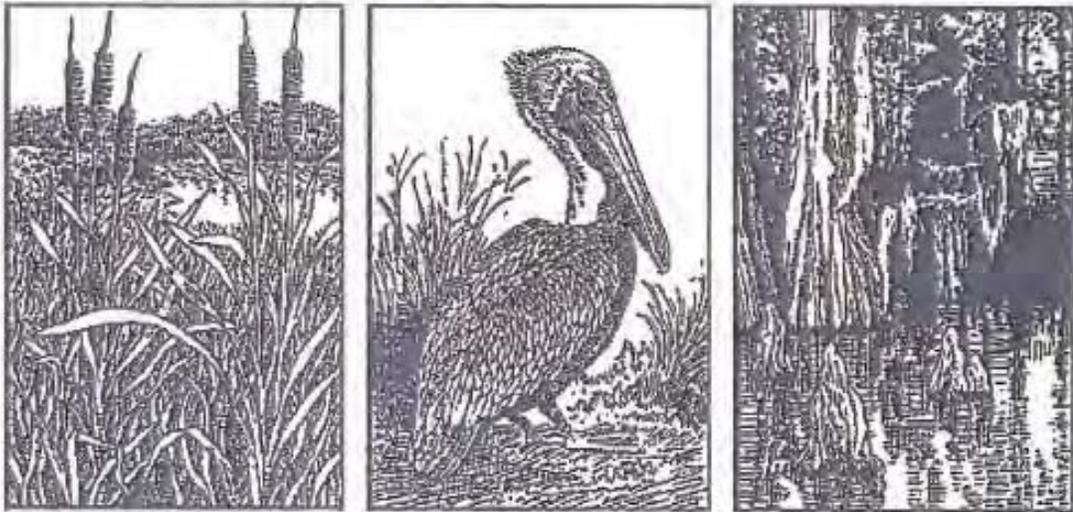


**US Army Corps
of Engineers**
Waterways Experiment
Station

Wetlands Research Program Technical Report Y-87-1 (on-line edition)

Corps of Engineers Wetlands Delineation Manual

by Environmental Laboratory



Part II: Technical Guidelines

24. The interaction of hydrology, vegetation, and soil results in the development of characteristics unique to wetlands. Therefore, the following technical guideline for wetlands is based on these three parameters, and diagnostic environmental characteristics used in applying the technical guideline are represented by various indicators of these parameters.

25. Because wetlands may be bordered by both wetter areas (aquatic habitats) and by drier areas (nonwetlands), guidelines are presented for wetlands, deepwater aquatic habitats, and nonwetlands. However, procedures for applying the technical guidelines for deepwater aquatic habitats and nonwetlands are not included in the manual.

Wetlands

26. The following definition, diagnostic environmental characteristics, and technical approach comprise a guideline for the identification and delineation of wetlands:

- a. *Definition.* The CE (*Federal Register* 1982) and the EPA (*Federal Register* 1980) jointly define wetlands as: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- b. *Diagnostic environmental characteristics.* Wetlands have the following general diagnostic environmental characteristics:
 - (1) *Vegetation.* The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in a above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic

soil conditions.¹ Indicators of vegetation associated with wetlands are listed in paragraph 35.

- (2) *Soil.* Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions. Indicators of soils developed under reducing conditions are listed in paragraphs 44 and 45.
- (3) *Hydrology.* The area is inundated either permanently or periodically at mean water depths ≤ 6.6 ft, or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation.² Indicators of hydrologic conditions that occur in wetlands are listed in paragraph 49.

- c. *Technical approach for the identification and delineation of wetlands.* Except in certain situations defined in this manual, evidence of a minimum of one positive wetland indicator from each parameter (hydrology, soil, and vegetation) must be found in order to make a positive wetland determination.

Deepwater Aquatic Habitats

27. The following definition, diagnostic environmental characteristics, and technical approach comprise a guideline for deepwater aquatic habitats:

- a. *Definition.* Deepwater aquatic habitats are areas that are permanently inundated at mean annual water depths >6.6 ft or permanently inundated areas ≤ 6.6 ft in depth that do not support rooted-emergent or woody plant species.³
- b. *Diagnostic environmental characteristics.* Deepwater aquatic habitats have the following diagnostic environmental characteristics:
 - (1) *Vegetation.* No rooted-emergent or woody plant species are present in these permanently inundated areas.
 - (2) *Soil.* The substrate technically is not defined as a soil if the mean water depth is >6.6 ft or if it will not support rooted emergent or woody plants.

¹ Species (e.g., *Acer rubrum*) having broad ecological tolerances occur in both wetlands and non-wetlands.

² The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime and occurs in both tidal and nontidal situations.

³ Areas ≤ 6.6 ft mean annual depth that support only submergent aquatic plants are vegetated shallows, not wetlands.

Responses to Mercer Fraser - Letter C3

Comment C3-1: The comment questions whether Mitigation Measure 3.11.3.2 is necessary. The commenter does not consider the definition of wetlands straw-voted by the Board to be flawed in the first place, and secondly, does not consider the replacement language in the mitigation measure to be an improvement because it conflicts with the Corps' current wetland definition.

Response to Comment C3-1: This mitigation is proposed to address the definition of wetlands straw-voted by the Board which contains the language that a wetland is an area that both contains substrate that is "predominantly undrained hydric soil" and at the same time, the substrate is "non-soil". While there may conceivably be circumstances where wetlands are both soil and non-soil at the same time, this language seems to be contradictory on its face, and is therefore unnecessarily confusing to the users of the GPU.

To clarify Standard BR-S11 consistent with the commenters request to be consistent with the US Army Corps definition of wetlands, which is also the intent of the wording straw-voted by the Board, Mitigation Measure 3.11.3.2 in the DEIR is revised to substitute the Corps' definition of wetlands into BR-S11:

"Mitigation Measure 3.11.3.2. Replace BR-S11 with the below definition of wetlands:

BR-S11. Wetlands Defined. The County shall follow the US Army Corps of Engineers Wetland Delineation manual in the identification and classification of wetlands which considers wetlands as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation."

Letter C4 Humboldt Coalition for Property Rights

**Humboldt County General Plan Update
Revised Draft Environmental Impact Report (RDEIR)**

Review of RDEIR for Inconsistencies and Conflicts

Compiled on behalf of Humboldt Association of Realtors,
Humboldt Coalition for Property Rights,
and North California Association of Home Builders

Table of Contents

I. Concerns regarding the RDEIR's treatment of cannabis cultivation and the CMMLUO.....Page 3

II. Concerns regarding proposed changes to General Plan Standard BRS-11, Wetlands Defined.....Page 5

III. Concerns regarding RDEIR's evaluation of economic and social effects.....Page 6
a. Analysis of the Economic Development element.....Page 6
b. Analysis of regulatory constraints.....Page 7
c. Water capacity for industrial and commercial use.....Page 8

IV. Concerns regarding RDEIR's discussion of maximum build-out potential and densities.....Page 9
a. Projected build-out density.....Page 9
b. Acreage for industrial and commercial use.....Page 9
c. Cumulative Impacts.....Page 10

V. Numerical and Table Inconsistencies.....Page 11
a. Available water and wastewater capacity.....Page 11
b. Total available acreage.....Page 12
c. Acreage for industrial and commercial use.....Page 12
d. Incorrect table provided.....Page 12

VI. Mitigation Measures which do not meet CEQA/EIR requirements.....Page 13

VII. Policies lacking Implementation Measures.....Page 14

VIII. Concerns regarding the lack of an Implementation Action Plan.....Page 15

IX. Miscellaneous Items.....Page 16

Appendix A – Mitigation Measures which do not meet CEQA requirements.....Page 17

Appendix B – Policies lacking Implementation Measures.....Page 21

I. Concerns regarding the RDEIR's treatment of cannabis cultivation and the CMMLUO

Beginning on Page 3.2-7, the RDEIR discusses the existence, historical basis, and potential impacts of the commercial cannabis industry in Humboldt County. Though the discussion of cannabis cultivation goes on for some length, the RDEIR goes on to state that “the environmental impacts of the future regulatory program will be evaluated in a separate environmental document, and are therefore not discussed any further in this EIR” (RDEIR Page 3.2-9).

RDEIR Page 1-2, section 1.1.1. Paragraph 2., Tiering and Required approvals, states:

“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...”

It is our position that failure to more adequately address the broad environmental impacts of illegal cannabis cultivation, regulated commercial cannabis production, and the impact of the CMMLUO is a flaw in the RDEIR that violates the California Environmental Quality Act's guidelines pertaining to the requirements of a General Plan's EIR.

The RDEIR does not analyze and discuss the “significant broad environmental impacts” due to recent changes in the zoning maps and ordinance(s) that accommodated the cannabis industry in the CMMLUO. Similarly, the RDEIR does not analyze and discuss the economic and equitable impacts of the net loss of industrial zoned lands for commercial and industrial uses other than for the cannabis industry.

In several sections in the document, the RDEIR does discuss some of the impacts that will arise due to advancement of the CMMLUO, and which are already present due to historical cannabis cultivation activity. For example, Beginning on page 3.2-7, the RDEIR states:

“New roads have been bulldozed into the landscape without permits or proper design to prevent erosion. Traffic on unpaved roads is estimated to contribute as much as 60% of Humboldt County's PM₁₀, the only criteria air pollutant for which the County exceeds established standards.”

The County lightly touches on the effects of the cannabis cultivation, and by extension the CMMLUO, is having on resources lands. This acknowledgment of the implications of cannabis cultivation is appreciated.

However, what is conspicuously missing from the RDEIR is the discussion of its impacts with respect to *each chapter of the GPU*.

Despite the awareness of those impacts, the document states that there will not be discussion and analysis here in this RDEIR on CMMLUO, rather there is to be a separate EIR for the CMMLUO that provides mitigation via an outside agency's Environmental Review and its mitigation measures.

There are goals, policies, standards and implementation measures regarding medical cannabis

C4-1

cultivation in the General Plan. There has to be discussion and analysis of it in this RDEIR for the General Plan per CEQA. If not rectified, the decision makers and the public are provided with an inaccurate and incomplete analysis.

C4-1

In addition, the Notice of Preparation that was issued in 2007 is now severely out of date, particularly in relation to existing environmental conditions on the ground. The impacts of cannabis cultivation in Humboldt County have increased exponentially over the past decade, and particularly over the last five to seven years. It is our concern that the RDEIR's discussion of cannabis impacts is inadequate because it is derived from a baseline that was established over a decade ago.

RDEIR Page 1-3. Section 1.3.1., Scoping the Issues to be Discussed in the EIR, states:

C4-2

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 NOP was circulated in 2007, and the formal comment period for that first GPU NOP was from January 22, 2007 to February 22, 2007. This period was prior to the Humboldt County Planning Commission had making its recommendations on the GPU, and nine years prior to the Humboldt County Board of Supervisors' review of the GPU. This process created inconsistencies as well as confusion about which of the various drafts formed the actual basis for the environmental analysis.

II. Concerns regarding proposed changes to General Plan Standard BRS-11, Wetlands Defined

In 2014, following significant debate and public input, the Board of Supervisors voted upon the language of Standard BRS-11, Wetlands Defined, and arrived at the following definition:

BR-S11. Wetlands Defined. ~~The County shall follow the identification and classification policies of the Department of Fish and Game which considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one all of or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. Straw Vote: 4-1 (Lovelace) 9-8-14 (RDEIR Appendix A, Pg. A-78)~~

The RDEIR proposes the following changes to the language, which appears thusly on Page 3.11-14:

Mitigation Measure 3.11.3.2. Replace BR-S11 with the below definition of wetlands:

"BR-S11. Wetlands Defined. The County considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. ~~Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.~~ An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shall allow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation."

The logical reasoning for the change, that "This definition does not work well because areas cannot logically have both hydric soil substrate and non-soil substrate at the same time" (RDEIR 3.11.3.1., Pgs. 3.11-12), is incorrect. An example of a situation in which hydric soil substrate and non-soil substrate can coincide is sand.

Furthermore, the proposed changes stand to have a significant impact on the identification of wetlands in Humboldt County, and a significant impact on the economic viability of commercial, industrial, or residential uses that center on areas which would potentially be re-classified as wetlands under the proposed changes. The proposed language creates ambiguity and the potential for interpretation of the term "wetlands" that is not in keeping with the intent of the Board of Supervisors as reflected by their straw vote from September 9, 2014. We suggest refraining from making any changes to the language approved by the Board of Supervisors, as the proposed modification amends what has been previously agreed upon without public discussion or input.

C4-3

III. Concerns regarding RDEIR's evaluation of economic and social effects

Section 21083(c) of CEQA guidelines requires an agency to determine that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly. The RDEIR largely ignores vetting the vast majority of policies, goals, and implementation measures contained within the proposed General Plan with considerations given to social or economic impacts.

A 2015 ruling by the CA Supreme Court in *California Building Industry Assoc. v. Bay Area Air Quality Management District* (Dec. 17, 2015) *Cal.4th* does establish that “CEQA generally does not require an analysis of how existing environmental conditions will impact a project’s future users or residents.” (2016 CEQA State Guidelines Pg. Xxiv). However, that ruling applies only to existing conditions, and not to conditions which may be created as a result of the implementation of the proposed General Plan.

C4-4

Further, leeway is sometimes given to the lead agency preparing an EIR to determine whether analyzing impacts of a social or economic nature is necessary. This may have been the position taken in the preparation of this specific RDEIR document. However, due to the exhaustive number of policies and new regulations contained within the proposed General Plan which stand to have extremely significant impacts on the social and economic fabric of Humboldt County, failure to address those potential impacts is in conflict with the intent of both the proposed General Plan and EIR.

Furthermore, the Section 21083(c), as discussed in *CBLA v. BAAQMD*, is still codified in the language presented in the most up-to-date CEQA State guidelines.

a. Absence of analysis of the Economic Development element

A majority of policies, goal, implementation measures, etc., contained within the General Plan's Economic Development element undoubtedly stand to have far-reaching effects on both the environment and on the human residents of Humboldt County.

The RDEIR states that the Economic Development element is an optional element. We wish to note that a number of optional elements in the GPU are fully analyzed in the RDEIR – this creates an inconsistency in the approach to the General Plan and seems to conflict with the notion that an EIR should examine all facets of a General Plan that have potential for significant environmental impacts.

C4-5

In keeping with 21083(c), in which CEQA requires an agency to determine that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly, we were anticipating a section which would examine potential impacts of the GPU on industrial and commercial growth. We were similarly anticipating an entire section on jobs, commercial uses and industrial uses to be in this section, or at least within this document as is required by CEQA. Jobs, or the lack of them, resulting from the regulatory zoning constraints on available develop-able lands directly and significantly impacts people and their families.

b. Analysis of regulatory constraints

A number of policies in the proposed General Plan would place regulatory constraints on both private and public lands. Whether the reasoning behind creating these regulatory constraints is sound or not, the RDEIR fails to address how these regulatory constraints may or may not impact the environment, the economy, or the people of Humboldt County.

From RDEIR Page 2-23, Section 2.5:

“The resulting developable acreage is shown in Table 2.5-1. Approximately 1,491,900 acres will therefore likely remain in open space, resource production, and recreational uses, with little or no development. There remains 748,861 acres of vacant and underdeveloped area available for development without these physical constraints. That area could theoretically provide for as many as 38,972 additional dwelling units in the unincorporated area of the County if developed at the full density allowed for each land use designation as proposed in the GPU. The GPU provides ample room for future development, even without the areas with significant physical constraints.”

C4-6

The above statement holds that County policy under the proposed plan would allow for a significantly larger number of new dwelling units than the RDEIR anticipates and accounts for. Per CEQA, the County must address the potential impacts of the GPU, particularly when those impacts would be explicitly allowed and/or created by the implementation of the General Plan. County policy pertaining to land use, zoning, and development regulations will be the direct cause of these foreseeable impacts.

Conversely, assuming that the apparently conflicting statements and tables in the RDEIR are a correct measure of available developable land within Humboldt County, the general plan does not allow for this level of development. There is an insufficient amount of appropriately zoned land for the theoretical 38,972 additional dwelling units, and there is similarly an inadequate amount of land zoned for the commercial and industrial services that would be required to support the families residing in those new dwelling units.

A further illustration of the RDEIR's failure to examine regulatory constraints can be found in the discussion in RDEIR Section 3.16, Scenic Resources, particularly with regards to limitations on development that would impinge upon “scenic” vistas. This excerpt from 3.16 Pg. 3.16-7 demonstrates the potential problems:

The General Plan Update land use diagram largely maintains existing resource and open space land use designations, which would serve to limit the development of forested and agricultural open space lands. In addition, in Conservation and Open Space Element, Scenic Resources, Policy SR-P1, Development in Identified Scenic Viewsheds, in combination with Implementation Measure SR-IM1, Mapping of Scenic Areas and Scenic Highways, would identify and map scenic areas and allow development within such lands only in a manner consistent with natural slopes and contours. Scenic viewsheds are not currently identified or mapped, and would be mapped as part of a public process as an implementation of the General Plan Update. Standard SR-S1, Development in Mapped Scenic Areas, requires that discretionary and ministerial development avoid visual disturbance of natural contours, hilltops, tree lines, forest landscapes, bluffs and rock outcroppings, to the maximum extent feasible. It further requires that roads and public utility corridors be as narrow as feasible and follow natural contours, natural features disturbed by construction be restored as close to natural condition as feasible, and prohibits new off-premise

C4-7

billboards.

A number of issues arise from the implications of this text with regards to regulatory constraint. If the concepts described are proposed to apply to private property, this would represent a significant regulatory burden. It would lead to significant angst for private property owners, substantial new costs on new development, would economically encumber many tens of thousands of acres in Humboldt County, and would be inconsistent with goals stated in both the Economic Development and Conservation and Open Space elements (ED-G1, ED-G2, CO-G1).

C4-8

There is no analysis of this concept that justifies such an encumbrance for private landowners. In viewing the full text of the chapter, it seems that free rein is granted to the County to designate an alarmingly significant amount of land as “scenic” without providing any basis for how the process of designating and mapping “scenic” areas would occur. This improper delegation of authority is not analyzed whatsoever for its potential social and economic impacts.

