



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 6, 2016

To: Humboldt County Planning Commission

From: Robert A Wall, Interim Director of Planning and Building Department

Subject: **Seasonal Water Solutions Conditional Use Permit and Special Permit**  
Application Number 9635  
Case Numbers CUP-15-004 and SP-15-067  
Assessor's Parcel Number (APN) 223-061-011  
1575 Sprowel Creek Road, Garberville Area

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Please contact Michelle Nielsen, Planner, at 707-268-3708 or by email at [mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 6, 2016	Conditional Use Permit and Special Permit	Michelle Nielsen

**Project Description** A Conditional Use Permit to conduct a business engaged in the collection, storage, delivery and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The business proposes to operate on an approximately 5-acre portion of a 34-acre parcel which is currently developed with two existing single-family residences, a detached garage, a barn and a studio. To supply water for the business, the project proposes to collect rainwater by covering approximately 83,000 square feet of ground with black pond liner (polyethylene) tarpaulin, which will be weighted down with large concrete blocks in a grid pattern and used as an impervious surface to facilitate capture of runoff during rainfall events. Captured water will be directed into and stored in a series of large water bladders, which will be located on mostly level terrain and anchored to comply with the County flood regulations. There are currently seven (7) bladders on the parcel. Each is capable of storing approximately 210,000 gallons of water and were placed on the property without the benefit of County review. The project ultimately proposes installation and use of up to sixteen (16) bladders for water storage, each capable of storing approximately 210,000 gallons of water, that when filled are approximately eight (8) feet in height, and are tan-earth tone in color. Each bladder will be anchored to the ground, and surrounded by an engineered berm, approximately three (3) feet in height, designed to contain unintentional water release in the event of a rupture or leak. Water will be delivered using private water trucks that are independently owned and operated. Delivery of bulk water sold from the site will occur year-round, though primarily during the summer months and will operate 7 days per week. The water delivery activity will generate on average 12 truck trips per day (6 in/6 out). During periods of peak use, maximum truck traffic could be four truck trips per hour (2 in/2 out), resulting in a maximum of 36 truck trips per day (18 in/18 out) during peak season. The approval term for the Conditional Use Permit is a maximum of fifteen (15) years. The Humboldt County Planning Commission intends to adopt a Mitigated Negative Declaration of Environmental Impact for the Conditional Use Permit. Also an after-the-fact Special Permit for grubbing work conducted in the Streamside Management Area (SMA) of the South Fork of the Eel River in the fall of 2015. The applicant is proposing full restoration of the disturbed SMA using native plantings, and to monitor of the success of the plantings.

**Project Location:** The project parcel is located in Humboldt County, in the Garberville area, approximately 200 feet west of the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road, further described as APN 223-061-011; and the property being known to be in the Southwest quarter of the Southwest quarter of Section 24 Township 4 South Range 3 East, Humboldt Base and Meridian.

**Present Plan Land Use Designations:** Agricultural Rural- Minimum parcel size 5-20 acres (AR5-20), Garberville/Redway/Benbow/Alderpoint Community Plan (GRBAP), Density: 5 to 20 acres per dwelling unit, Slope Stability: Low Instability (1).

**Present Zoning:** (AG-B-5(5)) Agriculture General (AG), Minimum building site area 5 acres (B-5(5)).

**Application Number:** 9635      **Case Numbers:** CUP-15-004 and SP-15-067

**Assessor Parcel Number:** 223-061-011

**Applicant**

Seasonal Water Solutions  
1575 Sprowel Creek Road  
Garberville, CA 95542

**Owner**

Jesse Jeffries  
1353 Sprowel Creek Rd  
Garberville, CA 95542

**Agents**

A.M. Baird Engineering & Surveying, Inc.  
Attn.: Allan Baird  
PO Box 396  
Fortuna, CA 95540

Streamline Planning Consultants  
Attn.: Garry Rees  
1062 G St., Suite I  
Arcata, CA 95521

**Environmental Review:** A Mitigated Negative Declaration has been prepared for adoption and approval for the Conditional Use Permit project component. As Lead Agency, the Humboldt County Planning Division has determined that the after-the-fact Special Permit for the grubbing work and proposed restoration is exempt from environmental review pursuant to Section 15333—Small Habitat Restoration Projects—of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission

**Major Issues:** Temporary conversion of agricultural land, and potential to indirectly conflict with the Commercial Medical Marijuana Land Use Ordinance.

