

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of October 6, 2020

RESOLUTION NO. 20-91

**RESOLUTION NO. 20-91 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING FINDINGS OF FACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAMOA PENINSULA WASTEWATER PROJECT (SPWP), ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, APPROVING THE SPWP, AND INITIATING AMENDMENTS TO THE HUMBOLDT BAY AREA PLAN THAT ARE NECESSARY TO ALLOW THE SPWP TO PROCEED**

**WHEREAS**, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans, local coastal plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

**WHEREAS**, Humboldt County has recognized that existing onsite wastewater treatment systems in Fairhaven and surrounding areas on the Samoa Peninsula pre-date current standards and, coupled with a shallow groundwater table and fast-draining sandy soils, prevent the adequate treatment of wastewater, resulting in public health and water quality problems; and

**WHEREAS**, there has not been a public wastewater service provider for the Samoa Peninsula and the Humboldt County Division of Environmental Health considers establishment of a community sewer system on the Samoa peninsula a high priority; and

**WHEREAS**, Humboldt County Board of Supervisors has supported funding for the planning and design of a Samoa Peninsula wastewater system, including the preparation of necessary environmental documents in accordance with the California Environmental Quality Act (CEQA) and associated supporting documents showing compliance with federal environmental laws to satisfy Clean Water State Revolving Fund Construction Application requirements; and

**WHEREAS**, the proposed project and environmental documents has been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

**WHEREAS**, on October 6, 2020 the Board of Supervisors held a public hearing on the Final Environmental Impact Report, and received public comments, reviewed and considered all public testimony and evidence presented at the hearing;

**Now, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

## **FINDINGS FOR CERTIFICATION OF EIR**

**1. FINDING:** **Lead Agency** - The County of Humboldt is designated as the lead agency for the Samoa Peninsula Wastewater Project (Project) because the County is the agency with general governmental powers that has the greatest responsibility for approving the project as a whole, and because the County is a partner in implementing the Project.

- EVIDENCE:**
- a) Humboldt County has recognized that existing onsite wastewater treatment systems in Fairhaven and surrounding areas on the Samoa Peninsula pre-date current standards and, coupled with a shallow groundwater table and fast-draining sandy soils, prevent the adequate treatment of wastewater, resulting in public health and water quality problems
  - b) There has not been a public wastewater service provider for the Samoa Peninsula and the Humboldt County Division of Environmental Health considers establishment of a community sewer system on the Samoa peninsula a high priority
  - c) The County of Humboldt has actively supported planning for public wastewater service for the Samoa Peninsula and secured State of California Community Development Block Grant and the Department of Commerce Economic Development Administration grant funding in 2014 to prepare engineering studies to ready former pulp mill properties for reuse and to plan supporting infrastructure, and that confirmed the feasibility of using the Humboldt Bay Harbor, Recreation and Conservation District existing ocean outfall pipe for the disposal of treated wastewater on the Samoa Peninsula and the feasibility of forming a community services district to provide water and wastewater service to the area
  - d) In 2015 the Samoa Peninsula Fire Protection District submitted an application to the Humboldt Local Agency Formation Commission, which included the results of the feasibility study prepared using County of Humboldt-secured grant funds, to reorganize as the Peninsula Community Services District (CSD) in order to support the mutual social and economic interests of the Samoa Peninsula communities by establishing and sustaining community-based municipal services, including wastewater service
  - e) On November 15, 2016, on behalf of the yet to be formed Peninsula CSD, the Humboldt County Board of Supervisors approved Resolution 16-130 authorizing the submission of a Financial Assistance Application to the State Water Resources Control Board for funding for the planning and design of a Samoa Peninsula wastewater system, including the preparation of necessary environmental documents in accordance with the California Environmental Quality Act (CEQA) and associated supporting documents showing compliance with federal environmental laws to satisfy Clean Water State Revolving Fund Construction Application requirements

- f) For purposes of CEQA, the County of Humboldt was designated as the lead agency per CEQA Guidelines sections 15050(a) and 15051, for the Project because the County is the public agency with the greatest responsibility for supervising or approving the project as a whole, and because the County is a partner in implementing the project, including being responsible for initiating and adopting amendments to the Local Coastal Program to allow the Project to be proceed to construction and for approving Coastal Development Permits for project construction

**2. FINDING:**

**CEQA Compliance** - The County of Humboldt has completed an Environmental Impact Report (EIR) for the Samoa Peninsula Wastewater Project in compliance with California Environmental Quality Act (CEQA).

- EVIDENCE:**
- a) CEQA requires preparation of an EIR if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
- b) In accordance with Senate Bill 18 and Government Code 65352.3, Assembly Bill 52, and Public Resources Code (PRC) 21080.3.2, the County of Humboldt requested a list of Tribal Organization contacts from the Native American Heritage Commission and sent notifications of the project on October 16, 2017, to the appropriate tribal organizations in compliance with SB 18 and AB 52, inviting the tribes to consult on the project and soliciting comments and suggestions. On March 9, 2018, Humboldt County met with Tribal representatives who requested consultation to present the project and solicit input and comments. Tribal consultation resulted in comments on the Notice of Preparation, and a request to include in project mitigations, the Humboldt Bay Harbor District's Protocols for Inadvertent Archaeological Discoveries for Ground Disturbing Project Permits, Leases and Franchises Issued by The Humboldt Bay Harbor, Recreation and Conservation District, Humboldt Bay, California (adopted in May 2015).
- c) A Notice of Preparation (NOP) was distributed on April 30, 2018, in accordance with CEQA Guidelines Section 15082 to inform interested parties of the County's determination that an EIR would be required for the project, solicit input about the desired content and scope of the Draft EIR (DEIR), announce the date and time of a public scoping meeting, and provide information on where documents about the project were available for review and where comments could be sent on the project. The NOP was posted at the County Recorder's office and mailed to relevant agencies within the region; and circulated through the State Clearinghouse (State Clearinghouse Number 2018042083). The NOP was circulated for a period of 30 days, ending on May 30, 2018.
- d) Pursuant to CEQA Guidelines Section 15083, prior to completing the DEIR, the County of Humboldt held one scoping meeting on May 16, 2018, at the Samoa Peninsula Fire Station, to solicit input from the regulatory agencies and public. Appendix A of the DEIR is the NOP and

Appendix B includes the comment letters received on the NOP.

