

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of June 3, 2025

RESOLUTION NO. ~~178~~ 25-178

Resolution of the Board of Supervisors of the County of Humboldt adopting the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Orleans Mutual Water Company Water Treatment System Upgrade Project, and authorizing Public Works to Approve the Encroachment Permit for the Project

WHEREAS, due to the age and condition of the existing water mains, the Orleans Mutual Water Company (OMWC) is proposing the replacement of existing water distribution piping with new water alignment piping in the unincorporated community of Orleans; and

WHEREAS, the replacement of existing water mains with new piping would provide a more reliable water system that is less prone to leaks; and

WHEREAS, the installation of water meters at each service would encourage water conservation and assist with leak detection; and

WHEREAS, the installation of a raw water pipe system would allow for service to the Karuk Tribe's Tishaniik farm and allow for fire hydrants on the raw water piping to provide higher flows and volumes in an emergency than the current system can provide; and

WHEREAS, the construction of a new water pipe crossing over Camp Creek utilizing the Caltrans bridge over Camp Creek would not be susceptible to damage from falling trees and forest fires; and

WHEREAS, the installation of a turnout ("tee" pipe fitting) at the bottom of Lower Camp Creek Road would allow for the consideration of future consolidation with the Orleans Community Services District (OCSD) and for water system redundancy; and

WHEREAS, work within the Humboldt County road system such as excavation for subsurface utilities requires an approved encroachment permit; and

WHEREAS, OMWC's proposed Water Treatment System Upgrade Project (project) has the potential for significant environmental impacts as defined in the California Environmental Quality Act (CEQA); and

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration (IS/MND) was prepared for the project for compliance with the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS:

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1. **FINDING:** **Project Description:** Under the project, an existing water distribution system operated by the Orleans Mutual Water Company would be demolished or abandoned in place and replaced with new water alignment piping. A turnout would be installed at the bottom of Lower Camp Creek Road for future consolidation with the Orleans Community Services District and for water system redundancy. New non-potable fire hydrants would be installed at approximately 500-foot intervals along Camp Creek Road and Placer Drive. Additionally, a total of 38 new water services would be installed at each active and inactive property to replace the services of the existing water mains.

EVIDENCE: a) State Clearinghouse (SCH) No. 2024110469.

2. **FINDING:** **Lead Agency:** Humboldt County is serving as lead agency under CEQA because the County has general governmental powers and because issuance of an Encroachment Permit for work on county-maintained roads is the first action taken by a public agency related to the project.

EVIDENCE: a) State Clearinghouse (SCH) No. 2024110469.

b) Humboldt County Code, Title IV, Division 1.

3. **FINDING:** **CEQA.** The requirements of CEQA have been complied with. An IS/MND was prepared for the project and circulated for public review. The Board of Supervisors finds that there is no substantial evidence in light of the whole of the record that the project, as mitigated, will have a significant effect on the environment. The Board of Supervisors finds that the IS/MND reflects the County's independent judgment and analysis.

EVIDENCE: a) Environmental review for the proposed project included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000- 21189) and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

b) The IS/MND was circulated for public comment from November 12, 2024, through December 13, 2024 (SCH No. 2024110469).

c) The custodian of the record of proceedings is the Humboldt County Public Works Department, Natural Resources Division. The location of the record of proceedings is 106 Second St., Eureka, CA 95501.

d) The Board of Supervisors has considered the proposed IS/MND together with all public and agency comments received during the public review process and the whole record.

e) The project has complied with Assembly Bill (AB) 52 requirements for tribal consultation.

f) The IS/MND included 15 mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Program which is being adopted as part of the project.

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4. **FINDING:** **ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT – NO MITIGATION REQUIRED.** Impacts associated with the following environmental factors were found to be less than significant, and mitigation is not required to reduce project-related impacts: aesthetics, agriculture and forestry resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire.

- EVIDENCE:** a) There is no evidence of impact to any of the above-referenced potential impact areas based on the project as proposed.
- b) IS/MND dated November 2024, and circulated for public review November 12, 2024, through December 13, 2024 (SCH No. 2024110469).