Further, no definition of terms that are crucial to the reading of this section are provided in either the proposed General Plan or in the RDEIR. Without definitions for key terms herein (e.g., “identified scenic view shed”, “visual disturbance of natural contours”, “hilltops”, “tree lines”, “forest landscapes”, “bluffs and rock outcroppings”), it is impossible to understand the scope or impacts of the proposed goals, policies, standards and implementation measures. There is a lack of quantifiable measures by which to analyze the impacts of such a policy.

c. Water capacity for industrial and commercial uses

There is a conspicuous lack of discussion regarding wastewater and water capacity for industrial and commercial uses and development. The RDEIR discusses the capacity available for newly constructed dwelling units at length and in great detail; however, the omission of the same discussion with regards to industrial and commercial uses continues a trend of minimizing concern for industrial and commercial uses.

C4-9

The RDEIR's discussion of water and wastewater capacity occurs on RDEIR Pages 3.3-42, -55. Although text within those pages generally acknowledges the potential for increased need for water capacity for commercial or industrial use, the lack of detail in those discussions is blatant when compared to similar discussions with regards to residential dwelling units.

IV. Concerns regarding RDEIR's discussion of maximum build-out potential and densities

a. Projected build-out density

The RDEIR states that “The estimated maximum feasible housing development potential of the General Plan Update land uses is far greater (38,972 housing units) than can reasonably be expected to be developed within the planning period of the General Plan (2016-2040)” (RDEIR 2-23). It also provides: “The proposed General Plan Update (GPU) establishes land use patterns and policies to guide development in a manner consistent with State law. The GPU has a 20 - 25 year planning horizon and there is more than enough allocated land use to meet projected demands for residential, commercial, and industrial uses during this period.” (RDEIR 2-9).

The fundamental assumption of the law is that general plans guide for future development within the plan area for a given plan period. There is no analysis or discussion in this RDEIR as to how the maximum growth levels stated above can be accommodated in an environmentally balanced way if the community or the populace of a given area experiences growth. Discussion of the General Plan should not be limited to projected levels of growth, but rather on the potential maximum build-out density. Though it may seem far-fetched at this point in time, growth to that level is possible. According to the RDEIR, the County's own policies, land use designations, and zoning allow for the maximum build-out to occur. The RDEIR must analyze the level of growth that the acreage in the county allows.

Furthermore, Table 2.5-1 shows that the anticipated need for housing units in the County's unincorporated areas at peak projected population is 1,721 units. In addition to concerns stated above regarding the need to account for increased or maximum potential growth should it occur, it is also highly likely that a significant number of those anticipated 1,721 units needed by 2028 have already been constructed without the knowledge of the County of Humboldt, primarily as result of cannabis cultivation in unincorporated areas and the construction of dwelling units and structures related to the support of those activities. While this is not an issue that the RDEIR or County need address directly, it underscores the danger of assumption when considering anticipated build-out levels.

b. Acreage for industrial and commercial use

Table 3.7-5 lists a total acreage of land planned for industrial uses by community planning areas for the IG and IR plan designations. However, that total only reflects the inland areas of the County. This is noteworthy, because in Section 3.4, Public Services, the RDEIR claims that there is sufficient land zoned for commercial and industrial uses in the County, but also states that the majority of that land is located in and around Humboldt Bay and/or the coastal zone.

The inconsistency arises when one considers that the RDEIR does not otherwise address any of the areas located in the coastal zone, instead deferring discussion of those areas to the Local Coastal Plan, yet opts to include them in its inventory of industrial and commercial land. If those areas are included in the General Plan or the RDEIR as areas that will likely undergo future development, they need be addressed and the impacts of that development accounted for.

C4-10

C4-11

A further illustration of the complexity and conflicting statements regarding the coastal zone can be found in Mitigation Measure 3.10.3.4.a (RDEIR pg. 3.1-35), which reads:

Mitigation 3.10.3.4.a. The following Safety Element implementation measure shall be added to require the County address new development in tsunami hazard areas:

S-S7. Tsunamis. *New development below the level of the 100-year tsunami run-up elevation shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, pipelines, and dredge spoils disposal.*

C4-12

While assuming that the above mitigation measure does not preclude private development in the tsunami run-up zone entirely, but rather would require such development to occur at elevation above the run-up elevation, this mitigation measure clearly illustrates an intent in the RDEIR to regulate activity in the coastal zone. However, the intent and attention to the coastal zone is not consistent throughout the RDEIR.

c. Cumulative Impacts

As an extension of the RDEIR's focus on an estimated need for development as compared to the maximum possible level of build-out density, section 5.2 of the RDEIR, Cumulative Impacts, also vastly underestimates the potentially massive impacts on public services that the General Plan may stand to produce.

The discussions of Impact 3.3.3 - Utilities and Services, Impact 3.3.3.2 - Water supply, Impact 3.4.3.1 - Schools, Impact 3.4.3.2 - Fire Protection, and Impact 3.4.3.3. - Law Enforcement are all based on the assumption of the RDEIR that relatively low-levels of development will occur. While this may be true, the fact is that the proposed General Plan's potential development impacts would leave all of these services woefully unable to cope with higher level of service demands.

C4-13

V. Numerical and Table Inconsistencies

a. Available water and wastewater connections

The primary numerical inconsistencies identified within the RDEIR revolve around numerical differences in values set forth in narrative text and corresponding tables. The most prevalent inconsistency of that nature occurs in the RDEIR's discussion of the current and projected capacity of a number of Community Service Districts in various areas of Humboldt County.

For example, RDEIR Table 3.3-1 shows that the Loleta Community Services District has 258 water connections, and that there are an additional 56 water connections available. However, narrative text in the RDEIR found on page 3.3-15, "Loleta Community Services District," cites a 2008 LAFCo report which states that "The [Loleta Community Services] District believes that they can supply an additional 60-70 (40 to 50 based on Building Permit data as of 2016) homes." This apparent inconsistency in numbers is confusing, especially when one considers that the RDEIR does not mention the number of available connections for certain CSD's at all in the narrative text pertaining to those CSD's.

C4-14

For example, Table 3.3-1 and Table 3.3-2 show that additional water and wastewater connections are available for a number of CSD's which are not reflected in the narrative text of the RDEIR.

To illustrate, Table 3.3-2 shows that the Garberville CSD has 353 existing wastewater connections, and that there are an additional 180 connections available. However, the RDEIR does not explicitly state that there are additional connections available for Garberville. The inconsistency between the numbers presented in Table 3.3-1 and Table 3.3-2 and as presented in corresponding narrative text, in addition to the inconsistency in which the capacity of individual CSD's, is confusing.

These two issues with consistency between RDEIR text and tables concerning the carrying capacity of water and wastewater districts apply to the following:

Garberville CSD, Weott CSD, Loleta CSD, Riverside CSD, Scotia CSD, Orleans CSD, Willow Creek CSD, Hydesville CWD, Orick CSD, Fieldbrook/Glendale CSD, RID (Shelter Cove), and Manila CSD.

b. Total available acreage

Table 3.2-3 shows total number of available acreage for lands designated T, AE, and AG. The table shows there are 897,026 available T-designated acres, 76,311 available AE-designated acres, and 377,838 available AG-designated areas, for a total of 1,351,175 available acres.

C4-15

Those numbers are inconsistent as compared to tables 3.2-4 through 3.2-15, which provide total available acreage for lands designated T, AE, or AG, in specific and smaller geographic areas located in Humboldt County.

The totals for tables 3.2-4 through 3.2-15 show there are 893,840 available T-designated acres, 113,608 available AE-designated acres, and 381,846 available AG-designated acres, for a total of 1,389,294 available acres. This represents a 38,119 acre discrepancy between the tables.

C4-15

c. Acreage for industrial use

RDEIR page. Table 3.7-5 (pp 7-21, -22) lists a total of land planned for industrial uses by community planning areas for the IG and IR plan designations. However, that total only reflects the inland areas of the county. This is noteworthy, because in section 3.4, Public Services, the RDIER makes the claim that there is sufficient land zoned commercial/industrial in the county – primarily in and around Humboldt Bay and/or in the coastal zone.

C4-16

Further, the industrial acreages shown in Table 3.7-5 are inconsistent with those shown in Table 2.5-1 on page 2-24.

d. Incorrect table provided

RDEIR Pg. 3.7-21 through 3.7-23 contain numerous incorrect references to Table 3.7-4 Land Planned for Industrial Uses. Table 3.7-4 appears on 3.7-16 and is titled Summary of Humboldt County Risk Assessment. We assume that the incorrect references to Table 4.7-4 contained in RDEIR Pgs. 3.7-21 through 3.7-23 are meant to reference Table 3.7-5, found on Pg. 3.7-21.

C4-17

VI. Mitigation Measures which do not meet CEQA/State EIR requirements

Paragraph 4 of the RDEIR, Page 1-2, Section 1.1.1 states:

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.

Of concern is that some of the “mitigation measures” listed throughout this Program EIR do not meet the criteria for mitigation as laid out in CEQA. Mitigation measures must be measurable or quantitative measures attainable in a reasonable time frame, and no mitigation can be deferred to another report or future action. Many of the “mitigation measures” in the RDEIR call for deferral or stipulate that future yet unspecified action will be taken to accomplish their mitigation goals.

In a number of instances, some items identified as “mitigation measures” are similar in wording to goals, policies, standards or implementation measures that were formally rejected by the planning commission in their review of the draft general plan update.

There is absolutely no objection to presenting the “mitigation” items in question which are currently identified as mitigation measures, but would more appropriately be identified as new or modified goals, policies, standards or implementation measures, to the Board of Supervisors for consideration and re-circulation; however, they should not be identified as mitigation.

In other instances, impacts are lacking mitigation measures where they require one. This often results from either relying on the efforts of other agencies or underestimating the level of significance to which an impact rises.

The following impacts lack mitigation measures: 3.3.3.1, 3.3.3.3, 3.4.3.1, 3.4.3.2, 3.4.3.3, 3.11.3.1, 3.11.3.3, 3.12.4.3, 3.13.4.1, 3.14.3.2, 3.15.3.2, 3.17.4.1, 3.17.4.2

The following items are mitigation measures which do not comply with CEQA requirements: 3.5.3.1a, 3.5.3.2a, 3.11.3.2, 3.11.3.5, 3.15.3.1, 3.15.3.1a, 3.16.3.1, 3.16.3.2, and 3.16.3.3a

The items which do not comply with CEQA requirements are shown, in full, in Appendix A of this document.

C4-18

VII. Policies lacking Implementation Measures

There are a number of policies present in the General Plan that lack implementation measures which explicitly demonstrate the manner in which the aim of the policy is to be carried out. This is a defect per the state guidelines which dictate the requirements of a General Plan.

As it pertains to the RDEIR, it is our concern that policies which may have future impacts but lack implementation measures are difficult to evaluate from an EIR standpoint as there is no indication of what the impacts of carrying out that stated policy goal may be.

For example, consider Urban Lands - Policy P2:

“UL-P2. Streamlined Subdivision Approval. The County shall streamline the approval process for subdivisions located in designated Housing Opportunity Zones within Urban Development Areas.”

Without an implementation measure to accompany this policy, it is impossible to gauge whether the method by which the County shall streamline the approval process for the type of subdivision referenced above will have an impact at all, let alone whether that impact is significant.

Again, with regards to the RDEIR, the evaluation of UL-P2 is inadequate because the RDEIR has no stated or implied potential impact(s) arising from implementation which it can address.

Below is a list of all policies we were able to locate; potentially, there are policies which lack implementation measures which we did not identify remaining in the General Plan.

Policies lacking implementation measures:

GP-P10, UL-P2, UL-P9, UL-P11, UL-P15, UL-P17, UL-P18, UL-P19, UL-P20, UL-P21, UL-P21, RL-P1, RL-P2, RL-P3, RL-P4, RL-P6, RL-P7, AG-P2, AG-P7, AG-P9, AG-P11, AG-P12, AG-P13, AG-P14, AG-Px, AG-Pxx, FR-P8, FR-P9, FR-PX, FR-PX2, FR-P11, FR-P14, FR-PX3, FR-P16, FR-P19, IS-PX, IS-P20, IS-P21, C-P4, C-P5, C-P8, C-PX, C-P9, C-P10, C-P13, C-P17, CP-19, C-P27, C-P28, C-P30, C-P32, C-P35, C-P36, C-P?, C-P38, C-P39, C-P40, C-P41, C-P42, C-P44, C-P45, C-P47, C-PX8, ED-P3, ED-P7, ED-P8, ED-P9, ED-P10, ED-P11, ED-P18, ED-P5X, BR-P4, BR-P6, BR-P9, SR-PX, SR-P1, SR-PXX, WR-P1, WR-P2, WR-P4, WR-P5, WR-P6, WR-XX, WR-Px1, WR-P8, WR-P10, WR-P11, WR-P12, WR-Px7, WR-P18, WR-P20, WR-P25, WR-P27, WR-P28, WR-P29, WR-P29x, WR-P31, WR-P32, WR-P33, WR-P33, WR-P34, WR-P40, CO-P1x, CO-P1xx, CO-P4, CO-P7, CO-Px4, N-P1, N-P4, S-P1, S-P2, S-PX7, S-P6, S-P7, S-P8, S-PX1, S-P11, S-PX2, S-PX3, S-PX4, S-P13, S-P25, S-P26, S-P30, E-P2, E-P7, E-P9, E-P9x, E-P10, E-P13, E-P14, E-P15, E-PX2, E-PX3, AQ-P1, AQ-P2, AQ-P4, AQ-P5, AQ-P6, AQ-P7, AQ-P8, AQ-Px, AQ-P11, AQ-P12, AQ-P13, AQ-P15, H-P3, H-P6, H-P7, H-P10, H-P12, H-P13, H-P29, H-P30, H-P31.

C4-19

VIII. Concerns regarding the lack of an Implementation Action Plan

Per Government Code Section 65564, *“Every local open-space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.”*

The County has yet to produce an Implementation Action Plan. The general plan includes a placeholder for such a plan, but the failure to circulate the implementation action plan for public review renders the general plan update process inadequate. The public must be given the opportunity to evaluate the implementation action plan in light of the GPU and to provide comments on the implementation action plan. Until the implementation action plan is complete and provided for public review, the County cannot approve the GPU.

C4-20

A thorough implementation action plan includes the following:

- The specifics of the mitigation measure and how it will be designated and implemented.
- Identify measurable performance standards by which the success of the mitigation can be determined.
- Provide for contingent mitigation if monitoring reveals that the success standards are not satisfied.
- Identify the agency, organization or individual responsible for implementing the measure.
- Identify the specific locations of the mitigation measure.

IX. Miscellaneous Issues

- A significant number of items in this RDEIR state certain policies, goals, implementation measures, etc., are to be given “priority” consideration, or are a “priority” of the plan. However, per the ruling of *Sierra Club v. Bd. Of Supervisors (1981) 126 Cal.App.3d 698, 704*, all sections, policies, goals, etc., of a plan must stand on equal footing and cannot be prioritized over or subverted by any other item of the plan. This is not to say that the word “priority” is impermissible as a whole, but is inappropriate in places which attempt to give priority to a policy, goal, or proposed action at the expense of another. A suggestion would be to simply alter the word “priority” to a similar descriptor, such as the word “focus”.
- A number of references are made to the Ridgewood Village Draft EIR, notably on page 3.4-18; it is our understanding that this document cannot be relied on in the RDEIR in any manner because the EIR for that project was never accepted or certified by the County of Humboldt.
- RDEIR Chapter 4, Evaluation of Plan Alternatives, does not address General Plan Alternative C. The beginning of Chapter 4 discusses the RDEIR's reasoning for precluding Alternative C; however, in light of CEQA requirements regarding discussion of plan alternatives, this seems to be a deficiency.

C4-21

C4-22

C4-23

APPENDIX A – RDEIR REVIEW

Mitigation Measures which do not meet CEQA Requirements

Mitigation 3.3.3.2.a: The following implementation measure shall be added to the Water Resources Element to ensure that water supply and availability is fully characterized within each watershed where such information is not adequately known:

WR-IMx. Water Supply Evaluation and Monitoring. Conduct watershed level evaluations within two years after the adoption of the General Plan Update to determine the long term surface and groundwater supply, including seasonal, average, dry year, and multiple dry year supplies, and beneficial uses of water to determine an estimate of the quantity of water available for future development. Work with water and wastewater related special districts, regulators, and other appropriate organizations to monitor watershed conditions.

Mitigation 3.5.3.1.a. The following policies shall be added to the Circulation Element and would require the implementation of transportation demand management programs with new larger scale development in the unincorporated area.

C-P3. Consideration of Transportation Impacts in Land Use Decision Making. Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences.

C-Px9. Regional Transportation Demand Management Funding. Encourage HCAOG to seek funding to support transportation demand management planning and to promote strategies that can lower the demands made on the road and highway system, reduce energy consumption, and improve air quality.

C-Px10. Transportation Demand Management Programs. Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.

C-IMX6. Transportation Demand Management. Amend the Zoning Regulations to include criteria for the development and implementation of transportation demand management programs as required by this Plan.

Mitigation Measure 3.5.3.2.a. Amend existing policies and add the following implementation measure to the Circulation Element that establishes a multi-faceted program to lessen impacts relating to traffic congestion:

***C-Px. Countywide Traffic Impact Fee Program.** In coordination with the cities within the County, shall develop and implement a countywide traffic impact fee program that addresses impacts on major roads resulting from development in cities and unincorporated areas. Adopt this fee within one year of the adoption of the General Plan Update. A traffic impact fee is currently being evaluated for the Greater Eureka Area, encompassing the Eureka urbanized area.*

Mitigation Measure 3.11.3.2. Replace BR-S11 with the below definition of wetlands:

“BR-S11. Wetlands Defined. The County considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.”