Per CEQA Guidelines Section 15082 (a)(1)(c), Section 4 of the NOP identified probable environmental effects of the Project to be evaluated in the EIR. Section 6 of the NOP is an Initial Study that evaluates potential adverse effects by resource category based on preliminary review and the preliminary design report prepared for the proposed project. The Initial Study analysis determined that the EIR would not include an evaluation of agricultural or forest resources because the project site does not include any farmland, forest land, timberland, or land zoned for these uses. Also, the EIR would not include an evaluation of mineral resources because there are no known mineral resources or mining operations in the Project area.

- e) The Planning and Building Department engaged in early consultation with state and federal agencies, in accordance with CEQA Guidelines Section 15083, including active consultation with the California Coastal Commission (CCC) and the North Coast Regional Water Quality Control Board (RWQCB). Recommendations obtained during consultation with the CCC and RWQCB regarding land use policy, project design, and project mitigation measures were considered in the final design and mitigation measures.
- f) A Notice of Availability for the DEIR was prepared and published in the Eureka Times-Standard and posted in the office of the County Clerk in accordance with Public Resources Code section 21092 and CEQA Guidelines section 15087 on January 31, 2019. The DEIR for the Project was prepared in accordance with CEQA and circulated for public review commencing on January 31, 2019 and ending on March 19, 2019, a 45-day review period, in compliance with PRC 21091 and CEQA guidelines section 15105. A Notice of Completion for the DEIR was filed with the Office of Planning and Research State Clearinghouse on January 31, 2019 per CEQA Guidelines section 15085.
- g) A public meeting on the DEIR was held at the Samoa Fire Protection District Firehouse on February 26, 2019 where six (6) speakers provided comments.
- h) For purposes of the findings contained in this resolution, the Project refers to the following:
  - ▶ The proposed Project involves amendments to the Humboldt Bay Area Plan (HBAP) of the Humboldt County Local Coastal Program to allow the construction and operation of a consolidated wastewater collection, treatment, and disposal system with connections to residential, commercial/industrial, recreational, and institutional facilities located within the boundaries of the proposed Peninsula Community Services District (PCSD). The project would provide sewer service to structures within the communities of Fairhaven and Finntown. The project would not provide service to parcels within the

approved Samoa Town Master Plan (STMP). The project would be implemented in two phases:

- ▶ Short Term Phase: The Short-Term phase includes construction and operation of a collection system, upgrades to the previously Approved Samoa Wastewater Treatment Facility (as described and contained in the approved STMP and certified Master EIR, referred to as the “Approved Samoa WWTF”), and a disposal system to serve the existing structures in Fairhaven, Finntown, Coastal-Dependent and Industrial facilities, the County Boat Launch facility, and the Eureka Airport that currently use onsite wastewater treatment systems. In addition, should entitlements for future residential infill development located within 300 feet of the sewer main be sought, and approved subject to performance standards relating to coastal hazards and resources, such development could connect.
  - Short-Term Phase amendments to the Humboldt Bay Area Plan (HBAP) and Humboldt County Local Coastal Program (LCP) to allow the project to proceed, as follows:
    - Amend HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) to add an exception to allow the extension of sewer service outside the Urban Limit Line and to allow the immediate establishment of service to existing structures that are served by onsite septic systems;
    - Amend Samoa Town Master Plan (STMP) (New Development) Policy 9, to only allow wastewater flows from outside the STMP in a manner consistent with HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies);
    - Adopt interim performance standards for new residential development located within 300 feet of the sewer service extension and not already included in the exception to be added to HBAP Section 3.22. Infill development would only be approved after potential future developments addressed sea level rise inundation, tsunami safety, and ESHA impacts consistent with the Coastal Act;
  - Short-Term Phase project improvements include: wastewater collection and conveyance pipelines, laterals to existing development currently served by septic systems, expansion of the Approved Samoa WWTF, and connection to the existing ocean outfall, as described below:
    - **Collection.** Construction of a collection system consisting of approximately 23,100 feet of pressure and gravity sewer mains that would run from the boat ramp and campground at the southern end of the Peninsula Community Services District boundary to Fairhaven and Finntown and then to the Approved Samoa WWTF. The pressure mains would include air relief valves at each rise in the pipe with air scrubbers to remove noxious gasses

and odors. The pressure main also would include cleanout stations at each change in horizontal or vertical alignment, intersection of main lines, and at the end of every pipe run, for launching of a pipeline inspection gauge (PIG) to clean or inspect the pipe when necessary. Project improvements would primarily be located in-road in Vance Avenue, Bendixsen Street, Lincoln Avenue, New Navy Base Road, and portions of adjoining streets.

