



*"Jobs, Homes & Individual Rights "*

August 28, 2009

Mr. Jimmy Smith, Chairman  
Board of Supervisors  
Humboldt County  
825 Fifth Street  
Eureka, California 95501

Subject: Resolution to adopt  
2009 Draft Housing Element  
Final Supplemental Environmental Impact Report

Dear Chairman Smith and Members of the Board:

It is now past 2:30 a.m. in the morning on August 28, 2009. In less than seven (7) hours, your Board plans to adopt a Housing Element and Supplemental EIR. We received the subject 50-page document -- a Resolution regarding the Element and SEIR prepared by your Planning staff for your adoption, just a few hours ago.

There clearly is not adequate time for the public to properly review and comment on this document. We have submitted written comments and oral testimony over the past many months expressing our concerns. Unfortunately, all of those concerns remain valid. We can find no evidence that our numerous concerns have been addressed or properly responded to.

We can find no evidence that any legitimate analysis has been performed. What we find are words expressing opinions, not analysis. Analyze:

Evaluate  
Study  
Investigate  
Scrutinize  
Breakdown  
Test

As far as we can ascertain, no such actions have been taken. We agree with Healthy Humboldt when they testified at your Board meeting three days ago on Tuesday, August 25, 2009, that biological evaluations need to be performed by biologists, not planners. These so-called studies, as well as the rest of the environmental work, simply do not comply with CEQA.

The subject Resolution describes:

- Certain documents, such as the Initial Study, are said to be available on the County's website. They are not available on the County's website that we can find.
- Many of the studies and reports used in the preparation of the Housing Element are over seven (7) years old. That information is no longer current or relevant

- Numerous references are made to analysis to be performed in the future. This violates CEQA. CEQA requires impacts which may occur as a result of policies and programs being adopted, be evaluated **before** adopting the project, in this case the Housing Element, not after the fact.
- The definitions of the project alternatives have now been revised. This makes it impossible to link prior public and Planning Commission comments to the relevant alternative.
- Planning staff repeated reported to the Planning Commission over the past couple of years, that Alternative B was your Board's preferred alternative. Alternative B is no longer referenced in the subject document.
- The subject Resolution states that the Planning Commission and your Board have reviewed and discussed the 1998 EIR as well as the 2003 SEIR. We wonder when those discussions took place. It was not during any publically noticed meetings.
- Your Board adopted Inclusionary Zoning last week, and yet there has been no analysis performed to evaluate the potential negative impacts to existing housing, as is required by State guidelines.
- Under **Summary of the Alternatives Analysis**, the document states:

***“The Project has fewer impacts than the No Project alternative, Alternative A and Alternative C on agriculture resources, air quality, cultural and historic resources, surface water and groundwater, and cumulative impacts. The proposed project will also have fewer impacts from geology and soils hazards, and public health and safety hazards than the No Project alternative, Alternative A and Alternative C.”***

How can this statement possibly be true? Where is the analysis which draws that conclusion? The only feasible way we can imagine this being the case, would be if the County intends to take existing property rights away from landowners, i.e., not allow housing to be built that would have been allowed if the existing Housing Element adopted in 2003 remained in affect.

- Under Section 7: **Standard for Assessment of Adverse Environmental Impacts of Preferred Plan**, the subject document states:

***“In preparing the Draft SEIR for the project, staff employed reasonable conditions in their analysis of the potential impacts of components of the project to give County decision makers and the public an informed understanding of the most likely negative impacts which could theoretically result from the specific decision made.”***

What analysis? Where is the analysis? Who performed the analysis? What are the credentials of those who performed the analysis?

- Section 8: **Process Goals, Project Goals and Alternatives to the Project**, item 5(c) states:

*“The analytical process of comparing and analyzing impacts of the Preferred Alternative to the existing environmental setting has permitted the Board of Supervisors to weigh impacts attributed to the implementation of the Housing Element against an indefinite continuation of current housing policies.”*

What process? What comparison? Where are the “analyzing impacts”?

- Section 9: **General Explanation of Findings**

*“In subsequent sections, the Board of Supervisors will make findings concerning the significant adverse impacts and potentially adverse impacts which have been identified in the FSEIR.”*

What is the source of the findings? Who made the findings? What are the qualifications of the author of the findings?

- **TABLE 1. Environmental Impact Summary Table 2003 and 2009 Housing Element**

Who decided which Impacts were Significant, or less than Significant, or Potentially Significant? What was their rationale? What are their qualifications/expertise to make those determinations?

- Have all comments, written and oral, which have been made over the past few weeks and days been incorporated into the Final SEIR?
- In addition to those written comments submitted to the County regarding the Housing Element and SEIR, already recognized in the subject documents, please incorporate the following letters into the record:

January 6, 2009 HELP letter to Planning Commission Chair, Jeff Smith at <http://helphumboldt.com/downloads/helpCountyJeffSmith15.pdf>

January 21, 2009 HELP letter to Planning Commission Chair, Jeff Smith at <http://helphumboldt.com/downloads/helpCountyJeffSmith18.pdf>

May 20, 2009 HELP letter to Board of Supervisors Chair, Jimmy Smith at <http://helphumboldt.com/downloads/helpCountySmith9.pdf>

June 16, 2009 HELP letter to Board of Supervisors Chair, Jimmy Smith at <http://helphumboldt.com/downloads/helpCountySmith6.pdf>

*Mr. Jimmy Smith, Chairman and Members of the Board of Supervisors  
August 28, 2009, cont'd*

Thank you for considering these issues.

We recognize and appreciate the severity of the decisions before you. May you be guided by the law as you make them.

Sincerely,

Kay Backer, representing  
Humboldt Economic & Land Plan

cc: County Board of Supervisors  
County Planning Commissioners  
Loretta Nickolaus, County Administrative Officer  
Wendy Chaitin, County Counsel  
Carolyn Ruth, Deputy County Counsel  
Kirk Girard, Community Development Services Director  
Michael Richardson, Senior Planner  
Kathy Hayes, Clerk of the Board  
Sharyn Lodes, Planning Commission Clerk  
Bonnie Blackberry, Civil Liberties Monitoring Project  
Lynn Jacobs, Director, State Housing & Community Development  
Cathy Creswell, Deputy Director, State Housing & Community Development  
Cynthia Bryant, Director, Governor's Office of Planning and Research

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