Mitigation Measure 3.11.3.5.a. To avoid impacts to established Habitat Conservation Plan areas through direct conversion to other uses, the following policy shall be added to the Conservation and Open Space Element, Biological Resources section that states the following:

***BR-IM1. Biological Resource Maps.** The County shall maintain the best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, Habitat Conservation Plan Areas, rookeries, and ranges of species identified in the California Natural Diversity Database.*

Mitigation Measure 3.12.4.2: Add Implementation Measure AQ-IM7 to the Draft General Plan as follows:

AQ-IM7. Regulate the location and operation of land uses to avoid or mitigate harmful or nuisance levels of air emissions to the following sensitive receptors: residential uses, hospitals and nursing/convalescent homes, hotels and lodging, schools and day care centers and neighborhood parks. New development shall follow the recommendations for siting new sensitive land uses consistent with the ARB’s recommendation as shown in Table 3.12-4.

Mitigation 3.15.3.1.a. In order to protect existing parkland from deterioration that could result from development pursuant to the General Plan Update, the following Policies and Implementation Measures shall be added to the Community Infrastructure and Services Element:

IS-Px. Parks Master Plan. *In cooperation with other park service providers, the County shall establish and maintain a Parks Master Plan that would assess current facilities within each inland and coastal planning area, determine appropriate locations for new facilities, and identify funding options.*

IS-Sx. Interim Parks and Recreation Standards. *Parks and recreation standards contained in the Government Code Section 66477 shall be used as the standard for parkland dedication in the review of divisions of land for which a tentative map is required pursuant to Section 66426, until such time that the County has established parks and recreation standards for new development that differentiate between urban and rural settings; specify acreage of park land of 3 acres per 1,000 residents; and specify land dedication, in-lieu fee, or other mechanisms to fund park and recreation improvements and funding for operation and maintenance.*

Mitigation 3.16.3.1.a. Standard SR-SXXX, Scenic Highway Map, shall be added to the General Plan Update to reduce potential adverse impacts to scenic highways that could be caused by ministerial projects until SR-IM1, Mapping of Scenic Areas and Scenic Highways, is implemented:

SR-SXXX. Scenic Highway Map. *Until such time as a General Plan Scenic Highway Roadway Map is prepared and adopted, Humboldt County Highways listed in Sections 263.1 through 263.8 of the California Streets and Highways Code shall be considered to be Scenic Highways pursuant to Policy SR-P3, Scenic Highway Protection, and the County shall address the potential for significant impacts to scenic resources during ministerial and discretionary permit review.*

Mitigation 3.16.3.2.a. The following policy would lessen potential impacts to natural amenities that are important to visual character:

BR-Px. Landmark Trees. *Establish a program to identify and protect landmark trees, including trees that exhibit notable characteristics in terms of their size, age, rarity, shape or location.*

Mitigation 3.16.3.3.a . In order to minimize light trespass, light pollution, and glare, new development and projects that would make significant parking lot improvements or add new lighting would be required to prepare a lighting plan. The following new program would need to be added to the Scenic Resources Chapter of the Conservation and Open Space Element:

***SR-IMX Lighting Design Guidelines.** Amend the Zoning Regulations to include lighting design guidelines for discretionary projects. Require new development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these guidelines. Lighting design guidelines should address:*

A. Intensity – Acceptable standards shall be defined for various land uses and development types specifying the maximum allowable total lumens per acre.

B. Directional Control – Standards shall be developed to minimize the upward transmission and intensity of light at various distances from its source through the use of full-cutoff lighting, downward casting, shielding, visors etc.

C. Signage – Standards with respect to illuminated signs shall be developed that prohibit or limit the size, spacing, design, upward transmission of light, and hours of operation. In addition, signs should be white or light colored lettering on dark backgrounds.

D. Night Lighting – Hours of operation for various uses shall be specified in order to prohibit all night lighting except when warranted for public safety reasons. On demand lighting shall be encouraged.

E. Incentives – The County shall develop incentives for residents and businesses encouraging the conversion of existing lighting sources to compliant ones.

F. Enforcement – These standards shall be incorporated into the County Development Code and design review process for new development.

APPENDIX B – RDEIR REVIEW

Policies lacking Implementation Measures

Chapter 4. Land Use

<p>GP-P10. Conversion of Resource Lands. Parcels of timber site quality III or higher and prime agricultural lands suitable for resource production should not be included within Urban Expansion Areas unless the County makes a finding that there are no alternatives to increase the Urban Expansion Area on lands less suitable for resource production.</p>
<p>UL-P2. Streamlined Subdivision Approval. The County shall streamline the approval process for subdivisions located in designated Housing Opportunity Zones within Urban Development Areas.</p>
<p>UL-P9. Historic Structures. <u>Retain and restore significant</u> historic resources to serve as focal points of neighborhoods and communities.</p>
<p>UL-P11. Natural Amenities. Encourage <u>the incorporation</u> of natural amenities (i.e. landmark trees and rock outcroppings) into <u>their design new project designs</u>.</p>
<p>UL-P17. High Density Uses Near Parks. The County shall consider planning higher density mixed-uses and/or commercial uses adjacent to parks to promote park use and safety.</p>
<p>UL-P18. Traffic Calming. Traffic calming measures which emphasize pedestrian safety and convenience should be considered for all urban roadway designs. Possible traffic calming measures include chicanes, curb extensions, street trees and traffic circles.</p>
<p>UL-P19. Underground Utilities. Encourage and assist in undergrounding existing utilities.</p>
<p>UL-P20. Landscaping. All designs shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.</p>
<p>UL-P21. Marijuana Cultivation. Cultivation of medical marijuana shall be regulated by ordinance to provide for the health, safety, and welfare of the community but shall not interfere with a patient’s right to medical marijuana.</p>
<p>RL-P1. Compatible with Resource Production. Planned development on rural residential lands adjacent to designated agricultural and timberlands shall be compatible with agriculture and timber production</p>
<p>RL-P2. Water Withdrawal. Cumulative impacts of water withdrawal from surface and groundwater sources and cumulative impacts from on-site sewage disposal systems shall be assessed during the zoning and subdivision, and, in critical watersheds, any other discretionary review of development in all areas designated for rural residential development</p>

<p>RL-P3. Rural Commercial Uses. New tourist, commercial, and retail outlets shall be located within the Rural Community Center land use designation or designated Community Planning Areas or other existing developed areas with development of a similar nature, unless the use meets rural cottage industry standards or is characteristic of, and compatible with, a rural setting.</p>
<p>RL-P4. Fire Safety Hazards. Support implementation of State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and voluntary programs for fuels reduction, dwelling fire protection and creation of defensible space for existing development.</p>
<p>RL-P6. Rural Development in the King Range. All development within the boundaries of the King Range National Conservation Area shall be consistent with the Bureau of Land Management's Management Plan.</p>
<p>RL-P7. Clustered Rural Residential Development. Clustered rural residential development is encouraged on rural lands suitable for development consistent with planned densities. Density bonuses may be provided where significant permanent land dedications are secured.</p>
<p>AG-P2. Support Voluntary Purchase of Development Rights. The County shall support the voluntary purchase of development rights to provide income to farm operations and limit the intrusion of residential development into agricultural lands.</p>
<p>AG-P7. Agricultural Production in Conservation Areas. The County shall support continued agricultural production on lands placed into conservation easements or acquired by public agencies for conservation purposes. Enforceable provisions contained in terms of sale, deeds and conservation easements shall require continued management for agricultural production.</p>
<p>AG-P9. Predator Control. Support predator control programs that comply with federal, state and local laws in order to reduce livestock and other agricultural production losses.</p>
<p>AG-P11. Support Vegetative Management Programs. Support vegetation management programs (controlled burning, etc.) when it is found that they improve the availability and quality of rangeland for livestock and wildlife, reduce the hazard of disastrous wildfires, and increase water quality and quantity.</p>
<p>AG-P12. Advice from Agricultural Community. Seek advice from organizations and affected individuals within the agricultural community for any future evaluation of land areas needed for urban development or for any consideration of requests by Humboldt's Local Agency Formation Commission (LAFCo) to change spheres of influence or urban service boundaries next to or near agricultural lands.</p>
<p>AG-P13. Agricultural Zoning and Parcel Size. Utilize Agricultural Exclusive (AE) and Agricultural Grazing (AG) land use classifications to ensure appropriate parcel sizes and land use for continuing availability of the necessary agricultural land base.</p>
<p>AG-P14. Residential Uses on Timberland Production Zone (TPZ) Lands within Agricultural Preserves. Residential uses on TPZ lands within agricultural preserves shall be consistent with the requirements of the Williamson Act and local Williamson Act Guidelines.</p>

<p>AG-Px. Compliance with Regulations. The County shall place a priority on abatement of violations that result in agricultural land conversion, loss of agricultural productivity or conflicts with neighboring agricultural operations.</p>
<p>AG-Pxx. Protect Productive Agricultural Soils. Development on lands planned for agriculture (AE, AG) shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.</p>
<p>FR-P8. Protection of High Quality Timberlands. Timberlands planned and zoned for timber production should be retained for timber production, harvesting and compatible uses, and reclassification of the Timberland Production Zones (TPZ) shall be done in accordance with the statutory requirements.</p>
<p>FR-P9 Residential Construction on TPZ Zoned Parcels. Recognize the right to construct a residence and accessory buildings under a ministerial permitting process County standard consistent with other Elements of the General Plan when the use does not detract from the growing and harvesting of timber and associated compatible uses.</p>
<p>FR-PX Secondary Residential Construction on TPZ Zoned Parcels. Second residential units may be allowed on TPZ parcels greater than 160 acres; and, may be allowed on TPZ parcel less than 160 acres as a conditional use only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. Seconds units may be allowed on TPZ parcels less than 40 acres within Community Planning Areas.</p>
<p>FR-PX2 Landowner-initiated Rezoning of TPZ Parcels. Landowner-initiated rezoning of TPZ parcels shall be done according to state law (Section 51120 of the Government Code).</p>
<p>FR-P11. Lot Line Adjustments. Lot line adjustments of TPZ parcels may be approved in order to consolidate logical timberland management units or facilitate clustered residential development. Such adjustments shall be in keeping with the spirit and intent of TPZ and shall not result in a net reduction of the area of TPZ available for forest management unless a finding is made by the Board of Supervisors that it is in the public interest.</p>
<p>FR-P14. Public Utilities on TPZ Lands. Where feasible avoid locating federal, state, or local public improvements and utilities in TPZ where the project or land acquisition will have a significant adverse affect on the production of timber or ecosystem services.</p>
<p>FR-PX3. Transfer of Development Rights (TDR) Program. Research and develop, if feasible, a voluntary Transfer of Development Rights program as a method of protecting larger tracts of resource lands based on community input.</p>
<p>FR-P16. Compatible Uses. Lands adjacent to areas designated as Timberlands should be planned for uses compatible with timber management, including timber harvesting activities.</p>
<p>FR-P19. Maintain Public Roads. The County shall maintain public roads and drainage facilities to support log and forest products transportation.</p>

Chapter 5. Infrastructure

<p>IS-PX. Out of Area Service to Address Threats to Public Health. Encourage the Humboldt LAFCo to amend its policies and procedures to allow local agencies to provide new or extended services outside jurisdictional boundaries and outside spheres of influence to respond to existing or impending threats to the public health or safety, consistent with Government Code 56133, without requiring an annexation agreement.</p>
<p>IS-P20. On-Site Sewage Disposal Requirements. Maintain regulations governing construction and maintenance of on-site sewage disposal systems to protect health and safety and to reflect changes in state law and advances in treatment technologies. Recognize and allow the use of alternative onsite sewage disposal systems that meet state standards.</p>
<p>IS-P21. Parks and Recreation Service in Urban Development Areas. Encourage and support special districts to provide neighborhood parks and recreation services within Urban Development Areas.</p>

Chapter 7. Circulation

<p>C-P4. Mitigation Measures. Development with potentially significant circulation impacts as determined by CEQA review shall may be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.</p>
<p>C-P5. Level of Service Criteria. The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for of U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.</p>
<p>C-P8. Coordination Between County Agencies. County Public Works shall coordinate with Community Development Services and consider suggestions from other county departments to encourage uniform implementation of the Circulation Element and County-Wide Transportation Plan.</p>

<p>C-Px. Circulation Planning for Bicycles, Pedestrians and Transit. Circulation planning and project review shall include an assessment for bicycle, pedestrian and public transit access.</p>
<p>C-P9. Acceptance of Roads into the County Maintained Road System. Circulation Element roads, as specified by the County-Wide Transportation plan shall be recommended to the Board of Supervisors for inclusion into the County Maintained Road System. Other roads shall not be recommended for acceptance into the County Maintained Road System unless an exception for public interest is supported by Public Works and adequate funding for the future maintenance of the road and its associated facilities is provided.</p>
<p>C-P10. Rail Rights-of-Ways All Contiguous rail rights-of-way currently held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake shall be planned Railroad in the Land Use Element.</p>
<p>C-P13. Prioritization of Investments. Use objective criteria consistent with this Plan that can be applied uniformly and countywide to prioritize transportation capital and maintenance expenditures. Work to reduce overall deferred maintenance liability. Subject to state law, maintenance of existing roads shall be a <u>priority</u>.</p>
<p>C-P17. Highway Improvements. Encourage state and federal highway improvements that promote safety and connectivity for all users, especially for communities with highway arterials.</p>
<p>C-P19. Best Management Practices for Road Grading. New development subject to The County shall periodically update its grading ordinance shall-use to assure it is using best management practices prevent soil erosion and minimize impacts to watersheds from grading activities.</p>
<p>C-P27. Right-of-Way Design Standards. The County shall develop and include in the County-Wide Transportation Plan rRight-of-way design standards shall incorporate the needs of all users consistent with urban, suburban, rural or remote community character. The County shall develop incentives for development of multi-modal facilities to offset any potential loss of developable land.</p>
<p>C-P28. Landscape Buffer Strips. The County Wide Transportation Plan shall provide landscape buffer strip standards as part of the road cross-section standards and according to the context of urban, suburban, rural and remote. Landscape buffer strips should be used, where feasible, to segregate pedestrian walkways from arterial and collector roadways.</p>
<p>C-P30. On-Street Parking. Design on-street parking to minimize conflicts with <u>all users consistent with the County-Wide Transportation Plan</u>. Where appropriate, creative on-street parking arrangements such as parking pockets or bays shall be considered to improve design flexibility.</p>

<p>C-P32. Traffic Calming. Use traffic calming measures, where <u>feasible and appropriate</u>, as a means of improving safety for <u>all users</u>. Traffic calming measures <u>may</u> include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.</p>
<p>C-P35 Preservation of Railroad Right-of-Ways. The County shall work to preserve railroad rights-of-way as a contiguous corridor <u>for rail and other public transportation uses</u>.</p>
<p>C-P36. Develop a Regional Trails System. Support efforts to establish and connect regional trails, pThere is no implementation measure to illustrate how GP-10 would be implemented particularly in the greater Humboldt Bay and lower Mad River area, Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible.</p>
<p>C-P37. Encourage Bicycle and Pedestrian-Friendly development: Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.</p>
<p>C-P38. Channel Maintenance. Support continued maintenance of harbor channels to provide deep water access to existing and planned port facilities.</p>
<p>C-P39. Commercial Fishing Facilities. Support the improvement and modernization of facilities that provide support and access to markets for the commercial fishing industry.</p>
<p>C-P40. Public Infrastructure Supporting Private Investment. Support investments in public infrastructure that increase readiness and facilitate private initiatives and investment into port enterprises such as marine-dependent industrial use, boat building and repair facilities, fleet service facilities, tourism, recreation, and fish processing facilities.</p>
<p>C-P41. Marine Transportation. Encourage marine transport options, <u>and associated facilities</u>.</p>
<p>C-P42. Re-establishing Regional Rail Service. Support and encourage rail service in and out of the county and connected to other parts of the state <u>and the national rail system</u>. Public investment to re-establish regional rail service should be contingent on a private or public demand for sustained rail service and an analysis of net benefits to the County's economy, transportation systems, and environment.</p>
<p>C-P44. Expansion of Airline Service. The County shall work to sustain and expand commercial passenger airline and freight service to and from the County consistent with the Airport Master Plan and the economic development goals of the County.</p>

<p>C-P45. Commercial Areas. <i>Where feasible</i>, commercial projects should be encouraged to develop inter-connecting traffic features with other commercial projects.</p>
<p>C-P47. Frontage Improvements. As properties are developed, all road frontages of the property shall be improved to the appropriate standard for the road according to the County-Wide Transportation Plan. Exceptions may be granted by the Planning Commission. Current standards will be used in evaluating frontage improvements until they are superseded by the approved Countywide Transportation Plan.</p>
<p>C-PX8. Discretionary Road Funds: First priority for discretionary road funds shall be used to address deferred maintenance.</p>

Chapter 8. Housing

<p>H-P3. Development of Properties in the Residential Land Inventory. The County shall encourage development of parcels in the residential land inventory for the current planning period at targeted residential density.</p>
<p>H-P6. Flexibly Apply Development Standards to Low Income Housing. The County shall support the flexible application of development standards through a streamlined permit process for housing for lower income affordability categories and special needs populations.</p>
<p>H-P7. Use of Surplus County-owned Property. The County shall consider using surplus County owned property for development or financing of housing for low income and special need populations. County-owned parcels developed with affordable housing shall be in close proximity to commercial areas and connected to them by pedestrian facilities and public transit</p>
<p>H-P10. Contributions to Infrastructure and Service Development. Market-rate housing pays its fair share of infrastructure and public service costs. Housing that has long-term affordability covenants and restrictions that require units to be available to, and occupied by, persons or families of low, very low or extremely low income at affordable housing costs for at least 20 years may be eligible for subsidies to pay for applicable infrastructure and public service costs.</p>
<p>H-P12. Residential Subdivision Permit Process. The County shall maintain an efficient, streamlined and predictable permitting process designed for residential subdivisions that meet the goals and policies of this Element.</p>
<p>H-P13. Expedited Residential Subdivision Review in Housing Opportunity Zones. The County shall streamline environmental review of residential subdivisions in Housing Opportunity Zones by establishing standardized maximum thresholds of significance.</p>