- **Laterals.** Laterals from the gravity main within the road to existing facilities would be constructed as existing structures are connected to the project improvements that would be constructed under the Short-Term phase.
  - **Treatment.** Project improvements to the Approved Samoa WWTF include installing a sequencing batch reactor (SBR) system and ultraviolet (UV) disinfection system, installing a solids treatment system for onsite dewatering of settled solids consisting of a polymer injection system, a roll-off style dewatering container, and solids drying beds. The improvements would occur on approximately 0.25 acres of the Approved Samoa WWTF site.
  - **Disposal.** To connect the Approved Samoa WWTF to the Harbor District's Redwood Marine Terminal II (RMT II), a pressurized pipeline with one pump station would be constructed along Vance Avenue from the Approved Samoa WWTF to RMT II Manhole 5. An approximately 4,000-foot-long pressurized 6-inch PVC treated effluent pipeline would be installed beneath the approved Vance Avenue realignment. The Project's Short-Term Phase would result in approximately 22,648 gallons per day at average daily flow.
- ▶ Long-Term Phase does not involve changes in land use, the construction of any wastewater facilities, or any other construction activities and is not intended to encourage or facilitate development. Rather, it is a comprehensive planning process that will culminate in future amendments to the LCP, in a manner consistent with the Coastal Act and certified by the Coastal Commission, to address projected inundation due to sea level rise, exposure to tsunami hazards, and ESHA protection. Future development in Fairhaven would be served by the Project's collection system and the Approved Samoa WWTF, consistent with the LCP amendments under the comprehensive planning process of the Long-Term phase.

#### i) SUMMARY OF IMPACTS

Issues that were analyzed in the DEIR include: aesthetics and visual resources; air quality; biological resources; cultural and tribal cultural resources; geology, soils, and seismicity; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing, public services and recreation;

transportation and traffic; and utilities and services systems. Agriculture and forest resources, and mineral resources impacts were dismissed from further evaluation in the Initial Study and thus not discussed in the DEIR. For all impact topics analyzed, the DEIR concluded that impacts are either less than significant or can be mitigated to less than significant levels. No impacts were found to be significant and unavoidable.

A Mitigation Monitoring and Reporting Program has been prepared in accordance with CEQA Guidelines Section 15097, is designed to ensure compliance during project implementation, and must be adopted in conjunction with project approval in order to ensure mitigation measures and project revisions identified in the FEIR are implemented. The Peninsula Community Services District would be required to enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Program" as a condition of subsequent project approvals.

Evidence that has been received and considered includes: technical studies/reports that reflect the County's independent judgment and the FEIR, and information and testimony presented during public hearings before the Board of Supervisors. These documents are on file in the Planning and Building Department and are hereby incorporated herein by reference.

j) CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEES.

The California Department of Fish and Wildlife (CDFW) imposes and collects a filing fee to defray the costs of managing and protecting California's vast fish and wildlife resources. CDFW reviewed the DEIR to comment and recommended mitigations necessary for the protection of fish and wildlife resources in this area. The project will be required to pay a CEQA environmental document filing fee for an EIR and a County Clerk processing fee in effect at the time of the filing of the Notice of Determination with the Humboldt County Clerk/Recorder.

k) FINAL EIR - RESPONSE TO COMMENTS.

The County prepared an FEIR which includes responses to comments on the "Samoa Peninsula Wastewater Project DEIR that were received during the DEIR circulation period. The County received ten (10) comment letters on the DEIR. The FEIR considered the comments received during the public review period for the DEIR and provides appropriate responses. The FEIR also includes a refined project description that includes revisions and clarifications that have been identified by the County of Humboldt and its consultants to more clearly present the project components. Together, the DEIR, the Responses to Comments, the Revisions to the DEIR, the References, the FEIR Errata, and the Appendices constitute the Final EIR, also referenced as EIR, on the project.

The FEIR was released to the public on September 14, 2020 and was presented to the Board of Supervisors on September 29, 2020. Pursuant to

PRC section 21092.5 and CEQA Guidelines section 15088, electronic copies of the FEIR were provided to all public agencies that provided comments on the DEIR on September 14, 2020, a minimum of ten (10) days prior to EIR certification.

- ~~l) During the course of the Public Hearing on September 29, 2020, the Board of Supervisors listened to public comment.~~
- m) The Humboldt County Planning and Building Department, located at 3015 H Street, Eureka, CA 95501 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

**3. FINDING:** The EIR was presented to the Board of Supervisors in its entirety and the Board of Supervisors reviewed and considered it before approving the Project.

- EVIDENCE:**
- a) The Board of Supervisors received a copy of the DEIR and FEIR on September 25, 2020.
  - b) The Board of Supervisors considered the entire EIR at a public hearing on September 29, 2020 where the Board of Supervisors considered the contents of the FEIR and received and considered public comments prior to rendering a decision on the FEIR.

**4. FINDING:** The Final EIR reflects the County of Humboldt's independent judgment and analysis.

- EVIDENCE:**
- a) The EIR (DEIR/FEIR) was prepared by GHD, Inc., under contract to and under the direction of the County of Humboldt. Technical studies were prepared GHD, Inc. and SHN Engineers & Geologists, Inc., under contract to, and under the direction of, the County of Humboldt for incorporation into the environmental analysis.
  - b) The Board of Supervisors considered the information presented in the record relative to the FEIR and considered the public comment on the FEIR prior to rendering its decision. The Board of Supervisors considered all public comments, including those made by subject matter experts. Based on the evidence in the public record, the Board of Supervisors finds that the FEIR adequately addresses all potential environmental impacts and presents adequate feasible mitigation to reduce impacts to a less than significant level.