5. **FINDING:** **ENVIRONMENTAL IMPACTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL.** The IS/MND identified potentially significant impacts to biological resources, cultural resources, geology and soils, noise, tribal cultural resources, and mandatory findings of significance. Mitigation measures were developed to ensure that potential impacts are limited to a less than significant level.

- EVIDENCE:** a) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:

i. **Mitigation Measure BIO-1: Worker Environmental Awareness Training:** Special-status plant and wildlife species have the potential to occur within the Study Area and be impacted by construction activities. As such, a qualified biologist shall conduct environmental awareness training for all project-related personnel before the initiation of work, including vegetation removal, grubbing, or other construction activities. The training shall include information on the identification of special-status species that may be encountered, nesting birds and bird nests, and any other sensitive species or communities with the potential to occur onsite and required practices to implement before the start of construction. General measures that are being implemented to protect species that may occur onsite shall be referenced, including penalties for non-compliance, and boundaries of the permitted disturbance zones. Upon completion of the training, all construction personnel shall sign a form stating that they have attended the training and understand all the measures. Proof of this instruction shall be kept on file with the project proponent.

ii. **Mitigation Measure BIO-2: Special-Status Plants:** The Study Area contains suitable habitat for Bald Mountain milk-vetch, coast fawn lily, small groundcone, white-flowered rein orchid, crinkled rag lichen, Hooker's catchfly, Marble Mountain campion, and robust false lupine. To avoid potential impacts to these species, the following measures shall be implemented:

- A qualified botanist shall conduct a special-status plant survey within the appropriate identification (blooming) period before the initiation of any

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ground-disturbing activities. Based on the methodology described in the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), it is recommended that two botanical surveys of the Study Area spread throughout the growing season, one in May and one in July, to satisfy the blooming periods for Bald Mountain milk-vetch, coast fawn lily, small groundcone, white-flowered rein orchid, crinkled rag lichen, Hooker's catchfly, Marble Mountain campion, and robust false lupine. These surveys shall be spaced out between May and July to capture the floristic diversity at a level necessary to determine if special-status plants are present. If no special-status plants are observed, then a letter report documenting the survey results shall be prepared and submitted to the project proponent, and no further measures are recommended.

- If special-status plants are observed within the Study Area, the location of the special status plants shall be marked with pin flags or other highly visible markers and may also be marked by global positioning system (GPS). The project proponent shall determine if the special-status plant(s) onsite can be avoided by project design or utilize construction techniques to avoid impacts to the special status plant species. All special-status plants to be avoided shall have exclusion fencing or other highly visible material marking the avoidance area, and the avoidance area shall remain in place throughout the entire construction period.
 - If special-status plants are found within the Study Area and cannot be avoided, the project proponent shall consult with CDFW to determine appropriate measures to mitigate the loss of special-status plant populations. These measures may include gathering seed from impacted populations for planting within nearby appropriate habitat, preserving or enhancing existing offsite populations of the plant species affected by the project, or restoring suitable habitat for special-status plant species habitat as directed by the regulatory agencies.
- iii. Mitigation Measure BIO-3: Special-Status Fish:** The perennial drainage (Camp Creek) provides potential spawning and/or rearing habitat for Klamath River lamprey, coastal cutthroat trout, coho salmon, and Chinook salmon within the Study Area. Although the current project activities do not propose work within Camp Creek, potential construction activities shall potentially affect these species by increasing turbidity levels in the perennial drainage during project construction. Erosion control best management practices (BMP), such as the ones listed within the amphibian minimization and avoidance measures below (BIO-4), shall be implemented during and following construction to avoid sediment being placed into streams and their subsequent receiving waters. If BMP are properly implemented, the project shall be expected to have minimal temporary direct and/or indirect impacts to fish species and their habitat.