<p>C-P45. Commercial Areas. Where feasible, commercial projects should be encouraged to develop inter-connecting traffic features with other commercial projects.</p>
<p>C-P47. Frontage Improvements. As properties are developed, all road frontages of the property shall be improved to the appropriate standard for the road according to the County-Wide Transportation Plan. Exceptions may be granted by the Planning Commission. Current standards will be used in evaluating frontage improvements until they are superseded by the approved Countywide Transportation Plan.</p>
<p>C-PX8. Discretionary Road Funds: First priority for discretionary road funds shall be used to address deferred maintenance.</p>

Chapter 8. Housing

<p>H-P3. Development of Properties in the Residential Land Inventory. The County shall encourage development of parcels in the residential land inventory for the current planning period at targeted residential density.</p>
<p>H-P6. Flexibly Apply Development Standards to Low Income Housing. The County shall support the flexible application of development standards through a streamlined permit process for housing for lower income affordability categories and special needs populations.</p>
<p>H-P7. Use of Surplus County-owned Property. The County shall consider using surplus County owned property for development or financing of housing for low income and special need populations. County-owned parcels developed with affordable housing shall be in close proximity to commercial areas and connected to them by pedestrian facilities and public transit</p>
<p>H-P10. Contributions to Infrastructure and Service Development. Market-rate housing pays its fair share of infrastructure and public service costs. Housing that has long-term affordability covenants and restrictions that require units to be available to, and occupied by, persons or families of low, very low or extremely low income at affordable housing costs for at least 20 years may be eligible for subsidies to pay for applicable infrastructure and public service costs.</p>
<p>H-P12. Residential Subdivision Permit Process. The County shall maintain an efficient, streamlined and predictable permitting process designed for residential subdivisions that meet the goals and policies of this Element.</p>
<p>H-P13. Expedited Residential Subdivision Review in Housing Opportunity Zones. The County shall streamline environmental review of residential subdivisions in Housing Opportunity Zones by establishing standardized maximum thresholds of significance.</p>

<p>H-P29. Reduce and Avoid Impacts to Biological Resources. Consistent with the mitigation measures in the Supplemental Environmental Impact Report (SCH#2009022077) the County shall refer all building permit applications that would result in the withdrawal of water from perennial streams or rivers, or from wells within 100' of a perennial stream or river, or from springs within 100' of a perennial stream or river to the Department of Fish and Wildlife (DF&W) for comments and recommendations.</p>
<p>H-P30. Conservation of Affordable Housing Damaged or Displaced by Indoor Marijuana Grows. The County shall earmark a minimum twenty percent (20%) of the net revenue from any future excessive energy tax toward programs for conservation of affordable housing.</p>
<p>H-P31. Maintaining an Adequate Land Inventory. Unless written findings are made pursuant to Government Code 65863 supported by substantial evidence, the County shall not allow a reduction in residential units in the residential land inventory below that specified in the current Regional Housing Need Allocation</p>

Chapter 9. Economic Development

<p>ED-P3. Affordable Housing. Promote housing at-a-price-commensurate-with income levels as reflected in the County Regional Housing Needs Allocation and a transportation system to provide efficient connectivity between housing and places of employment to minimize commute travel times and distances.</p>
<p>ED-P7. Broadband Internet. Support broadband improvements necessary to maintain the County's business competitiveness and serve remote communities.</p>
<p>ED-P8 Public Infrastructure. Assist local service providers in the pursuit of state and federal funding and development of land use assessment, rates and connection fee programs to upgrade and enhance <u>infrastructure, including water, wastewater and recreational</u> facilities.</p>
<p>ED-P9. Freight Mobility. <u>Support pursuit of financial and technical solutions to improve interstate truck and rail access.</u></p>
<p>ED-P10. Rail. Support protection for the NCRA right-of-way and assets to preserve the ability to re-open the line in response to a demand for rail service.</p>

<p>ED-P11. Port Development. Support efforts to maintain and develop the port for <u>shipping</u>, the fishing industry, <u>aquaculture</u>, <u>renewable energy</u>, <u>coastal-dependent</u> and <u>associated</u> industries.</p>
<p>ED-P18. Higher Education. Support College of the Redwoods and Humboldt State University education and training programs that provide residents with the skills and knowledge to qualify for living wage careers and enhance the competitive edge of the industries in our region. Support K-12 educational programs that prepare students for careers in regional industries.</p>
<p>ED-P5X. Telecommuting and Workforce Development. Promote and seek resources to ensure that the county has a broadband infrastructure that encourages economic and workforce development and promotes telecommuting.</p>

Chapter 10. Conservation and Open Space

<p>CO-P1x. Transfer of Development Rights. Research and develop, if feasible, a voluntary transfer of development rights program as a method of protecting resource lands and open space based on community input.</p>
<p>CO-P1xx. Open Space Acquisition. The County seek consider opportunities to acquire high value open space lands, including community forests, and open space conservation easements from willing sellers.</p>
<p>CO-P4. Community Separation. Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities.</p>
<p>CO-P7. Encourage Private Outdoor Recreation. Encourage private acquisition, development, and management of compatible outdoor recreational services and facilities as a means to generate economic returns for the landowner from conservation and open space lands where such recreational uses do not reduce do not significantly detract from the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber.</p>
<p>CO-Px4. Public Recreation. Support acquisition, development and management of parklands and trails primarily in locations that are highly accessible to the public in order to serve the outdoor recreation and ADA needs of current and future residents, and where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands.</p>

<p>BR-P4. Development within Stream Channels. Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects as listed in Standard BR-S6 -Development within Stream Channels.</p>
<p>BR-P6. Development within Streamside Management Areas Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 - Required Mitigation Measures, S9 - Erosion Control, and S10 - Development Standards) have been provided to minimize any adverse environmental effects, and shall be limited to uses as described in Standard BR-S7 - Development within Streamside Management Areas.</p>
<p>BR-P9. Invasive Plant Species. The County shall cooperate with public and private efforts to manage and control noxious and exotic invasive plant species. The County shall recommend measures to minimize the introduction of noxious and exotic invasive plant species in landscaping, grading and major vegetation clearing activities.</p>

<p>SR-PX Working Landscapes. Recognize the scenic value of resource production lands.</p>
<p>SR-P1. Development in Mapped Scenic Areas. In mapped scenic areas, new discretionary and ministerial development shall be consistent with and subordinate to natural contours, hilltops, tree lines, bluffs and rock outcroppings. Visible disturbance and interruption of natural features shall be minimized to the extent feasible.</p>
<p>SR-PXX Vandalism of billboards. If vandalism of legal nonconforming billboards requires repair or reconstruction, the billboard shall not lose its legal, nonconforming status, consistent with Humboldt County Zoning Code.</p>

Chapter II. Water Resources

<p>WR-P2. Protection for Existing Surface and Groundwater Uses. Impacts on existing Basin-Plan beneficial water uses shall be considered and mitigated during discretionary review of land use permits shall include mitigations for significant surface or groundwater resource impacts.</p>
--

<p>WR-P4.Critical Municipal Water Supply Areas. The Board of Supervisors shall designate all or portions of watersheds specific municipalities as “Critical Water Supply Areas” if cumulative impacts from land uses within the area have the potential to significantly impact the quality or quantity of municipal water supplies. Water resources within Critical Water Supply Areas shall be protected by the application of specific standards for such areas.</p>
<p>WR-P5.Critical Watershed Water Supply Areas. The Board of Supervisors shall designate all or portions of watersheds as “Critical Water Supply Areas” Watersheds if cumulative impacts from existing or planned land and water resource uses within the area have been found via CEQA review to have the potential to possibly create significant environmental impacts to threatened or endangered species including <u>Chinook salmon</u>, Coho salmon or steelhead. Land and Water resources within Critical Water Supply Areas Watersheds shall be protected by the application of specific standards for such areas to avoid the unauthorized take of threatened or endangered species.</p>
<p>WR-P6. Subdivisions Water Supply for Residential Development. Any subdivision of land for residential development shall be conditioned to require evidence of sufficient water supply during normal and drought conditions to meet the projected demand associated with the proposed subdivision for residential development. Sufficient water supply shall include the requirements of the proposed subdivision and existing and planned future uses. Written service letters from a public water system written in conformance with this policy is sufficient evidence. Subdivisions to be served through on-site water supplies or private water systems must provide evidence of sufficient water supply to the County Department of Environmental Health.</p> <p>There is no implementation measure to illustrate how GP-P10 would be implemented.</p>
<p>WR-Pxx. Funding. Coordinate with local, state and federal agencies, and conservation and watershed restoration related organizations, to identify and obtain sources of funding for water quality enhancement, fish passage projects, stormwater pollution management, and water conservation efforts.</p>
<p>WR-Pxi. Requirements for Water Storage in Flow Impaired Low Water Supply Areas, Watersheds. New development not served by a public water system that seeks to rely upon surface water shall install water storage capable of providing 100 percent of the necessary water storage volume for the summer low-flow season (e.g. July-August-September). A forbearance agreement prohibiting water withdrawals during low-flow season shall be included as a performance standard for the project.</p>

<p>WR-P8. Erosion and Sediment Discharge. Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance in the County Grading Ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and water bodies consistent with best management practices, adopted Total Maximum Daily Loads (TMDLs), and non-point source regulatory standards.</p>
<p>WR-P10. Project Design. Development should be designed to compliment and minimize significant adverse impacts to not detract from the function of rivers, streams, ponds, wetlands, and their setback areas.</p>
<p>WR-P11. Small and Micro Hydroelectric. , If during a CEQA review for a Conditional Use Permit for a small hydroelectric development (where less than 5 kilowatts of power is generated) that includes plans for an off-site power destination/use, the potential for impacts to surface water flows, aquatic species, and habitat are discovered, such impacts shall be adequately mitigated to be in conformity with state and federal permits and standards.</p>
<p>WR-P12. Groundwater Quality Protection. Commercial and industrial discretionary uses shall be evaluated for their potential to contaminate groundwater resources, and mitigated as necessary.</p>
<p>WR-Px7. Rain Catchment Systems. Encourage the installation of rain catchment systems to support domestic and outdoor water needs during low-flow summer months.</p>
<p>WR-P18. Watershed and Community Based Efforts. Support the efforts of local community watershed groups to promote water conservation and restoration.</p>
<p>WR-P20. State and Federal Watershed Initiatives. Support Acknowledge implementation of state and federal watershed initiatives such as the Total Maximum Daily Loads (TMDLs), the North Coast Regional Water Quality Control Board's (NCRWQCB) Watershed Management Initiative, the National Marine Fisheries Services and Department of Fish and Game coho recovery plans and the California Non-Point Source Program Plan.</p>

<p>WR-P25. New Water Diversion Projects. Review and make recommendations on significant new water diversion projects to ensure that they do not reduce the replenishment rate of in-stream gravel, taking into account the impact the projects would have on local mineral supplies in Humboldt County.</p>
<p>WR-P27. County Needs. Any consideration of exporting additional water resources shall place primary priority upon the benefit of and need for the water resources in the county and shall ensure that water needed by water users and natural resources will not be exported outside the county.</p>
<p>WR-P28. Public Trust Resources and Interests. The County should support shall advocate that dam relicensing projects by the P.U.C. , the F.E.R.C., and the State Water Resources Control Board balance redress the historical over-emphasis on development values (electric power, flood control, and water supply) with at the expense of non-developmental values (environmental resource protection, habitat restoration, and water quality).</p>
<p>WR-P29.Public Input. The County shall advocate for the relicensing applicant to sponsor a participatory process involving all affected stakeholders prior to the submittal of a final relicensing application to the Federal Energy Regulatory Commission.</p>
<p>WR-P29x Implementation of NPDES Permit. Implement and comply with the National Pollutant Discharge Elimination Systems (NPDES) Permit issued by the State Water Resources Control Board to the designated portions of the County.</p>
<p>WR-P31. Downstream Stormwater Peak Flows. Peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream erosion, flooding, habitat destruction, or impacts to wetlands and riparian areas. New development shall demonstrate that post-development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water.</p>

WR-P32. New Drainage Facilities. Where it is necessary to develop additional drainage facilities, they shall be designed to be as natural in appearance and function as is feasible. All drainage facilities shall be designed to maintain maximum natural habitat of streams and their streamside management areas and buffers. Detention/retention facilities shall be managed in such a manner as to avoid reducing stream flows during critical low-flow periods.

WR-P33. Restoration Projects. The County shall encourage restoration projects aimed at reducing erosion and improving habitat values in Streamside Management Areas and wetlands while maintaining Agricultural Resource values.

WR-P34. Commercial and Industrial Activities. For commercial and industrial development, the need for drainage facilities shall be as a result of a referral by the Land Use Division of Public Works and installed/constructed on a case by case basis to the satisfaction of the Land Use Division of Public Works per the County Grading, Subdivision and LID ordinances. No such requirements are to be applied to forests or ranchlands.

WR-P40. Fish Passage Designs. Work with federal and state agencies and local watershed restoration groups to retrofit existing drainage and flood control structures and design new structures to facilitate fish and other wildlife passage in partnership with federal and state agencies.

Chapter 13. Noise

N-P1. Minimize Noise from Stationary and Mobile Sources. Minimize stationary noise sources and noise emanating from temporary activities by applying appropriate standards for average and short-term noise levels during permit review and subsequent monitoring.

N-P4. Protection from Excessive Noise. Protect persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property.

Chapter 14. Safety

<p>S-P1. Reduce the Potential for Loss. Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire risk areas, airport influence areas, <u>military operating areas</u>, flood plains, and tsunami run-up areas.</p>
<p>S-P2. Coastal Zone Hazards. Development within the coastal zone shall minimize risks to life and property in areas of high geologic, <u>tsunami</u>, flood, and fire hazard; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p>
<p>SPX7. Military Operating Areas. Provide notification and project information to the military for discretionary development projects within <u>military airspace</u> operating areas as may be required by the California Government Code.</p>
<p>S-P6. Structural Hazards. The County shall protect life and property by applying and enforcing state adopted building codes and Alquist-Priolo requirements to new construction.</p>
<p>S-P7. Improved Information. Encourage and support more detailed scientific analysis of Cascadia Subduction Zone earthquake risks, probabilities, and anticipated effects.</p>
<p>S-P8. Earthquake Mitigation Planning. The potential for a local earthquake in excess of magnitude 9.0 (Richter scale) shall be considered in disaster planning, risk assessment, and pre-disaster mitigation efforts.</p>
<p>S-PX1. Site Suitability. New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.</p>
<p>S-P11. Flood Plains. Agricultural lands that are in mapped floodplains shall be retained for use in agriculture.</p>

<p>S-PX2. Prohibition of Residential Subdivisions within Floodplain. The creation of new parcels that increase residential density wholly within the 100 year floodplain, as identified in the most recent FEMA flood insurance rate maps, shall be prohibited <u>unless the Board of Supervisors makes specific findings that the potential for loss of life and property can be reduced to less than significant levels.</u></p>
<p>S-PX3. Construction Within Special Flood Hazard Areas. Construction within a floodplain identified as the 100-Year Flood Boundary on FEMA's Flood Insurance Rate Map shall comply with the County's Flood Damage Prevention Regulations. Fill in the floodplain shall only be allowed if it can be demonstrated that the fill will not have cumulative adverse impacts on or off site and such fill shall not be detrimental to productive farm land, and is otherwise in conformance with the County's Flood Damage Prevention Regulations</p>
<p>S-PX4. Development on, or Adjacent to, Coastal Bluffs and Beaches. Allow development in areas immediately adjacent to coastal bluffs and beaches only if it can be demonstrated by a certified engineering geologist that wave action, storm swell, tsunami inundation, and projected sea level rise using the best available scientific information and at the time of review, are not a hazard to the proposed development.</p>
<p>S-P13. Subdivision Design in High and Very High Fire Hazard Zones. Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.</p>
<p>S-P25. Hazardous Industrial Development. Hazardous industrial development may be permitted when:</p> <p>A. It includes mitigation measures sufficient to offset increased risks to adjacent human populations and the environment; and,</p> <p>Increased risks to adjacent human populations and the environment have been adequately mitigated by approved disaster response plans. (See definition of "hazardous industrial development" in Standards Section below).</p>
<p>S-P26. Hazardous Waste. Eliminate the use of toxic materials within Humboldt County, where <u>feasible</u>, and require the reduction, recycling, and reuse of such materials, to the greatest extent possible, where complete elimination of their use is not feasible. Require new development which may generate significant quantities of hazardous wastes to provide a plan for disposal which emphasizes on-site treatment, neutralization, and recycling.</p>

S-P30. Tsunami Ready Program. The County shall support efforts of low-lying coastal communities to attain Tsunami Ready™ status, as developed by the National Weather Service.

Chapter 12. Energy

E-P2. Oil and Gas Development. Oil and gas development shall be permitted consistent with the following:

- A. The development is performed safely and is consistent with the geologic conditions of the well site.
- B. New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
- C. Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence. Hydraulic fracturing for release and recovery of hydrocarbons is prohibited.

E-P7. County Government Energy Consumption. The County government shall reduce building and transportation energy consumption by implementing energy conservation measures and purchasing renewable energy and energy efficient equipment and vehicles whenever cost-effective. Conservation and renewable energy investments should be planned and implemented in accordance with performance-based action plans and County Greenhouse Gas Emission Reduction goals.

E-P9. Electrical Transmission. Promote PG&E funded capacity upgrades to electric distribution lines to facilitate distributed renewable energy production and electricity export from the county.

E-P9x. Electricity Buyback. Support revisions to the electricity buyback program that encourages more distributed local generation and more equitably compensates such generation.

E-P10. Transportation Management Plans. Major commercial, business, or industrial, facility developments shall be required to submit a transportation management plan that addresses energy conservation measures such as connectivity to alternative transportation modes; preferential parking for carpools, vanpools, motorcycles, mopeds, and bicycles; shuttle services; alternative fueling stations; transit passes; bike lockers; and locker-room facilities. Develop incentives for projects not deemed as major that incorporate such energy conservation measures.