**5. FINDING:** **RECIRCULATION OF THE DEIR IS NOT REQUIRED.** While new clarifying information was included in the FEIR as part of responding to the comments on the DEIR, the new information has not changed the impact identification or mitigation measures in such a way that the public would be deprived of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to

mitigate such effect. No new information has been added that identifies a new significant environmental impact not previously disclosed, no substantial increase in the severity of the identified environmental impacts would result from implementation of the approved project or implementation of the mitigation measures, no feasible project alternative or mitigation measures considerably different from those analyzed in the DEIR have been identified and the DEIR is adequate, allowing meaningful public review and comment. The new information added in the FEIR merely clarifies and amplifies and did not make significant modifications to an adequate DEIR (CEQA Guidelines 15088.5).

- EVIDENCE:** a) The HBAP amendments included as part of the project as described in the DEIR would provide an exception to existing HBAP policies in order to allow only existing residential development in Fairhaven, which is located outside an Urban Limit Line, to connect to the new wastewater collection system. DEIR Section 3.5.4 Humboldt Bay Area Plan/Local Coastal Plan Amendment states that this approach would prevent connections for new development from being approved. The prohibition on wastewater connections for new development was included to address Coastal Commission concerns regarding new development and sea level rise, tsunami inundation, and ESHA impacts.

Since the publication of the DEIR, the County has learned that it cannot prohibit connections to public sewer lines located within 300 feet of a parcel; such connections are a requirement of the Humboldt County Code. A similar requirement is in the California Building Code, which also specifies that land use authorities cannot adopt less restrictive building regulations. In order to serve existing development, the wastewater collection system also would, in many cases, be located in the street frontage of vacant residential lots, as the existing residential units and the vacant lots are intermixed along the street.

In response to the new information that the County may not prohibit sewer connections to a sewer main within 300 feet of a development, the description of the project description for the Short-Term phase has been amended to clarify that existing development can connect immediately as originally provided for in the Short-Term phase, while infill development would need to meet performance standards in the Short-Term phase to address projected inundation due to sea level rise and tsunamis, and would need to protect ESHA, in order to be permitted to develop. Development permitted in accordance with the performance standards and other coastal development requirements, would be required by the Building Code to connect to the wastewater system if within 300 feet. In addition, the Long-Term phase has been amended to clarify the inclusion of amendments to the HBAP related to coastal resources and coastal hazards planning, as indicated on page 3-2 of the DEIR Project Description, and in the Long-Term phase project objectives also on page 3-2.

These changes would have the same practical effect as the HBAP amendments to address sea level rise, tsunami and ESHA impacts included under the Long-Term phase as originally presented in the DEIR, meaning that new development could only be allowed if these impacts are addressed, at which time the development could connect if within 300 feet of a public sewer.

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- b) The information submitted after completion and circulation of the DEIR and the clarifications identified above have been incorporated into the FEIR and fully disclosed to the public. The FEIR was made available on the County Planning and Building website on September 14, 2020, was made available to commenting public agencies on September 14, 2020. The public had an opportunity to review and comment on the information before and during public hearings on the Project. Therefore, the public has not been deprived of a meaningful opportunity to review and comment on the information. (CEQA Guidelines 15088.5(a)(4))
- c) REVISED MITIGATION MEASURES.  
Mitigation Measure (MM) BIO-2a, BIO-2b, BIO-3a, BIO-3b, CTR-4 and CTR-5 have been revised as described below. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and themselves will not cause any potentially significant effect on the environment:
  - i. MM-BIO-2a has been revised to clarify that this measure provides for the protection of Environmentally Sensitive Habitat Area (ESHA) during construction, and to remove reference to the removal of ESHA. It now specifies that, consistent with HBAP policy, a qualified biologist shall identify and establish ESHA buffer areas consistent with STMP (Wetlands/ESHA) Policy 1, 2, 4, 10, and 11. Additionally, a qualified biologist shall identify and establish ESHA buffer areas consistent with HBAP Section 3.3, which further mitigates impacts.
  - ii. MM- BIO-2b been revised to include requirements for restoring ESHA and Sensitive Natural Communities, removing references to replacement of such habitats as they are required to be protected from permanent impact. The measure specifies no net loss of habitat for the success criteria against which the restoration would be judged to successfully have restored the ESHA and/or Sensitive Natural Community, and specifies that ongoing monitoring will continue for a minimum of 2 years or more if warranted by the habitat impacted, and requires consultation with the Coastal Commission and CDFW to determine corrective actions if restoration is not succeeding, all of which clarifies and mitigates ESHA and Sensitive Natural Community impacts.
  - iii. MM- BIO-3a deletes references to wetlands that will be filled during construction to clarify that jurisdictional wetlands will be protected

during construction per HBAP policies, which further mitigates impacts;

- iv. MM- BIO-3b is revised to specify that the PCSD shall restore to pre-project condition any seasonal wetland habitat temporarily impacted by construction. ~~It requires preparation of a restoration plan which shall include identification and mapping of impacted wetlands, identification of success criteria which will result in no net loss of wetland, monitoring protocol, and consultation with the Coastal Commission and CDFW to determine corrective actions if restoration is not succeeding, all of which clarifies and mitigates wetland impacts.~~
- v. MM- CTR-4 relating to the protection of human remains if encountered during construction is revised as a result of Tribal consultation to add the requirement for Tribal monitoring during earth-disturbing construction activities in specified locations, which further mitigates impacts.
- vi. MM- CTR-5 relating to minimizing impacts to unknown tribal cultural resources is revised as a result of Tribal consultation to add the requirement for tribal monitoring during earth-disturbing construction activities in specified locations, which further mitigates impacts.

The revised mitigation measures are incorporated into the FEIR and the Mitigation Monitoring and Reporting Program to be adopted as part of Project approval.

- d) **ADDITIONAL MITIGATION MEASURES**  
No new mitigation measures have been added.
- f) **MITIGATION MEASURES REMOVED**  
No mitigation measures have been removed.