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iv. **Mitigation Measure BIO-4: Special-Status Amphibians:** The Study Area provides potentially suitable habitat for Pacific tailed frog, Del Norte salamander, foothill yellow-legged frog (FYLF), and southern torrent salamander. In the absence of the proposed mitigation measures, potential adverse effects to these protected amphibian and reptile species shall include take of individuals using upland areas for dispersal and/or refugia during construction. No direct impacts to potential habitat in Camp Creek would be anticipated as a result of the proposed project, as the project will not occur in Camp Creek or montane riparian habitat. Impacts that could harm Pacific tailed frog, Del Norte salamander, FYLF, and southern torrent salamander would be considered potentially significant. Potential indirect impacts could occur as a result of reduced water quality if contaminated runoff were to enter Camp Creek during and following construction. The following mitigation shall be implemented to avoid potential direct and indirect impacts to special-status amphibians:

- Before the commencement of construction, preconstruction surveys for Pacific tailed frog, Del Norte salamander, FYLF, and southern torrent salamander shall be conducted in the Study Area within two weeks and immediately before the initiation of construction activities to ensure that Pacific tailed frog, Del Norte salamander, FYLF, and southern torrent salamander are not actively using the Study Area or adjacent areas as a dispersal corridor. Preconstruction surveys shall be conducted by a qualified biologist familiar with all life stages and would cover all terrestrial and aquatic habitats on and immediately adjacent to the Study Area that are suitable for Pacific tailed frog, Del Norte salamander, FYLF, and southern torrent salamander dispersal.
- If any life stage of Pacific tailed frog, Del Norte salamander, FYLF, and/or southern torrent salamander (e.g., egg, juvenile, or adult) is detected within the Study Area during any surveys or monitoring for the project during construction, CDFW shall be notified within 48 hours. The biologist shall monitor the animal to make sure it is not harmed and that it leaves the site on its own. Construction activities will not be allowed within 100 feet of the animal.
- Clearing within the Study Area shall be confined to the minimum area necessary to facilitate construction. To ensure that construction equipment and personnel do not affect sensitive habitat outside of designated work areas, orange barrier fencing shall be erected to clearly define the habitat to be avoided. This will delineate the Environmentally Sensitive Area (ESA) on the project. The integrity and effectiveness of ESA fencing and erosion control measures shall be inspected daily. Corrective actions and repairs shall be carried out immediately for fence breaches and ineffective erosion control best management practices (BMP).

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- Standard construction BMP shall be implemented throughout construction to avoid and minimize adverse effects to the water quality within the Study Area. Appropriate erosion control measures shall be used (e.g., hay bales, filter fences, vegetative buffer strips, or other accepted equivalents) to reduce siltation and contaminated runoff from leaving the Study Area and entering the riparian corridor or Camp Creek. The integrity and effectiveness of the BMP shall be inspected daily by qualified project personnel and/or the site foreman. Corrective actions and repairs shall be carried out immediately.
- Construction by-products and pollutants such as petroleum products, chemicals, or other deleterious materials shall not be allowed to enter Camp Creek. A plan for the emergency clean-up of any spills of fuel or other materials shall be available when construction equipment is in use.
- Equipment shall be re-fueled and serviced at designated construction staging areas. All construction material and fill shall be stored and contained in a designated area that is located away from channel areas to prevent transport of materials into adjacent streams. The minimum setback distance for staging and construction stockpiling activities is 100 feet from the wetted width of Camp Creek. In addition, a silt fence shall be installed to collect any discharge, and adequate materials shall be available for spill clean-up and during storm events.
- Construction vehicles and equipment shall be monitored and maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease. Leaking vehicles and equipment shall be removed from the site.
- Building materials storage areas containing hazardous or potentially toxic materials such as herbicides and petroleum products shall be located outside of the 100-year flood zone, have an impermeable membrane between the ground and the hazardous material, and shall be bermed to prevent the discharge of pollutants to ground water and runoff water. The bermed area shall at a minimum have the capacity to store the volume of material placed in it.
- All disturbed soils shall undergo erosion control treatment before October 15 and/or immediately after construction is terminated. Appropriate erosion control measures shall be used (e.g., hay bales, filter fences, vegetative buffer strips, or other accepted equivalents) to reduce siltation and contaminated runoff from leaving the Study Area. Erosion control blankets shall be installed on any disturbed soils steeper than a 2:1 slope or steeper.
- During Project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed

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from work areas.