E-P13. Water Efficiency. Promote the efficient use of water in residences, businesses, industries, and agriculture.
E-P14. Incentives for Using Alternative Energy. Encourage the use of renewable energy and environmentally preferable distributed energy generation systems in the county.
E-P15. Wind Renewable Energy Overlay Zones. Develop renewable develop a wind energy overlay zones based on community input to protect potential-wind-energy the unique value of sites that are identified as having substantial wind renewable energy potential and/or will be critical for renewable energy infrastructure while still allowing uses permitted in the underlying zone.
E-PX2. Sustainable Biomass Energy Production. Coordinate with local agencies, communities, and landowners to develop biomass energy plans that are consistent with forest management, hazardous fuels reduction, and restoration needs and priorities.
E-PX3 Residential Design “for Solar Access”. Proposed single-family residential structures should be designed to maximize solar access, energy conservation and passive solar energy generation. Solar access potential should be evaluated based on each climate zone within the County as established by the National Weather Forecast Center in Eureka.

Chapter 15. Air Quality

AQ-P1. Reduce Length and Frequency of Vehicle Trips. Reduce the length and frequency of vehicle trips through land use and transportation policies by encouraging mixed-use development, compact development patterns in areas served by public transit, and active modes of travel.
AQ-P2. Reduce Localized Concentrated Air Pollution. Reduce or minimize the creation of “hot spots” or localized places of concentrated automobile emissions.
AQ-P3. Fireplace and Woodstove PM₁₀ Emissions. Support incentives to minimize emissions from fireplaces and woodstoves.
AQ-P4. Construction and Grading Dust Control. Dust control practices on construction and grading sites shall achieve compliance with NCAQMD fugitive dust emission standards.

<p>AQ-P5. Air Quality Impacts from New Development. During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCAQMD.</p>
<p>AQ-P6. Buffering Land Uses. During environmental review of discretionary commercial and industrial projects, consider the use of buffers between new sources of emissions and adjacent land uses to minimize exposure to air pollution.</p>
<p>AQ-P7. Interagency Coordination. “Coordinate with the NCAQMD early in the permit review process to identify expected regulatory outcomes and minimize delays for projects involving: . . . “</p>
<p>AQ-P8. Reduce Air Quality Impacts from Wildfires. Support and encourage fire suppression of wildfires that may have an acute air quality health impact on local population centers.</p>
<p>AQ-Px. Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects <u>for compliance with state regulations</u> and require feasible mitigation measures to minimize GHG emissions.</p>
<p>AQ-P11. Forest Sequestration and Biomass Energy. Provide incentives for increased carbon sequestration on forest lands and encourage the reduction of smoke production through the utilization of excess forest biomass for sustainable energy generation and other uses.</p>
<p>AQ-P12. Solar Electric System Capacity. Encourage and provide incentives to increase solar-electric capacity in residential, commercial, and industrial sectors.</p>
<p>AQ-P13. Energy Efficient Building Design. Encourage and provide incentives for construction of buildings and energy saving measures beyond Title 24 requirements for residential and commercial projects.</p>
<p>AQ-P15. Preservation and Replacement of On-site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.</p>

Responses to Humboldt Coalition for Property Rights - Letter C4

Comment C4-1: This comment states that the RDEIR fails to adequately address the environmental impacts of “illegal cannabis cultivation” and “regulated commercial cannabis production” relating to the Commercial Medical Marijuana Land Use Ordinance, and the RDEIR does not “analyze and discuss the economic and equitable impacts of the net loss of industrial zoned lands for commercial and industrial uses other than for the cannabis industry.”

Response to Comment C4-1: Illegal cannabis cultivation is addressed in the environmental baseline sections of Chapter 3.2, Agricultural and Timber Resources, Chapter 3.3 Utilities and Services Systems, and Chapter 3.12, Air Quality of the RDEIR. Regulated commercial cannabis production is described in the environmental baseline discussion of Chapter 3.2, Agricultural and Timber Resources.

As quoted in this comment, 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.” Other than Policy UL-P21, Cannabis Cultivation, and Implementation Measure UL-IM15, Cannabis Cultivation and Dispensary Ordinance, there are no other policies, standards, or implementation measures in the GPU that relate to cannabis cultivation, processing, or manufacturing. The significance of the production and sale of medicinal and illicit cannabis to Humboldt County’s economy is discussed in the Economic Development Element. In addition, Housing Element Policy H-P30, Conservation of Affordable Housing Damaged or Displaced by Indoor Marijuana Grows, directs the County to earmark revenue from any future excessive energy tax toward programs for conservation of affordable housing. However, the Housing Element is included in the GPU for reference purposes, but is not considered in the RDEIR as it was evaluated in a separate environmental document.

UL-P21 and UL-IM15 were recommended by the Planning Commission in 2012, prior to changes in state law relating to commercial medical or recreational cannabis, and specify that medical cannabis cultivation shall be regulated by ordinance that protects the health, safety and welfare and that ensures the cultivation and dispensing sites are compatible with neighboring uses. In 2016, Humboldt County approved the Commercial Medical Marijuana Land Use Ordinance, largely implementing UL-P21 and UL-IM15, referenced on Page 3.2-8, of Chapter 3.2, Agricultural and Timber Resources. The environmental impacts of the Commercial Medical Marijuana Land Use Ordinance were analyzed in the Mitigated Negative Declaration for Medical Marijuana Land Use Ordinance – Phase IV – Commercial Cultivation of Cannabis for Medical Use (SCH Number: 2015102005).

Section 3.0, Baseline Environmental Conditions Assumed in the RDEIR, states that “comprehensive and reliable data regarding baseline conditions related to the pervasive and unregulated development of illicit cannabis cultivation in Humboldt

County is still not available. Although this RDEIR attempts to summarize some of the data that is available in Chapter 3.2 - Agriculture and Timber Resources, future regulation of cannabis cultivation, processing, manufacturing, or distribution is not within the scope of the draft GPU and potential impacts of such a regulatory program are not analyzed in this RDEIR." The County of Humboldt is in the process of developing a separate Environmental Impact Report for ordinances regulating commercial cannabis industry development in accordance with rapidly evolving state and federal law." Humboldt County has initiated a project to amend the Humboldt County Code regulating cannabis land use activities. An Environmental Impact Report (EIR) is currently being prepared by Humboldt County to evaluate the environmental effects of proposed changes to the County's Commercial Cannabis Land Use Ordinances (SCH Number: 2017042022).

The comment also states that the RDEIR does not analyze and discuss the economic and equitable impacts of the net loss of industrial zoned lands for commercial and industrial uses other than for the cannabis industry. According to CEQA Guidelines Section 15382, "(a)n economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

For the comment relating to the environmental impacts of "illegal cannabis cultivation" and "regulated commercial cannabis production," the RDEIR is intended to disclose the possible environmental impacts from approving the policies, standards, and implementation measures in the General Plan Update and the population growth that is projected to occur during the General Plan Update planning period. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA. Regarding economic and equitable impacts of the net loss of industrial zoned lands for commercial and industrial uses other than for the cannabis industry, the comment does not identify physical change that could have an effect on the environment.

Comment C4-2: This comment states that the Notice of Preparation (NOP) was circulated in 2007, and is now out of date particularly for cannabis impacts. The comment also states that the NOP was circulated prior to the recommendations of the Planning Commission in 2012 and the tentative approval by the Board of Supervisors of the draft General Plan Update in 2016, which could create confusion for the public.

Response to Comment C4-2: See response to comment C2-2 for a discussion of how the RDEIR addresses the environmental setting information contained in the RDEIR and the information that has been updated since release of the Notice of Preparation on January 22, 2007, and the Draft Environmental Impact Report, April 2, 2012.

Regarding the date of the NOP and potential confusion regarding the project that is under review, RDEIR Section 1.3.1, Scoping the Issues To Be Discussed in the EIR, describes the NOP and scoping process, the review of the General Plan Update by the Planning Commission from 2007 to 2012, and the review of the General Plan Update by the Board of Supervisors from 2012 through 2017 and concludes with the statement that

“(t)he 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.” RDEIR Section 1.3.2, Prepare and Distribute Revised Draft Program EIR, states that the RDEIR was prepared “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” and that the RDEIR “also incorporates significant new information which became available after 2012.” Chapter 2, Project Description, clearly indicates in the introduction that the RDEIR analyzes the Board of Supervisors Markup Draft from October 19, 2015, and that the Board of Supervisors made modifications, additions, and deletions to that draft plan recommended by the Planning Commission.

Comment C4-3: This comment expresses dissatisfaction with proposed Mitigation Measure 3.11.3.2 which proposes new language for Standard **BR-S11. Wetlands Defined**. The comment claims the proposed new language is unnecessary and will cause confusion.

Response to Comment C4-3: See Response to Comment C3-1 above.

Comment C4-4: This comment references California Public Resources Code Section 21083(b) and 21083 (b)(3), which state that “(t)he guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a “significant effect on the environment...and... shall require a finding that a project may have a “significant effect on the environment” if “...” (t)he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” The comment further states that the RDEIR does not analyze the social and economic impacts of the majority of GPU policies, goals, and implementation measures.

Response to Comment C4-4: The RDEIR evaluates the environmental impacts expected to occur from adoption and implementation of the General Plan Update. Analysis of the social and economic impacts of the GPU is not required by CEQA. The comment does not identify environmental effects of the GPU that will cause substantial adverse effects on human beings. Therefore, no further response is required under CEQA.

Comment C4-5: This comment suggests that the majority of the policies, goals and implementation measures of the Economic Development Element stand to have effects on the environment and human residents.

Response to Comment C4-5: The RDEIR project description describes the Economic Development Element as one of six optional elements included in the GPU that outlines the County’s economic development strategy and provides relevant supporting policies, and generally describes the policies at the top of Page 2-20. Policies within the Economic Development Element generally promote and support a stable, and growing local economy, seek to acquire funding for infrastructure and workforce training, and to plan for demographic changes and an appropriate supply of industrial and commercial land. The RDEIR analyzes reasonably foreseeable environmental effects

that are related to the Economic Development Element in terms of population and employment growth during the planning period, planned land uses, and infrastructure. The RDEIR also analyzes how relevant General Plan Update policies would lessen potential environmental effects of the GPU. Chapter 3.7, Hazards and Hazardous Materials references Policy ED-P16, Brownfields, in Impact 3.7.4.1: Hazardous Materials, and how it would direct the County to pursue and distribute funding and technical assistance to assess, clean up, and reuse Brownfields as well as streamline the regulatory review for proposed development in commercial and industrial zoned Brownfields. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-6: This comment states that a number of GPU policies would place regulatory constraints on both private and public lands and the RDEIR fails to address how these regulatory constraints may or may not impact the environment, the economy, or the people of Humboldt County. The comment also refers to Project Description Section 2.5, Proposed Plan Estimated Maximum Feasible Development Potential, and states that the GPU “would “allow for a significantly larger number of new dwelling units than the RDEIR anticipates and accounts for.”

Response to Comment C4-6: Table 2.5-1, General Plan Update Acreage of Land Use Designations, Estimated Maximum Feasible Housing Development Potential and Projected Development 2016 – 2040, shows the acreage of each land use designation within the unincorporated area and excludes areas subject to physical constraints (100-year flood zones, Alquist-Priolo earthquake fault zones, wetlands, streamside management areas, areas with slopes greater than 30 percent, and areas with known history of landslide activity) to identify total vacant developable acres. The discussion in Section 2.5 states that these areas could theoretically provide for as many as 38,972 additional dwelling units in the unincorporated area of the County if developed at the full density allowed for each land use designation as proposed in the GPU.

The discussion in Section 3.0-1, Growth Assumptions under the General Plan associated with the Planning Area & Period, states that, “(t)he estimated maximum feasible housing development potential of the General Plan Update land uses is far greater (38.972 housing units) than can reasonably be expected to be developed within the planning period of the General Plan (2016-2040).” “(T)he most recent population projections for Humboldt County from (California Dept. of Finance) reveal that Humboldt County’s population is projected to grow fairly slowly in the coming years, and reach a peak population in 2028 of 141,441 persons, and then it is projected to start to decline to 138,307 persons in 2040, at the end of the planning period. The project Description states that “if the unincorporated share of total county housing remains constant at approximately 53 percent with the same vacancy rate, a projected 1,721 new dwelling units will be needed to be to support the peak population level in the unincorporated area of the County,” according to the California Dept. of Finance, 2014.

The Project Description further states that “This Revised Draft Environment Impact Report evaluates the impacts associated with the growth expected during the planning horizon lasting until 2040. The peak impacts will be realized in the year 2028 when

population reaches 141,441. The years between 2028-2040 will see a decline in the population. The EIR uses the population in 2028 as the point at which the maximum level of impacts will be realized. This RDEIR does not analyze buildout of all allocated land use within the county because based upon foreseeable population trends buildout of all land uses is highly speculative and is not projected to occur within the next 100 years." The RDEIR analyzes the environmental effects of reasonably foreseeable development and does not analyze speculative impacts that could occur as a result of theoretical buildout if all land were developed at the full density allowed for each land use designation as proposed in the GPU. Analysis of the theoretical buildout in the EIR could lead to new mitigation measures such as impact fees and additional regulatory requirements on new development needed to address the buildout that would occur beyond the timeframe of the GPU.

Regarding the comment that the RDEIR fails to address how these regulatory constraints may or may not impact the environment, the economy, or the people of Humboldt County, the EIR analyzes the regulatory constraints of the GPU on the environment. Analysis of social and economic impacts is not required by CEQA. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-7: This comment states that Scenic Resources policies, especially relating to scenic vistas, create regulatory constraints and that there is no analysis of this concept, which could result in potential social and economic impacts. This comment excerpts a discussion of GPU policies from the Analysis of Relevant General Plan Update Policies from Impact 3.16.3.1: Adverse effect on Scenic Vistas and Scenic Resources.

Response to Comment C4-7: The analysis of adverse effect on Scenic Vistas and Scenic Resources concludes that the impact of the GPU, even after the implementation of a mitigation measure, is significant and unavoidable. This comment suggests the EIR should consider economic and social impacts of the GPU, which is not a requirement of CEQA. The comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-8: The comment objects to the lack of justification for scenic resource protection measures in the GPU.

Response to Comment C4-8: This comment suggests the EIR should consider economic and social impacts of the GPU, which is not a requirement of CEQA. The comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-9: This comment suggests that the analysis of water and wastewater capacity omits commercial and industrial uses and continues a trend of minimizing concern for industrial and commercial uses.

Response to Comment C4-9: The analysis of available service connections for water and wastewater systems in Chapter 3.3 Utilities and Services Systems is based on the Community Infrastructure & Services Technical Report, July 2008, and information and capacity updates provided by services providers and Local Agency Formation

Commission Municipal Service Reviews. The presentation of water and wastewater capacity if based on the Community Infrastructure & Services Technical Report format, which generally used average usage rates per connection and peak usage rates per connection source capacity, storage capacity, and distribution system standards are set forth in the Waterworks Standards regulations, outlined in the California Code of Regulations and the permit requirements from the Regional Water Quality Control Board – or an average usage per connection regardless of land use type. Available capacity could be used by new residential, commercial, or industrial development. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-10: This comment states that the GPU would allow for a significantly larger number of new dwelling units than the RDEIR analyzes. This comment also states that the 1,721 housing units that are needed to accommodate projected population growth with the unincorporated have already been constructed without the County's knowledge, or without permits.

Response to Comment C4-10: See response to comment C4-6 above for a discussion of the environmental effects of reasonably foreseeable development versus speculative impacts that could occur as a result of theoretical buildout if all land were developed at the full density allowed for each land use designation as proposed in the GPU. See response to comment C2-4 above for a discussion of illegal building and illegal subdivisions. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-11: This comment notes that Table 3.7-5, Land Planned for Industrial Uses, on Page 3.7-21 shows land planned for industrial uses within inland Community Planning Areas and not with Coastal Zone Areas. The comment further states that Section 3.4, Public Services, "claims that there is sufficient land zoned for commercial and industrial uses in the County, but also states that the majority of that land is located in and around Humboldt Bay and/or the coastal zone." The comment suggests that the RDEIR is inconsistent because "does not otherwise address any of the areas located in the coastal zone, instead deferring discussion of those areas to the Local Coastal Plan, yet opts to include them in its inventory of industrial and commercial land."

Response to Comment C4-11: The discussion above Table 3.7-5 states that "Including the coastal zone area, which is not the subject of this EIR, there are over 3,370 acres of land planning for industrial purposes. Approximately 48 percent of that land is within the coastal zone, almost all of which is within the Humboldt Bay Area coastal planning area."

References to "commercial and industrial" in Section 3.4, Public Services, are contained in Impact 3.4.3.2. Fire Protection, and are used to describe the distribution of new development across the unincorporated area to accommodate project peak population and commercial/industrial employment growth. This analysis does not suggest that "that there is sufficient land zoned for commercial and industrial uses" as suggested in the comment, rather this analysis reports that "3.1 million square feet of commercial and industrial building (will be needed) to accommodate projected new

employment by 2040. Although new construction would be distributed across the unincorporated area, 89 percent of housing units and 92 percent of commercial and industrial square footage are projected to be developed within the more urbanized community plan and coastal zone areas. Almost 60 percent of new housing units are projected to be located within the communities around the Humboldt Bay, including the residential areas of Cutten, Ridgewood, and McKinleyville. Approximately 50 percent of commercial and industrial square footage is projected to be located within the communities around the Humboldt Bay, two-thirds of which would occur in the industrial areas along the Samoa Peninsula and Fields Landing.” (Page 3.4-17)

Although the comment does not identify a new impact or the need for a new mitigation measure, it would be appropriate to modify Table 3.7-5, Land Planned for Industrial Uses in the EIR, to include industrial land within the Coastal Zone, given that the narrative discloses the proportion of industrial land within the Coastal Zone. The following edits are made to Table 3.7-5. Land Planned for Industrial Uses, Impact 3.7.4.1: Hazardous Materials, on Pages 3.7-21 and 3.7-22 to include industrial land in the Coastal Zone (underlined):

Community Planning Area	Acres by Land Use Designation					Total
	IG	IR	MB	MC	MG	
Arcata	66.3	13.4				79.7
Avenues-Myers Flat	12.9					12.9
Avenues-Stafford-Redcrest	45.3					45.3
Blue Lake	231.1	218.3				449.4
Carlotta/Hydesville	30.7	35.0				65.7
<u>Eel River (CZ)</u>	<u>90.6</u>	-	-	-	-	<u>90.6</u>
Fieldbrook-Glendale	75.2	4.2				79.4
Fortuna	148.6					148.6
Garberville/Redway/Benbow	112.2	51.2				163.4
<u>Humboldt Bay (CZ)</u>	<u>475.8</u>	-	<u>11.9</u>	<u>970.6</u>	<u>14.4</u>	<u>1,472.7</u>
McKinleyville	119.7	2.1				121.8
<u>McKinleyville (CZ)</u>	-	-	<u>34.1</u>	-	-	<u>34.1</u>
<u>North Coast (CZ)</u>	<u>60.7</u>	-	-	-	-	<u>60.7</u>
Orick		20.2				20.2
Orleans	37.1					37.1
Rio Dell/Scotia	282.3					282.3
Willow Creek	65.5	19.9				85.4
Outside CPAs	129.3	17.4		0.1	0.6	147.3
<u>Total</u>	<u>1,983.3</u>	<u>381.7</u>	<u>46.0</u>	<u>970.8</u>	<u>15.0</u>	<u>3,396.7</u>

Comment C4-12: This comment suggests that the RDEIR is inconsistent because Mitigation 3.10.3.4.a in Impact 3.10.3.4: Housing within a 100-year Flood Hazard Area or Expose People or Structures to Flooding from Levee or Dam Failure, Tsunami, or Mudflow addresses the Local Coastal Program.