## **FINDINGS FOR PROJECT APPROVAL**

- 1. FINDING:**                    **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The EIR identified potentially significant impacts that could result from the project. The mitigation measures from the EIR (as modified in the FEIR) will reduce these impacts to a less than significant level. (CEQA Guidelines Section 15091(a)(1))

- EVIDENCE:** a) **Air Quality.** The potential for the project to conflict with or obstruct implementation of the applicable air quality plan; violate an air quality standard; or create objectionable odors affecting a substantial number of people has been mitigated to a less than significant level with incorporation of mitigation measures. Mitigation includes the PCSD incorporating NCUAQMD recommended best management practices for air quality construction control measures in all construction contract specifications for the project and by curtailing operational odor-generating

maintenance activities at the Approved Samoa WWTF during wind events. (DEIR pages 4.2-9 to 4.2-17)

- b) **Biological Resources.** The potential for the project to have a significant effect related to biological resources has been mitigated to a less than significant level with incorporation of mitigation measures. Impacts to biological resources will be minimized by mitigation measures implemented prior to and during construction to avoid permanent impacts to wetlands and Environmentally Sensitive Habitat Areas, to restore pre-project conditions for temporary wetland and ESHA impacts, and to identify the locations of biological resources and establish and maintain protective buffers around them through the duration of the project activities. (DEIR pages 4.3-27 to 4.3-42 and FEIR pages 2-26 and 2-27)
- c) **Cultural and Tribal Cultural Resources.** Potentially significant impacts to cultural and tribal cultural resources, including historic resources within the town of Samoa historic district, undiscovered archaeological, paleontological resources and human remains, and tribal cultural resources, have been mitigated to less than significant levels with the incorporation of mitigation measures. Impacts to cultural and tribal cultural resources will be minimized by mitigation measures requiring consistency with the STMP "D" Design Control Combining Zone design requirements; should an archaeological resource be inadvertently discovered during ground-disturbing activities, by immediately notifying Tribal Historic Preservation Officers and retaining a qualified archaeologist with local experience to consult with the PCSD to protect unknown archaeological resources and if avoidance is not feasible, implementing a mitigation plan in accordance with the Harbor District's Standard Operating Procedures; should a paleontological resource be inadvertently discovered during ground-disturbing activities, by notifying a qualified paleontologist to document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5; should human remains inadvertently be encountered during construction, by halting work immediately, contacting the PCSD and County Coroner, and following the Harbor District's Standard Operating Procedures, consistent with Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. (DEIR pages 4.4-16 to 4.4-26 and FEIR page 2-47 and 2-65)
- d) **Geology, Soils, and Seismicity.** Potentially significant impacts to geology, soils, and seismicity have been mitigated to a less than significant level through mitigation measures that would reduce significant impacts from strong seismic ground shaking and ground failure to a less-than-significant level by implementing design and construction measures identified in a site-specific geotechnical study. (DEIR pages 4.5-10 to 4.5-15)
- e) **Hazards and Hazardous Materials.** Potentially significant impacts relating to hazardous materials have been mitigated to a less than

significant level through the implementation of a mitigation measure that would identify locations where soil or groundwater contain contaminants of concern (COC), reducing the potential release of, or exposure to, COCs during construction, and if impacted soil and groundwater is encountered during construction, require appropriate measures for worker protection according to the Health and Safety Plan. (DEIR pages 4.7-9 to 4.7-16)

- f) **Hydrology and Water Quality.** Potentially significant impacts to hydrology and water quality, in particular impacts to surface water quality and cumulative impacts to water quality as attributable to the project, would be reduced to a less than significant level through the inclusion of focused best management practices (BMPs) for the protection of surface water resources and through compliance with National Pollutant Discharge Elimination System (NPDES) permit and North Coast Regional Water Quality Control Board (NCRWQCB) requirements. Monitoring and contingency response measures would be included in the Stormwater Pollution Prevention Plan (SWPPP) to verify compliance with water quality objectives for surface waters during construction. Particular emphasis would be placed on dissolved oxygen, floating material, oil and grease, and turbidity (or sediment) as these are generally the water quality constituents of most concern during construction-related activities. (DEIR pages 4.8-9 to 4.8-19)
- g) **Noise.** Potentially significant impacts resulting from the exposure of persons to noise, or a substantial permanent increase in ambient noise levels in the project vicinity have been mitigated to a less than significant level through mitigation measures that would demonstrate that pump station design would result in noise levels to be less than 60 dBA outside of the pump station. (DEIR pages 4.10-7 to 4.10-16)

## 2. FINDING

**ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT** the Initial Study analysis conducted for the EIR determined that the EIR would not include an evaluation of agricultural or forest resources because the project site does not include any farmland, forest land, or timberland, or land zoned for these uses, and would not include an evaluation of mineral resources because there are no known mineral resources or mining operations in the area. The EIR discussion and analysis determined that for the following environmental impacts, the Proposed Samoa Peninsula Wastewater Project would either have no impact or potential environmental impacts would be less than significant, and that no mitigation or alternatives need be considered. This finding applies to the following impacts evaluated in the EIR and determined to result in “no impact” or where impacts are determined to be “less than significant.”