- No monofilament plastic shall be used for erosion control.

v. **Mitigation Measure BIO-5: Northern Goshawk, Ruffed Grouse, Bald Eagle, Osprey, Other Raptors, and Migratory Birds:** The Study Area and adjacent areas provide suitable nesting habitat for a variety of native birds, including native songbirds and raptors. Removal of vegetation containing active nests would potentially result in destruction of eggs and/or chicks; and noise, dust, and other anthropogenic stressors in the vicinity of an active nest could lead to forced nest abandonment and mortality of eggs and/or chicks. Needless destruction of eggs or chicks would be a violation of the California Fish and Game Code. Pre-construction surveys shall be conducted before project implementation to determine if nesting birds are present on or adjacent to the site, so that measures could be implemented if needed to avoid harming nesting birds.

The following mitigation shall be implemented to reduce potential project impacts to nesting birds:

- If project construction, including ground-disturbing or vegetation clearing and grubbing activities, commence during the avian breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days before initiation of project construction activities. The survey area shall include suitable raptor nesting habitat within 500 feet of the project footprint (inaccessible areas outside of the Study Area can be surveyed from the site or from public roads using binoculars or spotting scopes). Pre-construction surveys are not required in areas where project construction activities have been continuous since before February 1, as determined by a qualified biologist. Areas that have been inactive for more than 14 days during the avian breeding season shall be re-surveyed before the resumption of project construction activities. If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure shall be implemented:
 - A suitable buffer (up to 500 feet for raptors; 100 feet for passerines) shall be established by a qualified biologist around active nests and no construction activities within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted.

vi. **Mitigation Measure BIO-6: Northern Spotted Owl:** There are several documented Activity Centers and numerous observations for northern spotted

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owl (NSO) within two miles of the Study Area and there is potential for the species to occur in the surrounding Douglas fir forest. Before any ground-disturbing activities within 0.25 mile of suitable nesting, roosting, or foraging habitat for NSO, the following shall be followed to reduce impacts to NSO to less than significant:

- A qualified biologist, familiar with the life history of the NSO, shall conduct pre-construction surveys for nests as described in the Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS 2012). Surveys shall take place between March 15 and August 31.

As per the U.S Fish and Wildlife Service (USFWS) 2012 survey protocol, a one-year, six-visit survey can apply to noise-disturbance only actions. The USFWS's 2012 survey protocol states that six visits that cover all NSO habitat within a 0.25-mile buffer of the project area will be effective until the beginning of the following breeding season, which is generally between February 1 to September 30. If operations are not completed by year two, three spot-check survey visits each year shall occur in years two and three or the project proponent can choose to utilize the two-year, six-visit survey protocol.

- If NSO are determined to be present within 0.25 mile of the Study Area, then further mitigation measures will need to be developed as deemed satisfactory by the USFWS and CDFW.
- If NSO surveys determine that no active NSO nests are present adjacent to the Study Area, then the project may proceed through the breeding season.

vii. Mitigation Measure BIO-7: Streamside Management Areas: To comply with measure BR-P6 of the Humboldt County General Plan, development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 – Required Mitigation Measures, BR-S9 – Erosion Control, and BR-S10 – Development Standards for Wetlands) 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 (Humboldt County 2017). Further information regarding these mitigation measures is available in Chapter 10 of the Humboldt County General Plan.

b) **Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

i. Mitigation Measure CUL-1: Archaeological Construction Monitoring: Due to the presence of numerous prehistoric and historic-era cultural resources both within the APE and in the project vicinity, a qualified archaeologist shall be

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retained to conduct Cultural Resource Monitoring during ground-disturbing activities associated with the project (including but not limited to grubbing, grading, shearing, and excavation). The on-site archaeologist shall then be able to examine newly exposed soils for cultural remains and/or changes in colors in exposed soils that might indicate the presence of archaeological materials. This Cultural Resource Monitor shall have “stop work” authority in the event that they believe they have encountered cultural materials and shall take daily notes and photographs documenting the construction activities observed and any cultural resources that are encountered. At the conclusion of the project, the Cultural Resource Monitor shall also provide a final monitoring report that summarizes the construction activities observed and any cultural concerns that were noted during the construction effort.