Response to Comment C4-12: The analysis in Impact 3.10.3.4 states that “(t)sunami inundation areas lie almost exclusively within the Coastal Zone, where they are addressed as part of the Hazards section of the certified Local Coastal Program and the Coastal Act.” A review of the Humboldt County Web GIS shows that tsunami evacuation areas extend outside the Coastal Zone in a number of areas and as mapping of the 100-year tsunami run-up elevation in concert with sea level rise mapping are revised, Mitigation 3.10.3.4.a may affect more non-Coastal Zone areas. This comment does not identify additional impacts or the need for additional mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-13: This comment suggests that the focus of the RDEIR on the “estimated need for development as compared to the maximum possible level of build-out density” in Chapter 5. Other CEQA Considerations, 5.2 Cumulative Impacts, “vastly underestimates the potentially massive impacts on public services that the General Plan may stand to produce.”

Response to Comment C4-13: Response to comment C4-6 describes how the RDEIR analyzes the environmental effects of reasonably foreseeable development and does not analyze speculative impacts that could occur as a result of theoretical buildout if all land were developed at the full density allowed for each land use designation as proposed in the GPU. The CEQA Guidelines Section 15130(b) states that “(t)he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence.” Section 5.2 Cumulative Impacts relies on projected population growth countywide by the State of California, Department of Finance, and the cumulative environmental effects which may reasonably be expected to occur during the 24-year planning period of the GPU, 2016-2040. As stated in the response to comment C4-6 above, this RDEIR does not analyze buildout of all allocated land use within the county because based upon foreseeable population trends buildout of all land uses is highly speculative and is not projected to occur within the timeframe of the GPU.

Comment C4-14: This comment states that there are inconsistencies between the narrative discussion of water and wastewater providers in Chapter 3.3 Utilities and Services Systems and the tables that summarize available water and wastewater connections. The example provided by the commenter states that “RDEIR Table 3.3-1 shows that the Loleta Community Services District has 258 water connections, and that there an additional 56 water connections available.

The comment further states that “Table 3.3-2 shows that the Garberville CSD has 353 existing wastewater connections and that there are an additional 180 connections available. However, the RDEIR does not explicitly state that there are additional connections available for Garberville. The inconsistency between the numbers presented in Table 3.3-1 and Table 3.3-2 and as presented in corresponding narrative text... is confusing.”

The comment further lists twelve water and wastewater service providers and states that the RDEIR text and tables contain issues with consistency.

Response to Comment C4-14: narrative text in the RDEIR found on page 3.3-15, "Loleta Community Services District," cites a 2008 LAFCo report which states that "The [Loleta Community Services] District believes that they can supply an additional 60-70 (40 to 50 based on Building Permit data as of 2016) homes."

The RDEIR 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" (Section 1.1, Purpose of the EIR). Table 3.3-8, Projected Housing Units (2028) by Water Service Provider, is a substantial revision of the Draft EIR Table 3.3-9, Allowable Development by Water Service Provider. For the Loleta CSD, there were an estimated 239 existing water service connections in 2012 and an estimated 75 available water service connections. Between 2012 and 2016, there were 19 approved building permits with the boundaries of the Loleta CSD. As a result, the estimated existing water service connections was increased from 239 to 258 and available connects was reduced from 75 to 56.

The narrative for the Loleta CSD was updated based on the best available information to add a statement from the LAFCo Municipal Service Review regarding the District's ability to supply water to additional developments. The methodology described in this paragraph was used to update the narrative descriptions of water and wastewater service providers as well as the estimated existing water and wastewater service connections and estimated available water and wastewater service connections for each service provider.

In response to the Garberville SD comment, the RDEIR states on Page 3.3-39: "Garberville SD. Approximately three housing units are projected to be developed within Garberville by 2028, which is fraction of the 180 additional connections that are estimated to be available." There does not appear to be any inconsistency between the text and the tables in this instance.

In response to the comment that text and tables contain issues with consistency in discussion of twelve other CSD's, the comment does not identify any inconsistencies. This comment does not identify additional impacts or the need for additional mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-15: This comment states that Tables 3.2-4 through 3.2-15, which display Resource Land by Planning Watershed, do not equal the totals a land planned T, AE, and AG in Table 3.2-3, Countywide Resource Land.

Response to Comment C4-15: The following edit is made to Table 3.2-3 of Impact 3.2.3.1: Convert Farmland or Forest Land:

Table 3.2-3. Countywide Resource Land.

Land Use Designation	Framework General Plan		Proposed General Plan Update	
	Acres	Max Buildout (Units)	Acres	Max Buildout (Units)
T	899,717	19,876	897,026	19,398
	899,700	19,892	893,840	
AE	59,465	1,925	76,311	2,181
	59,464		113,608	2,179
AG	409,722	18,041	377,838	17,201
	409,720		381,846	
Total	1,368,904 1,368,884	39,842 39,858	1,351,175 1,389,294	38,780 38,778

This comment does not identify additional impacts or the need for additional mitigation measures in the RDEIR.

Comment C4-16: This comment states that Table 3.7-5, Land Planned for Industrial Uses, lists land planned for industrial uses by community planning areas, but only reflects the inland areas of the county. The comment also states that total industrial acreages in Table 3.7-5 are not consistent with Table 2.5-1, General Plan Update Acreage of Land Use Designations, Estimated Maximum Feasible Housing Development Potential and Projected Development 2016 – 2040.

Response to Comment C4-16: See response to comment C4-11 for the response to concerns regarding Table 3.7-5, Land Planned for Industrial Uses.

For the comment regarding a potential inconsistency between Table 3.7-5, Land Planned for Industrial Use, and Table 2.5-1, General Plan Update Acreage of Land Use Designations, Estimated Maximum Feasible Housing Development Potential and Projected Development 2016 – 2040, Table 3.7-5 is intended to only show land planned for industrial purposes within Community Planning Areas whereas Table 2.5-1 shows all industrial land. It should be noted that as a result of comment C4-11, Table 3.7-5 is revised to include industrial land in the coastal zone. This comment does not identify additional impacts or the need for additional mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-17: This comment identifies two incorrect references to Table 3.7-4 on pages 3.7-21 and 3.7-22. The incorrect references contain the correct table name, Land Planned for Industrial Uses, but the wrong table number.

Response to Comment C4-17: The following edits are to be made to the first sentence of the last paragraph on page 3.7-21 and to the first sentence of the last paragraph on 3.7-22 in the discussion of Impact 3.7.4.1: Hazardous Materials:

"Table 3.7-~~54~~ below displays how much land is planned for industrial uses in Humboldt County. Including the coastal zone area, which is not the subject of this EIR, there are over 3,370 acres of land planning for industrial purposes."

"Table 3.7-~~54~~, Land Planned for Industrial Uses, identifies the acres within each community planning area that are planned for industrial uses."

Comment C4-18: This comment states that "that some of the "mitigation measures" listed throughout this Program EIR do not meet the criteria for mitigation as laid out in CEQA." The comment further states that "(t)here is absolutely no objection to presenting the "mitigation" items in question which are currently identified as mitigation measures, but would more appropriately be identified as new or modified goals, policies, standards or implementation measures, to the Board of Supervisors for consideration and re-circulation; however, they should not be identified as mitigation" and that "In other instances, impacts are lacking mitigation measures where they require one. This often results from either relying on the efforts of other agencies or underestimating the level of significance to which an impact rises."

Response to Comment C4-18: The proposed project is the adoption and implementation of the GPU, a comprehensive amendment to the County General Plan. The Governor's Office of Planning and Research General Plan Guideline, Chapter 3, Preparing and Amending the General Plan, state that "CEQA requires that general plan policies and the implementation program reflect the mitigation measures identified in the plan's EIR. In addition, the jurisdiction must adopt a mitigation monitoring or reporting program to ensure that mitigation measures are implemented (Public Resources Code §21081.6(b))." In response to this requirement, mitigation measures contained with the RDEIR are structured as new or modified General Plan policies, standards, or implementation measures so that they can be integrated into the General Plan and therefore properly reflecting the GPU EIR.

CEQA Guidelines Section 15097 states that "(w)here the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan." The GPU implementation action plan that is to be prepared as part of the GPU adoption package, with the final EIR, will contain the GPU goals, policies, standards, and implementation measures and will identify the timeline for implementation, responsible party, and the cost of implementation (if the responsible party is a County department).

The mitigation monitoring and reporting program for the RDERI will be identical to the portions of the implementation action plan that address policies, standards and implementation programs that are integrated into the General Plan by action of the Board of Supervisors.

Regarding the comment that the listed Impacts lack mitigation measures, where RDEIR impact analyses lack mitigation measures, either: (1) the impact was determined to be less than significant, or (2) the impact was determined to be significant and that no feasible mitigation measures were identified, beyond the policy, standards, and implementation measures of the GPU. The following table lists each of the Impact items identified as lacking mitigation measures and the corresponding conclusion contained in the RDEIR and proposed mitigations measures, if any.

Impact Items Identified as Lacking Mitigation Measures

Impact	Conclusion
Impact 3.5.3.1 – Increase in Vehicle Miles Traveled	Mitigation 3.5.3.1.a included Impact remains significant unavoidable after mitigation
Impact 3.3.3.3. New Storm Water Drainage Facilities	Less Than significant
Impact 3.4.3.1. Schools	Less Than significant
Impact 3.4.3.2. Fire Protection	Less Than significant
Impact 3.4.3.3. Law Enforcement	Less Than significant
Impact 3.11.3.1 Sensitive Species and Sensitive Habitat Areas	Less Than significant
Impact 3.11.3.3. Wildlife Corridors and Nursery Sites	Less Than significant
Impact 3.12.4.3 Objectionable Odors	Less Than significant
Impact 3.13.4.1. Greenhouse Gas Emissions	Significant and Unavoidable None identified beyond the Climate Action Plan
Impact 3.14.3.2. Archaeological and Paleontological Resources	Less Than significant
Impact 3.15.3.2. Construction of New Recreational Facilities	Less Than significant
Impact 3.17.4.1: Land uses or development patterns cause wasteful, inefficient, or unnecessary consumption of energy	Significant and Unavoidable None identified beyond Comprehensive Action Plan for Energy and Climate Action Plan
Impact 3.17.4.2: Land Uses require or result in the construction of new or expanded energy production or transmission facilities, the construction of which could cause significant environmental effects	Less Than significant

Comment C4-19: This comment states that a number of policies lack implementation measures and that the commenter is concerned that policies “which may have future impacts but lack implementation measures are difficult to evaluate from an EIR standpoint as there is no indication of what the impacts of carrying out that stated policy goal may be.” Also included with the comment is a list of policies that the commenter has determined lack implementation measures.

Response to Comment C4-19: The RDEIR 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. Each section of Chapter 3, Environmental Setting and Impacts, further describes the potential impacts of the GPU and how GPU policies, standards, and implementation measures may lessen potential impacts. Where the lack of a policy, standard, or implementation measure would result in a significant environmental effect, a mitigation measure is proposed that that specifies an appropriate policy, standard, or implementation measure. Lack of an implementation measure in and of itself is not a significant environmental effect.

The documents that will accompany the adoption of the GPU will include an Implementation Action Plan, which is identified as Appendix A to the GPU. The Implementation Action Plan will identify how each policies and standard will be implemented and identify the priority, timing, resources needed, and cost of each implementation. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-20: This comment identifies that the Draft GPU lacks an Implementation Action Plan.

Response to Comment C4-20: See response to comment C4-19 above which describes the content and timing of the GPU and the Implementation Action Plan. This comment does not address specific impacts or mitigation measures in the RDEIR and as a result, no further response is required under CEQA,

Comment C4-21: This comment states that certain GPU policies, goals, implementation measures, etc., are to be given “priority” consideration, or are a “priority” of the plan. References to priorities in the RDEIR relate to the wording of specific goals, policies, or implementation measures in the GPU.

Response to Comment C4-21: This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C4-22: This comment states that a number of references are made to the Ridgewood Village Draft EIR, which cannot be relied upon because it was not certified.

Response to Comment C4-22: The RDEIR does not rely on the Ridgewood Village Draft EIR for mitigation, only to assist in characterizing the types of impacts that may result from the construction of a fire station. The Ridgewood Village Draft EIR identified

potentially significant environmental effects in a number of areas which are listed on Page 3.4-18 of the RDEIR. The RDEIR describes how the GPU policies, standards, and implementation measures could lessen the potential impacts of a fire station, if one were to be constructed.

Comment C4-23: This comment states that Chapter 4, Evaluation of Alternatives, does not address GPU Plan Alternative C, "which seems to be a deficiency."

Response to Comment C4-23: Page 4-4 of the RDEIR explains why Alternative C was not analyzed as a CEQA alternative:

"(Alternative C) is rejected from further consideration in this EIR because it increases environmental impacts compared to the Project, and because CEQA only requires evaluation of alternatives in the EIR that would reduce or eliminate environmental impacts of the Project."

This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Letter C5 Kent Sawatzky

7-29-17

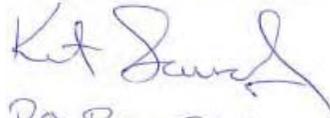
OBJECTION OR CONCERNS REGARDING
THE GENERAL PLAN UPDATE EIR.

THE EIR FAILS TO ADDRESS THE FACT
THAT MARIJUANA IS A SCHEDULE I SUBSTANCE
ACCORDING TO THE FEDERAL GOV.

THE GENERAL PLAN ALLOWS, FACILITATES, AND
ENABLES TAXATION OF A FEDERAL CRIMINAL
ACT WITHOUT ADDRESSING THE CONSEQUENCES
OF DOING SO. INCLUDING BUT NOT
LIMITED TO ENVIRONMENTAL, SOCIOECONOMIC,
HEALTH, AND COSTS RELATED TO THE ABOVE.

C5-1

Kent Sawatzky



P.O. Box 765

BLUE LAKE CA 95525

707-CCB-5288

707-496-7454



Responses to Kent Sawatzky - Letter C5

Comment C5-1: The commenter states the RDEIR fails to address the environmental, sociological, health and costs related to the GPU, which “allows, facilitates, and enables taxation of a federal criminal act.”

Response to Comment C5-1: See response to comment C4-1 above.

Letter C6 Food Fiber and Flowers



Humboldt County Planning and Building Department
 3015 H Street
 Eureka, CA. 85501
 Attn: Michael Richardson

P.O. Box 624, Fortuna, CA. 95540

Directors:

- Dave Feral
Feral Family Farm
- Paul Giuntoli
Warren Creek Farm
- Portia Bramble
- John Gary
Organic Matters Ranch
- Clif Clendenen
Clendenen's Cider Works
- Kevin & Melanie Cunningham
Shakefork Community Farm
- Erin Derden-Little
- Jacque and Amy Newkom
Newkom Family Farm
- Mel Kreh
Flood Plain Produce
- Martha Spencer MS
Natural Resource Planner
- Jared Zystro Phd
Plant Breeder and Geneticist
- John LaBoyteaux
Camp Grant Family Farm

RE: GPU—RDEIR

Dear Michael:

This group of local industry experts and representatives believes that Humboldt County planning policies, both past and present, have never recognized the unique and diverse agricultural productivity of inland regions of the County as compared to the well known dairy lands around Humboldt Bay.

A mountainous and forested county, Humboldt has multiple agricultural districts, with excellent agricultural soils where much of the regions' food production is currently taking place. These areas are different from the well known dairy lands around Humboldt Bay. These inland areas have a longer growing season, support a wide diversity of crops, and have developed their own transportation systems and market opportunities.

Walk down the line at multiple farmers markets throughout the County and note where the farms are located. Orleans, Willow Creek, Blue Lake, Jacoby Creek, Carlotta, the Van Duzen, Mid-Eel, and Mattole Valleys, Ettersburg, Phillipsville, Garberville and more. The fertile lands in these areas are sought by the farmers raising the wide variety of crops that support a vibrant local food system. Some farmers in these areas also export crops to out of County markets.

Focused mostly on timber, dairy and cattle, neither the 1984 Framework Plan nor the GPU recognizes these areas for their unique and important agricultural contribution to the County. While the 60 acre minimum parcel for AE lands is universally supported by Humboldt agriculture, most all of the agricultural conversions, through land use designation changes in the GPU, are located in these more inland agricultural districts.

The new "Residential Agriculture" designation, like its predecessors "Agricultural Rural" and "Agriculture Suburban" is a residential designation. These designations are intended to provide first for residential development and do not recognize the unique value and productivity of prime agricultural soils. Retaining those soils in units large enough to sustainably support a wide range of agricultural crops, is not the purpose of these designations.