- EVIDENCE:** a) Section 4.1 Aesthetics and Visual Resources
- i) AES-1: Substantial adverse effect on a scenic vista (Draft EIR pp. 4.1-7 - 4.1-9);
  - ii) AES-2: Substantially damage scenic resources (Draft EIR p. 4.1-9);

- iii) AES-3: Degrade the existing visual character (Draft EIR pp. 4.1-9 - 4.1-10);
  - iv) AES-4: Create substantial light or glare (Draft EIR p. 4.1-10);
  - v) AES-C-1: Contribute to a cumulative impact on aesthetic or visual resources (Draft EIR pp. 4.1-10 - 4.1-11)
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- b) Section 4.2 Air Quality
    - i) AQ-3: Expose sensitive receptors to pollutant concentrations (Draft EIR pp. 4.2-13 - 4.2-14)
  - c) Section 4.3 Biological Resources
    - i) BIO-4: Interfere with the movement of wildlife species (Draft EIR pp. 4.3-37 - 4.3-38)
    - ii) BIO-6: Conflict with adopted Habitat Conservation Plan; Natural Community Conservation Plan (Draft EIR pp. 4.3-39)
    - iii) BIO-C-1: Contribute to cumulative impacts related to biological resources (Draft EIR pp. 4.3-39 - 4.3-40)
  - d) Section 4.4 Cultural and Tribal Resources
    - i) CTR-C-1: Contribute to cumulative impacts related to cultural and tribal resources (Draft EIR p. 4.4-26)
  - e) Section 4.5 Geology, Soils, and Seismicity
    - ii) GEO-1: Expose people or structures to an earthquake fault (Draft EIR p. 4.5-11)
    - iii) GEO-4: Expose people or structures to landslides (Draft EIR p. 4.5-11)
    - iv) GEO-5: Result in substantial soil erosion or the loss of topsoil (Draft EIR p. 4.5-11)
    - v) GEO-6: Locate the project on unstable soil or geology (Draft EIR p. 4.5-14)
    - vi) GEO-8: Have soils incapable of supporting the use of septic tanks (Draft EIR pp. 4.5-14 - 4.5-15)
    - vii) GEO-C-1: Contribute to cumulative impacts related to geology and soils (Draft EIR p. 4.5-15)
  - f) Section 4.6 Greenhouse Gas Emissions
    - i) GHG-1: Generate significant greenhouse gas emissions (Draft EIR pp. 4.6-7 - 4.6-8)
    - ii) GHG-2: Conflict with a plan, policy or regulation for reducing greenhouse gases (Draft EIR pp. 4.6-8 - 4.6-9)
    - iii) GHG-C-1: Contribute to cumulative impacts related to greenhouse gases (Draft EIR p. 4.6-9)
  - g) Section 4.7 Hazards and Hazardous Materials
    - i) HAZ-1: Storage, use, or transport of hazardous materials (Draft EIR pp. 4.7-7 - 4.7-11)
    - ii) HAZ-4: Result in a hazard for a public use airport (Draft EIR p. 4.7-14)
    - iii) HAZ-5: Result in a hazard for a private airstrip (Draft EIR p. 4.7-14)

- iv) HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Draft EIR pp. 4.7-14 – 4.7-15)
  - v) HAZ-7: Expose people or structures to wildland fire hazard (Draft EIR p. 4.7-15)
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- vi) HAZ-C-1: Contribute to cumulative impacts related to hazards or hazardous materials (Draft EIR pp. 4.7-15 – 4.7-16)
- h) Section 4.8 Hydrology and Water Quality
    - i) HWQ-2: Deplete groundwater supplies or interfere with groundwater recharge (Draft EIR pp. 4.8-14 - 4.8-15)
    - ii) HWQ-3: Alter the existing drainage pattern and result in erosion, siltation, flooding (Draft EIR p. 4.8-15)
    - iii) HWQ-4: Create or contribute runoff water that exceed drainage system capacity or polluted runoff (Draft EIR p. 4.8-16)
    - iv) HWQ-5: Place housing within a 100-year flood hazard area (Draft EIR p. 4.8-16)
    - v) HWQ-6: Place structures within a 100-year flood hazard area that impede flood flows? (Draft EIR p. 4.8-16)
    - vi) HWQ-7: Expose people or structures to flooding (Draft EIR p. 4.8-17)
    - vii) HWQ-8: Impacts from inundation by seiche, tsunami, or mudflow? (Draft EIR pp. 4.8-17 - 4.8-18)
    - viii) HWQ-C-1: Contribute to cumulative impacts related to hydrology and water quality (Draft EIR pp. 4.8-18 - 4.8-19)
  - i) Section 4.9 Land Use and Planning
    - i) LU-1: Physically divide an established community (Draft EIR pp. 4.9-6 - 4.9-7)
    - ii) LU-2: Conflict with a land use plan, policy, or regulation (Draft EIR pp. 4.9-7 - 4.9-9)
    - iii) LU-3: Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? (Draft EIR p. 4.9-9)
    - iv) LU-C-1: Contribute to cumulative impacts related to land use (Draft EIR pp. 4.9-9 - 4.9-10)
  - j) Section 4.10 Noise
    - i) NOI-2: Expose people to excessive groundborne vibration or noise (Draft EIR pp. 4.10-11- 4.10-12)
    - ii) NOI-4: Temporary or periodic increase in ambient noise levels (Draft EIR pp. 4.10-13- 4.10-15)
    - iii) NOI-5: Expose people residing or working in the project area to excessive public airport noise levels (Draft EIR p. 4.10-15)
    - iv) NOI-6: Expose people residing or working in the project area to excessive private airport noise levels (Draft EIR p. 4.10-15)
    - v) NOI-C-1: Contribute to cumulative impacts related to noise Draft EIR pp. 4.11-15 - 4.11-16)
  - k) Section 4.11 Population and Housing