ii. Mitigation Measure CUL-2: Tribal Construction Monitoring: Due to the presence of the NRHP-listed Karuk Panamenik Ceremonial District contributing elements within the APE, as well as the proximity of the APE’s ten additional prehistoric sites within 0.5 mile of the APE, a Native American Monitor from the Karuk Tribe shall be retained to conduct tribal monitoring during initial ground-disturbing activities associated with the project (including but not limited to grubbing, grading, shearing, and excavation). This Native American Monitor shall then be able to examine newly exposed soils for cultural remains and or changes in colors in exposed soils that might indicate the presence of archaeological materials or other culturally sensitive materials. This Monitor shall have “stop work” authority in the event that they believe they have encountered cultural or otherwise sensitive materials and shall take daily notes and photographs documenting the construction activities observed and any cultural resources that are encountered. At the conclusion of the project, this Monitor shall also provide a final monitoring report that summarizes the construction activities observed and any cultural concerns that were noted during the construction effort.

iii. Mitigation Measure CUL-3: Inadvertent Archaeological Discovery: The following Point of Contact (POC) shall be notified immediately upon the inadvertent discovery of a potentially significant archaeological find:

- Lead or On-Site Contractor(s) whose activities led to inadvertent discovery, or whose on-going work may impact significant finds. Tribal Monitor has authority to immediately halt ground disturbing activities if potentially significant finds are discovered.
- Karuk Tribe, Tribal Historic Preservation Officer at (530) 627-3446.
 1. Ground disturbing activities shall be immediately stopped if potentially significant prehistoric (Native American) archaeological artifacts or constitutes are discovered. Examples include, but are not limited to, prehistoric artifacts (chipped stone or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash-stained midden soils,

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concentrations of fire-cracked rock and/or burned or charred organic materials. Ground-disturbing project activities may continue in other areas that are outside of the discovery locals.

2. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the monitor.
3. The discovery locale shall be secured (e.g., 24-hour surveillance) in consultation with the THPO if considered prudent to avoid further disturbances or maintain order if sensitive remains are exposed.
4. The monitor shall be responsible for immediately contacting by telephone the designated POCs to report the find and initiate the consultation process for its treatment and disposition:
 - Karuk Tribe, Tribal Historic Preservation Officer at (530) 627-3446.

And in cases where a known or suspected Native American burial or skeletal remains are uncovered, the following contacts shall also be notified:

- Humboldt County Coroner at (707) 445-7242.
- Native American Heritage Commission (NAHC) at (916) 653-4082.

Ground disturbing project work at the find locality shall be suspended temporarily while the landowner’s Consulting Professional Archaeologist conducts a field assessment and consults with the THPO, Lead Agency, or his/her designated representative and if applicable, State Office of Historic Preservation (OHP) staff, to determine appropriate treatment and disposition of the find. Ideally, a Treatment Plan may be decided within three working days of discovery notification. Where a project can be modified to avoid disturbing the find (e.g., through project redesign), this shall be the preferred option. Should human remains be encountered, the provisions of State laws shall apply (see below). The Treatment Plan shall reference appropriate laws and include provisions of analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents. Ideally, the field phase of the Treatment Plan may be accomplished within five (5) business days after its approval; however, circumstances may require longer periods for data recovery.

1. The landowner, its employees and agents including Contractors, shall be obligated to protect significant cultural resource discoveries and may be subject to prosecution if applicable State or Federal laws are violated. In no event shall unauthorized persons collect artifacts.
2. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being

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disclosed only to those with a need to know.

iv. Mitigation Measure CUL-4: Inadvertent Discovery of Native American Remains and Grave Goods: The following policies and procedures for treatment and disposition of inadvertently discovered Native American remains shall apply.

1. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
2. Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense). In the event that known or suspected Native American remains are encountered, the above procedures of SOP Part A for Inadvertent Archaeological Discovery (General) shall be followed (including notifications to those identified in A-4(a-e)), in addition to the provisions of California law (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code), as follows.
3. The Coroner has two (2) working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours (2 days) to notify the NAHC.
4. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
5. Within 24 hours (2 days) of their notification by the NAHC, the MLD will be permitted by the property owner of the discovery locale to inspect the discovery site if they so choose.
6. Within 24 hours (2 days) of their notification by the NAHC, the MLD may recommend to the property owner or his/her designated agent, as applicable, the means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those treatments recommended by the MLD may be considered and carried out (i.e., no photographs, analyses, etc. without MLD agreement).

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7. If the landowner does not accept the descendant's recommendations, the owner or descendent may request mediation by the NAHC.
8. Discuss and confer mans the meaningful and timely discussion with careful consideration of the views of each party's cultural values and, where feasible, seeking agreement.
9. Whenever the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the property owner rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to the property owner, then the property owner shall cause the re-burial of the human remains and associated grave offerings with appropriate dignify on the property in a location not subject to further subsurface disturbance.

c) **Geology and Soils:** Potentially significant geology and soil impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures.

i. Mitigation Measure GEO-1: Identification of Paleontological Resource

During Project Construction: In the event a paleontological or other geologically sensitive resources (such as fossils or fossil formations) are identified during any phase of project construction, all excavations within 100-feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at Humboldt County who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement those measures which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.

d) **Noise:** Potentially significant noise impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures.

i. Mitigation Measure NOI-1: Construction Related Noise: The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alternation, or demolition shall occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related to construction activities shall be allowed on Sundays or holidays.

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- All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.
- e) **Tribal Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for tribal cultural resources:

i. **Mitigation Measure TCR-1: Inadvertent Archaeological Discovery:** The following Point of Contact (POC) shall be notified immediately upon the inadvertent discovery of a potentially significant archaeological find:

- Lead or On-Site Contractor(s) whose activities led to inadvertent discovery, or whose on-going work may impact significant finds. Tribal Monitor has authority to immediately halt ground disturbing activities if potentially significant finds are discovered.
 - Tribal Historic Preservation Officer, Karuk Tribe at (530) 627-3446.
1. Ground disturbing activities shall be immediately stopped if potentially significant prehistoric (Native American) archaeological artifacts or constitutes are discovered. Examples include, but are not limited to, prehistoric artifacts (chipped stone or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash-stained midden soils, concentrations of fire-cracked rock and/or burned or charred organic materials. Ground-disturbing project activities may continue in other areas that are outside of the discovery locals.
 2. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the monitor.
 3. The discovery locale shall be secured (e.g., 24-hour surveillance) in consultation with the THPO if considered prudent to avoid further disturbances or maintain order if sensitive remains are exposed.
 4. The monitor shall be responsible for immediately contacting by telephone the designated POCs to report the find and initiate the consultation process for its treatment and disposition:

- Tribal Historic Preservation Officer, Karuk Tribe at (530) 627-3446.

And in cases where a known or suspected Native American burial or skeletal remains are uncovered, the following contacts shall also be notified:

- Humboldt County Coroner at (707) 445-7242.

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- Native American Heritage Commission (NAHC) at (916) 653-4082.

Ground disturbing project work at the find locality shall be suspended temporarily while the landowner's Consulting Professional Archaeologist conducts a field assessment and consults with the THPO, Lead Agency, or his/her designated representative and if applicable, State Office of Historic Preservation (OHP) staff, to determine appropriate treatment and disposition of the find. Ideally, a Treatment Plan may be decided within three working days of discovery notification. Where a project can be modified to avoid disturbing the find (e.g., through project redesign), this shall be the preferred option. Should human remains be encountered, the provisions of State laws shall apply (see below). The Treatment Plan shall reference appropriate laws and include provisions of analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents. Ideally, the field phase of the Treatment Plan may be accomplished within five (5) business days after its approval; however, circumstances may require longer periods for data recovery.