C6-1

On existing smaller parcels of prime soil, allowing two residential units by right within a three acre curtilage may remove agriculture from the parcel entirely. Agricultural parcels cannot be equated with TPZ parcels which are generally larger overall.

Food, Fiber and Flowers requests, as an implementation measure in the GPU, that the County identify and inventory prime agricultural soil parcels within the agricultural districts listed above and any other unique locations throughout the County.

Thank you.

John LaBoyteaux

C6-2

Responses to Letter C6 - Food Fiber and Flowers

Comment C6-1: The commenter describes the agriculture industry in the County and concludes that the GPU does not recognize the highly productive agricultural areas for their unique and important agricultural contributions to the County. He states the new GPU land use designations are contributing to the conversion of these areas away from productive agricultural use. Specifically, the Residential Agriculture designation does not “recognize the unique value and productivity of prime agricultural soils. Retaining these soils in units large enough to sustainably a wide range of agricultural crops, is not the purpose of these designations.”

Response to Comment C6-1: The comment expresses objection to the application of the RA designation to areas with prime agricultural soils. This comment does not address specific impacts or mitigation measures in the RDEIR. Therefore, no further response is required under CEQA.

Comment C6-2: The commenter expresses concern that the allowance of two residential units by right within a three-acre curtilage on small parcels with prime soils may preclude use of smaller parcels for agriculture. The commenter goes on to request an implementation measure be added to the GPU to inventory prime agricultural soil parcels “within the agricultural districts listed above and any other unique locations throughout the County.”

Response to Comment C6-2:

The comment requests an implementation measure be added to the GPU. This comment does not address specific impacts or mitigation measures in the RDEIR and thus, no further response is required under CEQA. The establishment of an inventory of parcels that contain prime agricultural soils is a proposal related to the General Plan itself rather than the GPU EIR, and could be considered as an implementation measure to be added to the Plan.

Letter Green Diamond Resource Company



California Timberlands Division
P.O. Box 10399
Anaheim, California
92818-0399
T (707) 658-4400
F (707) 658-3710
gdr@diamondr.com

June 29, 2017

Via Hand Delivery and Email

Michael Richardson, Senior Planner
County of Humboldt
Planning and Building Department
3015 H Street, Eureka, CA 95501
Email: mrichardson@co.humboldt.ca.us



Re: Green Diamond Resource Company comments; Revised Draft EIR and the Appendices for the Humboldt County General Plan Update.

Dear Mr. Richardson,

With this letter Green Diamond Resource Company, a Washington corporation ("GDRCo"), respectfully submits comments regarding the Humboldt County General Plan Update Revised Draft EIR (RDEIR) and the Appendices. GDRCo's comments are specific to the project analyzed in the RDEIR, described on page 2-1 of the RDEIR in Chapter 2, Project Description, as follows:

"The project analyzed in this recirculated and revised draft Environmental Impact Report (RDEIR) is the proposed Humboldt County General Plan (referred to as the proposed General Plan Update (GPU)). The text reflects the Board of Supervisors Markup Draft from October 19, 2015. The proposed General Plan includes goals, policies, standards, implementation measures, and land use maps as recommended by the Planning Commission. This draft, reviewed by the Planning Commission, was evaluated in the April 2, 2012 Draft Environmental Impact Report. During public hearings between June, 2012 and March, 2016, the Board of Supervisors has made modifications, additions, and deletions to that draft. The RDEIR is focused on environmental effects which may reasonably be expected to occur during the 24-year planning period of the GPU, 2016-2040, as detailed in subchapters 2.1 and 2.5 below."

Furthermore, as discussed in detail below, GDRCo's comments are submitted based upon the opinion and position that the RDEIR, the Natural Resources and Hazards Report (Sept. 2002 draft) (Appendix D to the RDEIR), and the Forest Resources Report (Oct. 2003 draft) (Appendix F to the RDEIR) all incorrectly characterize the process of recognizing and/or determining the scope and extent of "legal parcels" and/or adjusting parcel boundaries (without creating "new" parcels) under the California Subdivision Map Act (California Government Code §§ 66410, et seq.) as acts of "conversion" and/or "subdivision" of timberlands. Specifically, the RDEIR and cited Reports conclude, without support or justification, that the Determination of Status process, the Certificates of Compliance process, the recognition of Patent Parcels, and Lot Line Adjustments under the Subdivision Map Act constitute a conversion and/or subdivision of timberlands for purposes of assessing environmental impacts. As discussed in detail in Attachment A to these Comments and the legal opinion appended as Attachment B, these conclusions and the general commentary on the subject included in the RDEIR are not supported by substantial evidence, materially contradict the conclusions reached in studies commissioned and cited as support for the RDEIR, and misstate the findings reached by California resource agencies when reviewing the issue.

C7-1

Lastly, GDRCo has submitted requests for land use designation changes throughout the General Plan Update process. In reviewing the Map Book (Appendix F to the RDEIR - Planning Commission Draft) and the associated County GIS land use maps, many of these land use designation changes have been incorporated but some discrepancies remain, and those are identified in these Comments. Specifically, Attachment C to these Comments summarizes the discrepancies identified and provides what GDRCo believes to constitute the correct land use designation changes for each affected parcel based upon the Board of Supervisors' Draft General Plan Update and previous work during the Update process.

C7-2

Sincerely,

Green Diamond Resource Company

By: 
Neal D. Ewald
Senior Vice President, California Operations

Attachment A

GDRCo Comment	Page	Comment
#1	3.2-11	<p>Beginning with the second paragraph on page 3.2-11, the RDEIR makes an unsubstantiated statement regarding timberland “conversion”. Specifically, the RDEIR characterizes the Determination of Status and Certificate of Compliance process established for recognizing legal parcels of land under the California Subdivision Map Act (California Government Code §§ 66410, et seq.) (the “Subdivision Map Act”) to constitute acts of “converting” and/or “subdividing” timberlands. This is incorrect and a misstatement of fact. The incorrect characterization of what constitutes “timberland conversion” is repeated in multiple locations in the RDEIR and portions of the RDEIR materially misstate the reports cited in support of the discussion regarding Forest and Agricultural resources.</p> <p>Although GDRCo acknowledges that timberland conversion can certainly occur as part of new subdivisions and associated zoning reclassifications and General Plan amendments, timberland conversion does not occur through the Certificate of Compliance process. The Certificate of Compliance process is simply the procedure to determine the baseline parcel status of units of land, subject to conveyance in compliance with the Subdivision Map Act, nothing more. Recognition of a legal parcel under the Subdivision Map Act is not a “subdivision”, to the contrary it is recognition of a legal unit of land which pre-existed adoption of the Act (adopted and made effective on March 1, 1975) and, for purposes of RDEIR evaluation, constitute a baseline condition. Issuance of a Certificate of Compliance in no way affects the zoning assigned to the recognized parcel or the permitted principal and conditional uses attendant to that zone classification. Any substantive change in the principal and conditionally permitted uses of the parcel requires a discretionary zoning reclassification and accompanying General Plan amendment.</p> <p>Furthermore, and of substantial significance, the conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by the California Department of Forestry and Fire Protection (“CAL FIRE”) or, if eligible, a Less Than 3 Acre Conversion Exemption (likely affecting only a portion of a parcel) accepted by CAL FIRE.</p> <p>The general commentary included in the RDEIR equating issuance of Certificates of Compliance and recognition of legal parcels/units of land under the Map Act with “timberland conversion” should be revised and/or removed as it does not accurately depict what a Certificate of Compliance is and the process does not directly result in the conversion of agricultural land or timberland. As discussed in greater detail below, these presumptions included in the RDEIR are not supported by substantial evidence or the studies cited in support of the conclusions.</p>
#2	3.2-11	<p>Beginning with the third paragraph on page 3.2-11, the RDEIR contains an incorrect statement that a Certificate of Compliance results in a change in “land use”. Again,</p>

C7-3

C7-4

		<p>changes in land use may only be achieved through either a General Plan Amendment and accompanying zoning change or through the General Plan Update process. The language regarding Certificates of Compliance should be removed as it does not accurately depict the circumstances under which a change in land use may occur. As the County is well aware, the Certificate of Compliance process on agricultural lands and timberlands routinely yields the identification of parcels containing substantial acreage volume, oftentimes in increments equal to the entirety of the original United States Patent. There is no basis to conclude the parcel recognition, in and of itself, constitutes a “conversion” of pre-existing land uses and the County has not identified substantial evidence to reach this conclusion.</p>	C7-4
#3	3.2-11	<p>Beginning with the fourth paragraph on page 3.2-11, the RDEIR again makes a reference to conversion of agricultural lands and timberlands.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p> <p>To the extent that the statement provided in the RDEIR relies upon the incorrect assumption that the Certificate of Compliance process results in conversion of agricultural lands and timberland it is not supported and should be revised or removed accordingly.</p>	C7-5
#4	3.2-12	<p>The information and discussion appearing in the first paragraph regarding County parks and community parks appears to exclude the 1,000 acre (+/-) McKay Community Forest acquired by the County of Humboldt in August, 2014. If the Community Forest acreage is omitted, the County park acreage recited in the RDEIR does not represent current conditions and should be revised accordingly.</p>	C7-6
#5	3.2-12	<p>Beginning with the third paragraph, the information provided regarding the County’s timber industry does not reflect current conditions. According to the California State Board of Equalization, between 2010 and 2015, the total value for Humboldt County’s timber harvest has fluctuated between approximately \$68 million and \$71 million, with a high of \$81 million in 2014. This information should be revised to represent current conditions. (Supporting information for these statistics is enclosed as Attachment D.)</p>	C7-7
#6	3.2-14	<p>Under the topic “Timberland Conversion” appearing on page 3.2.-14, the commentary regarding the existence of multiple viewpoints of “timberland conversion” depending on how the terms is defined and in what context the term is used is unsubstantiated and misleading. The operative definition provided in the RDEIR and recognized in the timber industry for “Timberland Conversion” is that appearing in the California Forest Practices Act and implementing Regulations (California Code of Regulations Title 14, Article 7). This is the only definition that should be used in the context of discussing Timberland Conversion in the RDEIR or anywhere else in conjunction with the Humboldt County General Plan Update.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p>	C7-8

		<p>The information provided in the RDEIR should be revised to rely solely upon the definition of Timberland Conversion recognized by the Forest Practices Act and implementing Regulations and remove any discussion and/or reference to alternative definitions as absolutely none are provided in the RDEIR and this renders the document confusing, subjective and unsupported. The entire RDEIR should be evaluated to ensure the term "Timberland Conversion" is used only in the context recognized by applicable law, i.e., the conversion of timberland to non-timber growing use.</p>	
#7	3.2-15	<p>As provided in the previous GDRCo comment, the discussion appearing in the first paragraph on page 3.2-15 describing "conversion" based on parcel size, market conditions or ownership values is speculative and should be removed. The general conclusion that "forest management practices are not enhanced with smaller parcel sizes" is vague, speculative and not supported by empirical evidence. No discussion appears in the RDEIR regarding what is considered a "small" timberland parcel. In fact, this is a major flaw in the RDEIR and the conclusions reached in the RDEIR are implicitly at odds with those reached by CAL FIRE as explained further in Comment #8, immediately below.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p> <p>This chapter should be revised to remove any reference to "conversion" in the context of discussing land management priorities or economies of scale based on undefined "parcel sizes".</p>	C7-9
#8	3.2-15	<p>It must be noted and the RDEIR corrected to reflect the fact that the first sentence of the second paragraph on page 3.2-15 has been restated and manipulated throughout the General Plan Update process beginning first with the Forest Resources Chapter of Natural Resources and Hazards Report prepared by Dyett & Bhatia (September 2002), then materially restated with the Forest Resources and Policies Report (October 2003 Draft, revised, April 2006) prepared by the Humboldt County Department of Community Development Services, and finally again as the text appears in this chapter of the RDEIR.</p> <p>Of note, the Natural Resources and Hazards Report prepared by Dyett & Bhatia (September 2002) first used the sentence in the following discussion regarding timberland conversion beginning on page 3-1 under Chapter 3; Forest Resources:</p> <p>TIMBERLAND CONVERSION</p> <p><i>Timberland conversion, the transfer of timberland to other uses, occurs as a result of General Plan amendments and new subdivisions, as well as through the Certificate of Compliance process, which involves recognition of historic parcels that may be substandard to minimum parcel sizes and densities established by the General Plan. One quarter of all the Certificate of Compliance applications submitted since 1985 have been on agricultural properties and timberlands, affecting more than 18,000 acres. Also, more than one half (53 percent) of all the lot line adjustment applications since 1985 have been</i></p>	C7-10

	<p><i>on agricultural and timberlands, affecting more than 16,000 acres.</i></p> <p><i>These changes are primarily reflective of the breakup of old family ranches. Timber production on these areas is likely still viable; therefore, these changes are not deeply significant with respect to the timber economy. Direct land use conversions by rezone out of TPZ (Timber Production Zone) have been more limited, on the order of 1,000 acres over the last 25 years, 910 acres of which were part of the County's Eureka Community Plan in 1995.</i></p> <p><i>An additional conversion issue that has long been a topic of debate is conversion by public acquisition, highlighted most recently by the Headwaters Forest Reserve acquisition, which removed 7,500 acres from timber production. While such conversions maintain the open space values of the lands, they are lost to the economic sector.</i></p> <p><i>Subsequently, the Forest Resources Chapter of the Natural Resources and Hazards Report prepared by the Department of Community Development Services incorrectly references Certificates of Compliance and Lot Line Adjustments as a means of "converting" timberland to other uses. The Department of Community Development Services reached this conclusion in direct contradiction to the finding by Dyett & Bhatia that "Timber production on these areas [i.e., parcels recognized under the Certificate of Compliance process] is likely still viable; therefore, these changes are not deeply significant with respect to the timber economy". (The operative sentence from the actual Dyett & Bhatia Report is highlighted in yellow above).</i></p> <p><i>Of note, the Forest Resources and Policies (October 2003 Draft, revised, April 2006), subsequently prepared by the Humboldt County Department of Community Development Services, relied upon the Natural Resources and Hazards report prepared by Dyett & Bhatia. The Forest Resources and Policies report provided the following discussion regarding timberland conversion beginning on page 1-16 under Section 1.4; Conversion of Timberlands:</i></p> <p>1.4 CONVERSION OF TIMBERLAND</p> <p><i>Timberland conversion, the transfer of timberland to other uses, occurs as a result of General Plan amendments and new subdivisions, as well as through the Certificate of Compliance process, which involves recognition of historic parcels that may be substandard to minimum parcel sizes and densities established by the General Plan. One quarter of all the Certificate of Compliance applications submitted since 1985 have been on agricultural properties and timberlands, affecting more than 18,000 acres. Also, more than one half (53 percent) of all the lot line adjustment applications since 1985 have been on agricultural and timberlands, affecting more than 16,000 acres.</i></p> <p><i>These changes are primarily reflective of the breakup of old family ranches. Timber production on these areas may still be viable; and it is unclear what specific effects this trend has had on the timber economy. However, forest management practices are generally not enhanced with smaller parcel sizes. Land ownership patterns, for example, are likely to become more complicated with smaller parcel sizes, which may inhibit resource production. Direct land use conversions by rezone out of TPZ (Timber Production</i></p>
--	--

C7-10

		<p><i>Zone) have been more limited, on the order of 1,000 acres over the last 25 years, 910 acres of which were part of the County's Eureka Community Plan in 1995.</i></p> <p><i>An additional conversion issue that has long been a topic of debate is conversion by public acquisition, highlighted most recently by the Headwaters Forest Reserve acquisition, which removed 7,500 acres from timber production. While such conversions maintain the open space values of the lands, they are lost to the economic sector.</i></p> <p><i>Finally, another process by which timberland conversion occurs is through the "Less than 3 acre Conversion Exemptions" which allow for the ministerial approval of conversion of less than 3 acres for other permitted land uses such as residential development.</i></p> <p>As the highlighted text makes clear, the Forest Resources and Policies Report incorrectly references Certificates of Compliance and Lot Line Adjustments as a means of converting timberland and materially misstates the findings of the Natural Resources and Hazards Report prepared by Dyett & Bhatia, 2002. The County's conclusion that changes in ownership by issuance of Certificates of Compliance "primarily reflective of the breakup of old family ranches" creates "unclear" effects on the timber economy contradicts the retained consultant's conclusion that any changes are not deeply significant.</p> <p>Finally the first sentence of the second chapter of the RDEIR at page 3.2-15 uses the same sentence in discussing timberland conversion in the context of changes in land management priorities. As stated in GDRCo comment #7, above, the use of the term conversion is misused in the context of discussing land management priorities and assumptions regarding parcel size, market conditions or ownership values are not supported and thus have not basis for inclusion in the RDEIR.</p> <p>Although GDRCo recognizes that there is no opportunity to revise any of the Background Reports used as part of the RDEIR, it does illustrate the importance of using the correct terminology in the correct context in a consistent manner throughout the process. Also, any discussion in the RDEIR should recite the actual conclusions of the retained consultants included in the supporting materials.</p>	C7-10
#9	3.2-15	<p>The last paragraph on page 3.2-15 entitled "Conversion from Fragmentation" is entirely misleading, incorrect, and not substantiated by the material cited or the text in this section of the RDEIR. Moreover, the discussion materially omits the relevant discussion points and parcel size distinctions included in the cited CAL FIRE Fire and Resource Assessment Program's (FRAP) Forest and Range 2003 Assessment rendering the entire discussion in the RDEIR misleading and without proper context.</p> <p>Specifically, although the CAL FIRE Fire and Resource Assessment Program's (FRAP) Forest and Range 2003 Assessment, cited in the RDEIR, does include consideration of "fragmentation" and "parcelization" and the potential impacts that may consequently occur on agricultural and forest resources, the 2003 FRAP Assessment does not make a direct correlation between "parcelization" and "conversion" as does the title of this section. Of substantial import, although the RDEIR provides a definition of "parcelization", per the 2003 FRAP Forest and Range 2003 Resource Report at the foot of page 3.2-15 along with the FRAP definition of "rural residential" as being a housing</p>	C7-11