- i) POP-1: Induce substantial population growth (Draft EIR pp. 4.11-2 - 4.11-4)
  - ii) POP-2: Displace substantial numbers of existing housing or people, (Draft EIR p. 4.11-4)
  - iii) POP-C-1: Contribute to cumulative impacts related to population and housing (Draft EIR pp. 4.11-4 - 4.11-5)
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- l) Section 4.12 Public Services and Recreation
    - i) PSR-1: Increased demand for fire protection, police protection, schools, parks or other public facilities (Draft EIR pp. 4.12-4 - 4.12-5)
    - ii) Impact PSR-2: Increase the use of existing neighborhood and regional parks (Draft EIR p. 4.12-5)
    - iii) PSR-3: Include recreational facilities (Draft EIR pp. 4.12-5 - 4.12-6)
    - iv) PSR-C-1: Contribute to cumulative impacts related to public services and recreation Draft EIR pp. 4.12-6 - 4.12-7)
  - m) Section 4.13 Transportation and Traffic
    - i) TRA-1: Conflict with a transportation plan (Draft EIR pp. 4.13-4 - 4.13-5)
    - ii) TRA-2: Conflict with a congestion management program (Draft EIR pp. 4.13-5 - 4.13-6)
    - iii) TRA-3: Change air traffic patterns (Draft EIR p. 4.13-6)
    - iv) TRA-4: Increase traffic hazards due (Draft EIR pp. 4.13-6 - 4.13-7)
    - v) TRA-5: Result in inadequate emergency access (Draft EIR pp. 4.13-7 - 4.13-8)
    - vi) TRA-6: Conflict with transit, bicycle, or pedestrian policies, plans, or programs (Draft EIR pp. 4.13-8 - 4.13-9)
    - vii) TRA-C-1: Contribute to cumulative impacts related to transportation and traffic (Draft EIR pp. 4.13-9 - 4.13-10)
  - n) Section 4.14 Utilities and Service Systems
    - i) UTI-1: Exceed wastewater treatment requirements (Draft EIR p. 4.14-5)
    - ii) UTI-2: New water or wastewater treatment facilities that would cause significant environmental effects? (Draft EIR pp. 4.14-5 - 4.14-6)
    - iii) UTI-3: New storm water drainage facilities that would cause significant environmental effects? (Draft EIR p. 4.14-6)
    - iv) UTI-4: Increased demand for water supply (Draft EIR pp. 4.14-6 - 4.14-7)
    - v) UTI-5: Adequate capacity for wastewater service (Draft EIR p. 4.14-7)
    - vi) UTI-6: Sufficient solid waste disposal capacity (Draft EIR p. 4.14-8)
    - vii) UTI-7: Comply with regulations related to solid waste? (Draft EIR pp. 4.14-8 - 4.14-9)
    - viii) UTI-C-1: Contribute to cumulative impacts related to utilities and service systems (Draft EIR p. 4.14-9)

3. **FINDING: ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The proposed Samoa Peninsula Wastewater Project would not result in significant and unavoidable impacts that are not mitigated to a less than significant level with incorporation of mitigation measures.
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**EVIDENCE:** o) The DEIR found that for potentially significant impacts, detailed mitigation measures proposed by the County of Humboldt have been identified throughout Chapter 4 of the EIR (and in Findings for Approval Evidence 1a through 5g above) that would mitigate project effects to the extent feasible. After implementation of the proposed mitigation measures, there are no significant unavoidable impacts. (DIER page 6-1)

4. **FINDING: CEQA ALTERNATIVES TO THE PROPOSED PROJECT** – In compliance with CEQA Guidelines section 15126.6, the DEIR considered several alternatives to the Project. The EIR considered the alternatives described below which are more fully described in the DEIR.

**EVIDENCE:** a) Alternative No. 1: No Project Alternative.  
The No Project Alternative assumes that the Project would not be implemented and that the existing residences, recreational uses, and industrial uses within the PCSD, excluding the STMP area, would continue to be on individual septic systems and leachfields. If Alternative 1 were selected, no change from existing conditions would occur.

None of the short-term construction impacts or long-term operational impacts described in Chapter 4.0, Environmental Analysis, of the EIR would occur. The No Project Alternative would not result in the short-term construction impacts associated with air quality, biological, cultural and tribal resources, hazardous materials, and hydrology and water quality. Operational noise impacts would also be eliminated.

However, there are also negative environmental impacts that would occur under the No Project Alternative. The Humboldt County Department of Environmental Health and the NCRWQCB have raised concerns about the impacts to groundwater quality and Humboldt Bay from the existing system and would like to see an upgraded system in place. Under the No Project Alternative, the aging septic systems in the project area would likely continue to degrade, impacting ground and surface water quality in the area, negatively affecting public health and the environment including Humboldt Bay, and limiting future residential and commercial development.

- b) Alternative 2- RMT II Site Alternative  
Under Alternative 2, the project WWTF improvements would be constructed at the RMT II site instead of the Approved Samoa WWTF site.

The RMT II site is located on an approximately 0.5-acre portion of APN 401-112-021 east of Vance Avenue and adjacent to the ocean outfall connection at Manhole 5. The Alternative 2 wastewater treatment improvements would be the same as described in Section 3.5.3, except that Alternative 2 would require construction of a headworks and primary treatment system for screening and grit removal (the proposed project would utilize the Approved Samoa WWTF headworks and primary treatment system). The long-Term Phase, as described in EIR Chapter 3.0 Project Description would be the same under Alternative 2. Alternative 2 would satisfy all project objectives except the objective of consolidating wastewater collection and treatment services within the PCSD service area or minimizing project costs by improving the Approved Samoa WWTF.