1. The landowner, its employees and agents including Contractors, shall be obligated to protect significant cultural resource discoveries and may be subject to prosecution if applicable State or Federal laws are violated. In no event shall unauthorized persons collect artifacts.
2. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know.

ii. Mitigation Measure TCR-2: Inadvertent Discovery of Native American Remains and Grave Goods: The following policies and procedures for treatment and disposition of inadvertently discovered Native American remains shall apply.

1. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
2. Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense). In the event that known or suspected Native American remains are encountered, the above procedures of SOP Part A for Inadvertent Archaeological Discovery (General) shall be followed (including notifications to those identified in A-4(a-e)), in addition to the provisions of California law (Section 7050.5 of the

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California Health and Safety Code and Section 5097.98 of the California Public Resources Code), as follows.

3. The Coroner has two (2) working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours (2 days) to notify the NAHC.
4. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
5. Within 24 hours (2 days) of their notification by the NAHC, the MLD will be permitted by the property owner of the discovery locale to inspect the discovery site if they so choose.
6. Within 24 hours (2 days) of their notification by the NAHC, the MLD may recommend to the property owner or his/her designated agent, as applicable, the means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those treatments recommended by the MLD may be considered and carried out (i.e., no photographs, analyses, etc. without MLD agreement).
7. If the landowner does not accept the descendant's recommendations, the owner or descendent may request mediation by the NAHC.
8. Discuss and confer mans the meaningful and timely discussion with careful consideration of the views of each party's cultural values and, where feasible, seeking agreement.
9. Whenever the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the property owner rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to the property owner, then the property owner shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity on the property in a location not subject to further subsurface disturbance.

6. **FINDING:** **CEQA Public Comments.** A total of four letters of comment were received from three parties. These comments have been considered and none of these comments changes the conclusions of the IS/MND.

EVIDENCE: a) Caltrans District 1. Caltrans provided two comments. One comment was to confirm project description components, and one was to note that an encroachment permit will

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need to be obtained. Project description components were clarified, and OMWC will obtain an encroachment permit from Caltrans District 1 prior to commencing work. No revisions are required to the IS/MND.

- b) State Water Resources Control Board (SWRCB). The SWRCB provided corrections to the applicable County codes and to the appropriate regulatory authority. Revisions were made to the IS/MND to reflect these corrections.
- c) California Department of Fish and Wildlife. CDFW commented on the plan for crossing Camp Creek. The bridge crossing is pending a response from Caltrans and no revisions are required to the IS/MND.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors hereby:

1. Adopts the findings set forth in this resolution;
2. Certifies that the IS/MND for the Orleans Mutual Water Company Water Treatment System Upgrade Project (SCH No. 2024110469) has been completed in compliance with CEQA, that the IS/MND was presented to the Board of Supervisors, and that the Board of Supervisors has reviewed and considered the information contained in the IS/MND and comments received before adopting the IS/MND and approving the project, and that the IS/MND reflects the County's independent judgment and analysis;
3. Adopts the IS/MND for the Orleans Mutual Water Company Water Treatment System Upgrade Project;
4. Adopts the Mitigation Monitoring and Reporting Program for the Orleans Mutual Water Company Water Treatment System Upgrade Project;
5. Directs Public Works to file a Notice of Determination with the Humboldt County Clerk-Recorder's Office for the Orleans Mutual Water Company Water Treatment System Upgrade Project IS/MND pursuant to CEQA Guidelines Section 15094 within five working days after this resolution is adopted; and
6. Authorizes Public Works to approve an Encroachment Permit to Orleans Mutual Water Company and their contractor for work on the project within county-maintained roads with the mitigation measures in the Mitigation Monitoring and Reporting Program of the IS/MND as a mandatory requirement following the 30-day review period for the Notice of Determination.

Dated: June 3, 2025

Adopted on motion by Wilson, Seconded by Supervisor Arroyo and the Supervisor following vote:

AYES: Arroyo, Bohn, Bushnell, Madrone, and Wilson

NOES:

ABSENT:

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ABSTAIN:



MICHELLE BUSHNELL, Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA
County of Humboldt

I, TRACY DAMICO, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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



Kaleigh Maffei
Clerk of the Board of Supervisors of the
County of Humboldt, State of California