		<p>Assessment appears to provide an appropriate definition.</p> <p>Again, it must be noted that, based on historic experience factors, the Certificate of Compliance process in Humboldt County routinely yields the identification of parcels substantially greater in size than 20 acres.</p>	C7-11
#10	3.2-16	<p>In the second paragraph of page 3.2-16 as part of its “parcelization” discussion the RDEIR references a study prepared by the North Coast Regional Land Trust (NRLT). However, the NRLT study does not utilize the term “parcelization” anywhere in the report. The NRLT report does use the term “subdivision” which is much more narrowly defined. However, the NRLT report fails to provide any data to substantiate that approximately 35,000 acres of forestland was subdivided in Humboldt County, as defined by the Subdivision Map Act. If, in fact, the approximate 35,000 acres simply changed hands as a result of a change in ownership, the report is overreaching and materially misleading in referring to the 35,000 acres as being subdivided.</p> <p>Furthermore, both the RDEIR and the NRLT report failed to consider the economic effects of variations in log prices and market demand which play a critical role in a landowner’s decision to harvest timber.</p> <p>Any discussion regarding the NRLT report in the RDEIR should be limited to terminology and/or the data utilized in the NRLT report. If in fact the approximate 35,000 acres referenced in the NRLT as being subdivided actually represents a change in ownership, the RDEIR should not rely on the NRLT report and any assumptions in the report regarding decreased timber harvest on these lands should be reconciled with market influences during the limited time period considered in the report.</p>	C7-12
#11	3.2-16	<p>The first sentence, third paragraph of page 3.2-16 misrepresents what a patent parcel is and incorrectly states that the existence of patent parcels affects “fragmentation” of land. The balance of the paragraph more accurately explains what a patent parcel is and the process by which it can be determined whether a patent parcel, or any parcel, is considered a separate legal parcel.</p> <p>Legal parcels, whether they are unaltered patent parcels or parcels created in conformance with the Subdivision Map Act, are the means by which property is held (owned). GDRCo does support retaining the rights of property ownership to the extent they exist. Any “fragmentation” of the forest resource land base in Humboldt County occurs as a result of external factors (economic, social, or other), not based upon the existence of patent parcels the vast majority of which substantially exceed 20 acres in size—which generally results in no fragmentation as concluded in the CAL FIRE 2003 FRAP Forest and Range 2003 Resource Report.</p> <p>The first sentence of the paragraph should be removed from the RDEIR as it misrepresents what a patent parcel is and incorrectly states that the existence of patent parcels creates fragmentation of land.</p>	C7-13
#12	3.2-17	<p>In the second paragraph, first two sentences on page 3.2-17 the RDEIR fails to explain that the change in ownership pattern for industrial timberland owners during the period from</p>	C7-14

		<p>2001 to 2008 was largely a result of companies closing sawmills due to a lack of timber supply from the US Forest Service. Many of these companies were heavily reliant upon timber from the US Forest Service and when sawmills closed all assets were typically liquidated, including timberland holdings.</p> <p>This information should be revised to further explain or substantiate the change in timberland ownership during this time period.</p>	C7-14
#13	3.2-17	<p>In the second paragraph, last sentence on page 3.2-17, a misleading statement appears regarding the recognition of patent or legal parcels. The recognition of patent or legal parcels (i.e. Certificates of Compliance) does not in and of itself serve as a legal mechanism to break up large ranches and timberland and has no impact on the permitted and/or conditionally permitted uses of land based on zoning classifications.</p> <p>A Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. A Certificate of Compliance does not certify that the real property for which the certificate has been issued is suitable for development in accordance with existing or future regulations nor does issuance of a Certificate of Compliance in any way permit uses of land not allowed by its zoning classification. Certificates of Compliance can be used to assist in valuing conservation easements, for financing purposes, or for matters pertaining to title and any restraint on their issuance violates the Subdivision Map Act and creates an unlawful restriction on the alienation of land.</p> <p>This information should be revised to state that landowners may elect to sell individual patents or legal parcels upon receipt of a Certificate of Compliance.</p>	C7-15
#14	3.2-17	<p>Beginning with the fourth paragraph and continuing through the third paragraph on page 3.2-18, the discussion of a previous proposal by MAXXAM Corporation is outdated and irrelevant as it was never a project, never came to fruition and any land use planning based on this artifact is unsupported and entirely speculative. The discussion regarding other land sales and any reference to illegal activities by the sellers or purchasers of property is irrelevant as these are issues related to enforcement and not the current Framework Plan or the proposed General Plan Update.</p>	C7-16
#15	3.2-18	<p>The fourth paragraph on page 3.2-18 contains a false narrative perpetuated throughout Section 3.2 that an individual timberland patent or legal parcel, when sold, is converted and no longer suitable for timber production. While it is acknowledged that there is an economy of scale related to the size of timberland holdings, and the corresponding management of same, the conveyance of an individual patent or legal parcel does not constitute conversion (as defined by CAL FIRE) nor does it constitute detrimental fragmentation, per se, as evaluated by the 2003 FRAP Forest and Range 2003 Resource Report referenced above. Therefore, the timber producing capabilities of timberlands are not necessarily lost as a result of the sale of an individual patent or legal parcel and the RDEIR discussion on this point is entirely speculative and unsupported.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less</p>	C7-17

		<p>Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p> <p>It is important to note that GDRCo’s ownership in Humboldt County represents hundreds of real estate transactions, both purchases and sales, beginning in approximately 1956. In other words, the GDRCo ownership did not always look as it does today. When acquired these lands had economic value not only as timberland but also as individual parcels. It is of importance to GDRCo that economic value is maintained for resource lands, especially to the extent that these lands had a certain economic value when acquired.</p> <p>If the County intends to accurately assess if resource lands are adequately protected, there must first be a comprehensive revision of Section 3.2 to more narrowly define what constitutes conversion of timberland, and what constitutes “fragmentation” or “parcelization” with detrimental effects on timber resources and ecology. Again, the 2003 FRAP Forest and Range 2003 Resource Report acknowledges 20 acre parcels as a defining mechanism, recognizing continued timber productivity and ecological benefits of parcels 20 acres or greater. The false narrative that Certificates of Compliance, Determinations of Status, and even the sale of individual patents or legal parcels constitute “conversion” of timberland with detrimental environmental effects should be removed from the discussion of timberland resources in Section 3.2. The discussion is not defined, has no definitional reference points, and is thus vague and in violation of EIR requirements under CEQA. (See Attachment B appended hereto).</p>	C7-17
#16	3.2-19	<p>The first paragraph of page 3.2-19 states that the General Plan Update (i.e. the Project) “...could include new policies which could facilitate conversion of farmland or forest land” is extremely speculative and unsupported. In the context of assessing Impacts and Mitigation Measures, only those policies which are included as part of the General Plan Update as presented in this RDEIR can be considered and/or evaluated. This language should be deleted from the RDEIR.</p>	C7-18
#17	3.2-19	<p>The fourth paragraph, last sentence of page 3.2-19 is misleading in that conversion of timberland does not directly result from the subdivision or the sale of individual patents or legal parcels.</p> <p>The subdivision of TPZ zoned lands is allowed down to a 40-acre minimum parcel size with an approved JTMP. The intent of a JTMP is to ensure that timber management is still viable subsequent to a subdivision being approved. The County should recognize that the conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p> <p>Again, the sale of an individual patent or legal parcels does not in and of itself constitute conversion of timberland. As previously stated, the term Timberland Conversion should be limited to that which is provided in the Forest Practice Act (Title 14, Article 7).</p> <p>This sentence should be removed from the RDEIR.</p>	C7-19
#18	3.2-32	<p>Under the heading “Trinidad Planning Watershed, Changes from T” on page 3.2-32, the 42 acres referenced as being east of Big Lagoon is believed to be GDRCo property for</p>	C7-20

		<p>which GDRCo submitted a change in land use designation. GDRCo had initially made a request to have the land use designation changed from T to RE so that the land use would conform with what was an existing residential use. GDRCo no longer provides residential use of this approximately 42 acre property and subsequently requested that the land use be changed from T to CR, which was approved by the Board of Supervisors and is reflected in the current land use maps.</p> <p>Information provided under the Trinidad Planning Watershed, Changes from T should be revised to describe the change in land use for the approximately 42 acre property located east of Big Lagoon as changing from T to CR.</p>	
#19	3.2-34	<p>The last paragraph of page 3.2-34 contains the title “Conversion as a result of increased parcelization and subsequent development” which is materially misleading and unsubstantiated by the subsequent content.</p> <p>As previously stated, selling individual patents or legal parcels does not constitute conversion, nor does it constitute a change in parcel size. Patents and/or legal parcels can form the basis in which real property interests are held, with larger ownerships being comprised of multiple patents and/or legal parcels. While such properties may change ownership they are still available for resource production and it is up to the individual landowner and applicable zoning regulations as to how those resources are used and managed.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p> <p>The term “conversion” should be removed from the subsection title—the RDEIR wholly fails to provide any definition to what constitutes actual “fragmentation” or what sized parcels cause these concerns and general commentary of this nature is not appropriate in an EIR.</p>	
#20	3.2-35	<p>In the first paragraph on page 3.2-35 regarding the density standard for patents and legal parcels it should be recognized that one dwelling unit per parcel is allowed regardless of whether the acreage meets the minimum parcel size (i.e. 160 acres for TPZ).</p> <p>Patents were originally established based upon the Public Land Survey System (PLSS) resulting in patents averaging approximately 160 acres +/- in size, upwards to 640 acres. The fact that a patent parcel is less than 160 acres should not be a basis for nonconformance. Furthermore, the Subdivision Map Act provides a process to recognize existing legal parcels with the understanding that said recognition does not constitute subdivision.</p> <p>Patents and/or legal parcels can form the basis in which real property interest are held, with larger ownerships being comprised of multiple patents and/or legal parcels. Selling individual patents or legal parcels does not constitute subdivision, nor does it violate the Subdivision Map Act. It is misleading for the County to insinuate that the compliance with the Subdivision Map Act is somehow being avoided through the recognition, sale or</p>	

C7-20

C7-21

C7-22

		<p>purchase of patents and/or legal parcels.</p> <p>This paragraph should be removed.</p>	C7-22
#21	3.2-35	<p>The discussion in the second paragraph on page 3.2-35 regarding patent parcels is both speculative and subjective. The Determination of Status process, as provided for by the Subdivision Map Act, is the only accurate means of establishing the number unaltered and altered patent parcels and defining base units of land. The last sentence in this paragraph should be revised to specify that any unaltered or altered patent parcel found to be in conformance with the Subdivision Map Act Determination of Status process would retain its historic rights. Any other assumption is contrary to law.</p>	C7-23
#22	3.2-35	<p>The discussion in the third paragraph on page 3.2-35 comingles the Determination of Status process (i.e. Certificates of Compliance) and development criteria which are not mutually exclusive.</p> <p>A Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. A Certificate of Compliance does not certify that the real property for which the certificate has been issued is suitable for development in accordance with existing or future regulations.</p> <p>The information provided in this paragraph should be revised to clearly state that the Determination of Status process is not contingent upon development criteria.</p>	C7-24
#23	3.2-35	<p>The first paragraph under “Other changes that could result in Conversion of Farmland or Forestland” on page 3.2-35 and discussion regarding conversion as used in the subsection title should be limited to the definition of Timberland Conversion as provided in the Forest Practice Act (Title 14, Article 7).</p>	C7-25
#24	3.2-36	<p>The third paragraph, first sentence of page 3.2-36 contains a general statement without sufficient facts to support the conclusion. Conflicts may occur however it must be recognized that timber harvesting is a relatively short-lived event with short term disruptions as compared to ongoing timber management activities and, as the 2003 FRAP Forest and Range 2003 Resource Report and updates clearly recognize, any “conflicts” greatly diminish on parcels in excess of 20 acres in size. Again the use of the term conversion should be limited to the definition of Timberland Conversion as provided in the Forest Practice Act (Title 14, Article 7).</p>	C7-26
#25	3.2-36	<p>The third paragraph, third sentence of page 3.2-36 should be changed as follows: the term “limiting incompatible uses” should be further clarified to state “limiting incompatible uses consistent with Government Code 51100-51104”.</p>	C7-27
#26	3.2-39	<p>The sixth paragraph, first sentence on page 3.2-39, regarding the use of the term “parcelization”, is again misleading. Neither the RDEIR nor the Board of Supervisors’ approved draft General Plan Update provides any definition for “parcelization”. If the term, as used in the first sentence of the sixth paragraph on page 3.2-39 of the RDEIR assumes that a Certificate of Compliance constitutes parcelization, then this is a false and</p>	C7-28

		misleading statement and should be revised accordingly. Likewise, every conveyance of land constitutes a “parcelization” to some extent—the purpose of the EIR is analyze detrimental environmental effects, without evaluating parcel size relative to any discussion of “parcelization” and/or “fragmentation” renders the entire narrative vague and unsupported.	C7-28
#27	3.2-39	<p>In the sixth paragraph, starting with the third sentence on page 3.2-39 and continuing onto page 3.2-40, the discussion assumes that the non-implementation of the Merger Ordinance will cause the “conversion” or “loss” of timberlands to rural residential uses. This assumption is entirely unsupported and the narrative in the RDEIR lacks context. Again, the 2003 FRAP Forest and Range 2003 Resource Report does provide context in this regard (i.e., recognizing density at less than 20 acres to cause fragmentation concerns), but the RDEIR makes no effort to define “parcelization” or “fragmentation” in a meaningful, substantive manner. The narrative is vague, unsupported and should be stricken.</p> <p>As previously stated, selling individual patents or legal parcels does not constitute conversion, nor does it constitute a change in parcel size. Patents and/or legal parcels can form the basis in which real property interest are held, with larger ownerships being comprised of multiple patents and/or legal parcels. While such properties may change ownership they are still available for resource production and it is up to the individual landowner as to how those resources are managed.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p> <p>The fourth sentence of the sixth paragraph on page 3.2-39 should be deleted as it is not adequately substantiated.</p>	C7-29
#28	3.2-40	<p>The first paragraph on page 3.2-40 contains information that is misleading because the term “conversion” infers that the timber growing capacity of resource production lands is lost if used in conjunction with rural residential purposes. This gross generalization gives no consideration to parcel size and fails to recognize that these parcels likely retain the land use and zoning that support resource production and can provide ecological benefits as well, as expressly concluded in the 2003 FRAP Forest and Range 2003 Resource Report for parcels 20 acres or greater.</p> <p>As previously stated, selling individual patents or legal parcels does not constitute conversion, nor does it constitute a change in parcel size. Patents and/or legal parcels can form the basis in which real property interests are held, with larger ownerships being comprised of multiple patents and/or legal parcels. While such properties may change ownership they are still available for resource production and it is up to the individual landowner as to how those resources are managed.</p> <p>The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption accepted by CAL FIRE.</p>	C7-30

		<p>The finding provided here that there is a significant unavoidable impact is unsubstantiated and inaccurate if the County presumes (as the RDEIR text implies) that “conversion” occurs as a result of either the sale of individual patents/legal parcels or the residential use of timber resource lands. This implicit finding relies upon a false narrative without any context and should be re-evaluated by limiting the use of the term “conversion” in a manner that is consistent with the Forest Practice Act.</p>	C7-30
#29	3.2-40	<p>Fourth paragraph, first sentence; T as used at the end of this sentence should be revised to be TPZ.</p>	C7-31
#30	3.3-55	<p>Mitigation 3.3.3.2.a.; It should be recognized that the mitigation proposed is an onerous undertaking and it is likely unrealistic that such an evaluation could be completed within a two-year timeframe. The County, under current State regulations, is required to evaluate critical watersheds.</p> <p>If Mitigation 3.3.3.2.a. is adopted the sole cost of completing said evaluation should be the responsibility of the County, not individual project applicants, and any failure on the part of the County to complete the evaluation within the specified two-year timeframe should not result in a de facto moratorium on development or any other project in a given watershed.</p>	C7-32
#31	3.11-17	<p>Impact 3.11.3.5. Habitat Conservation Plans; suggest the first sentence under this subchapter be revised as follows:</p> <p><i>“Implementation of the General Plan Update <u>could</u> result in additional development that conflicts with adopted habitat conservation plans”.</i></p> <p>This suggested change is relevant considering that an HCP may provide for limited land use changes and therefore be an absolute conflict.</p>	C7-33
#32	3.11-18	<p>First paragraph, beginning with the fourth sentence; the information provided in the RDEIR herein is misleading and hyperbolic.</p> <p>As stated in Chapter 2 of the RDEIR, “The RDEIR is focused on the environmental effects which may reasonably be expected to occur during the 24-year planning period of the GPU, 2016-2024, as described in subchapters 2.1 and 2.5 below”. Table 2.5-1 on page 2-24 of the RDEIR provides the estimated number of dwelling units by land use designation that will be required to accommodate the estimated maximum feasible housing development and potential and projected development from 2016 to 2040. For lands planned T or TC the estimate provided is 44 housing units assuming that peak demand occurs in 2028. The discussion provided on page 3.11-17, under “Analysis of Relevant General Plan Update Policies”, should be limited to the scope of the Project as described in the RDEIR. The discussion which refers to the theoretical construction of as many as “20,000 dwelling units” on lands planned Timberlands (T) is completely hyperbolic and irrelevant as the analysis of relevant General Plan Update policies related to land planned T. Specifically, in order to maintain internal consistency, the number of dwelling units on lands zoned T considered in the RDEIR should be limited to the estimated 44 units as</p>	C7-34

		<p>identified in the RDEIR. The "20,000" unit assumption is entirely misplaced and without support. Furthermore, the presumption, as framed, violates accepted EIR scoping and project description standards under CEQA. (See legal opinion appended as Attachment B).</p> <p>The discussion provided under Analysis of Relevant General Plan Update Policies regarding the planned densities and theoretical maximum buildout of lands planned T to "20,000 units" should be removed as it is outside the scope of the Project as described in the RDEIR and it is not substantiated by any analysis elsewhere in the RDEIR.</p>
--	--	--

C7-34