The location and type of conveyance and disposal improvements would remain as described in EIR Chapter 3 Project Description. However, the Alternative 2 site is currently zoned Industrial/Coastal-Dependent which does not allow public facilities. Therefore, this alternative would require an LCP amendment to change the land use and zone from Industrial/Coastal-Dependent, a priority use in the Coastal Zone, to one that will allow the construction of a wastewater treatment plant. There is an adequate amount of previously disturbed (i.e., non-ESHA) land available for purchase or lease at the RMT II site. It is currently unknown if a Section 401 Water Quality Certification from North Coast Regional Water Quality Control Board would be required. Alternative 2 would require the same permits as the proposed project:

Alternative 2 differs from the project in the location and extent of the WWTF improvements, and in the scope of LCP amendments required for the project. Alternative 2 would satisfy the project objectives of providing wastewater treatment for structures in Fairhaven, Finntown and other areas of the Samoa Peninsula, and reducing and avoiding degradation of groundwater and surface water quality. However, Alternative 2 would not satisfy the project objective of consolidating wastewater collection and treatment services within the PCSD service area or minimizing project costs by improving the approved Samoa WWTF, and would require a reduction in the amount of Coastal Act priority Industrial/Coastal-Dependent land on Humboldt Bay.

- c) Alternative Location CEQA Guidelines section 15126.6(f)(2)(A) discusses that the key question and first step in an alternative location analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by placing the Project in an alternative location. Only locations that would avoid or substantially lessen any significant effects of the project need be considered for inclusion in the EIR. If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include

them in the EIR. Consistent with CEQA, Alternative 2- RMT II Site Alternative, sites, the WWTF at an alternative location where impacts would be equal to or slightly less, overall, than the proposed project. However, the RMT II Site Alternative would not meet the critical project objectives minimizing project costs and consolidating wastewater treatment systems.

Seven other alternative sites were considered but were not analyzed as provided in Section 5.6.1 of the EIR. Reasons including difficult and costly permitting due to the existence of ESHA, likely public opposition due to odor concerns, likely inability to purchase the project site, and conflicts with overhead and underground infrastructure eliminated these alternative sites from further consideration.

- d) Environmentally Superior Alternative. CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the No Project Alternative, then the EIR shall also identify an environmentally superior alternative from among the other alternatives. The No Project Alternative would have the least impacts; however, it would fail to meet the project objectives of providing sewerage service to the service area, and reducing and avoiding degradation of groundwater quality. The No Project Alternative would require the existing conditions to continue, which would pose a potential risk to groundwater quality from continued use and potential future failure of existing private septic systems within Samoa Peninsula.

Accordingly, based on the analysis in the DEIR, Alternative 2 would be considered the Environmentally Superior Alternative, as it would satisfy the project objectives of providing wastewater treatment for structures in Fairhaven, Finntown and other areas of the Samoa Peninsula, and reducing and avoiding degradation of groundwater and surface water quality. Alternative 2 would not satisfy the project objective of consolidating wastewater collection and treatment services within the PCSD service area or minimizing project costs by improving the approved Samoa WWTF.

## **FINDINGS FOR INITIATION OF A GENERAL PLAN AMENDMENT**

1. **FINDING:** The proposed amendments to the Humboldt Bay Area Plan and Local Coastal Program to allow the Samoa Peninsula Wastewater Project to proceed, as described in 2(h) above, is in the public interest, consistent with California Government Code Section 65358(a), which requires that amendments to general plans be in the public interest. . .

- EVIDENCE:** a) The replacement of failing septic systems subject to increasingly high ground water levels with a public sewer system that discharges via an ocean outfall consistent with the requirements of the California Ocean Plan

which ensures the quality of ocean waters for beneficial uses would protect the public and reduce and avoid degradation of groundwater and surface water quality. The design of current on-site wastewater systems do not meet County or state standards and result in the discharge of partially-treated wastewater to leachfields, groundwater, and Humboldt Bay due to the Peninsula's high water table and sandy soils.

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**NOW THEREFORE**, be it further resolved that the Board of Supervisors hereby:

1. Certifies that the Final Environmental Impact Report for the Samoa Peninsula Wastewater Project (SCH#: 2018042083) has been completed in compliance with CEQA, that the Final EIR was presented to the Board of Supervisors and the Board of Supervisors has reviewed and considered the information contained in the FEIR before approving the project, and that the FEIR reflects the County's independent judgment and analysis; and
2. Adopts the Mitigation Monitoring and Reporting Program (MMRP) contained in Attachment 2, which is incorporated into this resolution by reference as if set forth in its entirety herein; and
3. Directs Planning and Building Department staff to prepare an Agreement with the Peninsula Community Services to Implement the MMRP as a condition of subsequent project approvals; and;
4. Approves the Samoa Peninsula Wastewater Project, as described in the Project Description and clarified in the FEIR; and
5. Directs Planning and Building Department staff to initiate an amendment to the Humboldt County Local Coastal Program to allow the Samoa Peninsula Wastewater Project to proceed, consisting of the following: amend Section 3.22, Public Services-Rural, subsection B (Development Policies) and Samoa Town Master Plan New Development - Policy 9 of the Humboldt Bay Area Plan, and prepare performance standards, in a manner consistent with the FEIR, for adoption by ordinance pursuant to the Humboldt County Zoning Regulations; and
6. Directs Planning Department staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
7. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on October 6, 2020 by the following vote:

Dated: October 6, 2020



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Estelle Fennell, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bass, seconded by Supervisor Wilson, and the following vote:

AYES: Supervisors Bohn, Bass, Wilson, Fennell, Madrone  
NAYS: Supervisors --  
ABSENT: Supervisors --  
ABSTAIN: Supervisors --

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



\_\_\_\_\_  
Ryan Sharp  
Deputy Clerk of the Board of Supervisors of  
the County of Humboldt, State of California