**SEASONAL WATER SOLUTIONS**  
Case Numbers CUP-15-004 and SP-15-067  
Assessor's Parcel Number 223-061-011

**Recommended Commission Action**

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

*Move to find the Special Permit is exempt from environmental review pursuant to Section 15333 of the State CEQA Guidelines, adopt the Mitigated Negative Declaration, and to make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Seasonal Water Solutions project subject to the recommended conditions.*

**Executive Summary:** A Conditional Use Permit is being sought for the development of a rainwater harvesting/collection business. This project encompasses the harvesting of rainwater, storage, and its sale. Water will be delivered to customers using private water trucks that are independently owned and operated. Also an after-the-fact Special Permit for grubbing work conducted in the 100-foot Streamside Management Area (SMA) of the South Fork of the Eel River that was performed in the fall of 2015. As indicated in the project description, the Conditional Use and Special permits being sought would permit some activities and property improvements initiated by the applicant without the necessary permits and entitlements in place. Further the applicant employed an illegal diversion of the South Fork of the Eel River as the means to fill the water bags. Remedies for these unpermitted activities are being actively pursued through other legal channels by other County departments and agencies. Further, staff has been advised by Counsel that as part of these legal actions, the applicant is obligated to meet milestones that have been set forth by the Humboldt County Superior Court, and there will consequences to the applicant should he be unable to satisfy these milestones. The Court's milestones are an order to the applicant, not the Planning Commission or the Planning and Building Department. These Court ordered milestones, and their associated timeframes, do not release, override, or supersede evaluation of the project under the California Environmental Quality Act, or from the findings that must be made to approve a Conditional Use Permit and a Special Permit as specified in Humboldt County Code. The project as proposed, including the applicant's mitigation measures, and conditioned, is to be evaluated on its merits and the applicant is to be given equal treatment.

The project is proposed on an approximately 30 acre parcel is currently developed two single family residences with associated on-site sewage disposal and water systems. Portions of the property are in Flood Zone "A", areas of 100-year flooding, according to FEMA mapping. Additionally the South Fork of the Eel River is adjacent to the north, and Connick Creek a perennial tributary of the South Fork of the Eel River traverses through the west side of the property. The property is mostly flat and is accessed by Sprowel Creek Road, a paved County-maintained road which meets the road category 4 minimum and is not a dead-end road. According the Natural Resource Conservation Service soils mapping, the property contains prime agricultural soils classified as Gschwend-Frenchmen Complex (0 to 9 percent slopes). In the recent past the project site was used for growing hay. The subject parcel is surrounded by agricultural land, rural residential ownerships, mining operations, ranches, the Southern Humboldt Community Park, and the town of Garberville. There is a tentatively approved minor subdivision of the subject parcel that will result in one parcel approximately 6.5 acres in size, and a designated Remainder parcel approximately 22.25 acres in size. The applicant has applied for an extension of the Planning Commission's tentative approval of the subdivision on September 16, 2016. The project is proposed on the designated Remainder parcel. The proposed configuration of the designated Remainder will result in all of the mapped prime agricultural soils being contained on a single unit of land that is developed with a single family residence. Parcel 1 of the subdivision will contain the forested upland portions of the property, and will not contain the mapped prime agricultural soils. Sprowel Creek Road will traverse through only Parcel 1. Parcel 1 will also host an existing single family residence. All existing residences are served by on-site water and sewage disposal systems.



While the water sold will be non potable, meaning it cannot be used for human consumption, it is safe for industrial applications and agricultural irrigation. The applicant anticipates agricultural operators will be his primary customer base. Should the project be approved it will give rise to an opportunity for agricultural operators to purchase supplemental irrigation water that has been legally obtained, a welcomed alternative to the methods often employed. Although the project was referred to the State Water Resources Control Board, Division of Water Rights, for review, Planning staff did not receive formal comments from that agency. Planning staff was able to informally consult with State Water Resources Control staff, and was advised that harvesting of rainwater is not a regulated activity by that agency. Also, Planning staff consulted with general counsel of the California Natural Resources Agency (they have regulatory oversight over the State's designated Scenic and Wild rivers amongst other functions), and rainwater harvesting, again, is not a regulated activity. That agency, however, advised that only the domestic diversion of the South Fork of the Eel River as permitted by Streambed Alteration Agreement dated June 15, 2015 is consistent with the California's Wild and Scenic Rivers Act. Commercial or other use of the water would be in violation, and would be subject to enforcement.

In October-November 2015, a draft Initial Study and Mitigated Negative Declaration (IS-MND) was circulated for the same Conditional Use Permit now being considered. The primary issues identified in the October-November 2015 IS-MND were 1) the conversion of prime agricultural land; 2) potential sedimentation and erosion impacts; and 3) flood hazards. The potential conversion of agricultural land will be mitigated by the following three measures: the approval term for the Conditional Use Permit will only be fifteen years; unlike most CUPs, this approval will not run with the land ad infinitum; the applicant is agreeable to entering into a conveyance of subdivision rights for a term equal to the length of time the land was temporarily converted to the water storage business; reclamation plan, including financial assurances, to restore the site to pre-project condition once the operation ceases. The CEQA Guidelines do not distinguish between a temporary or permanent conversion of prime agricultural land. Most approved Conditional Use Permits once vested run indefinitely with the land provided the conditions of the permit are adhered to for the life of the project. It is this attribute of CUPs that would result in the permanent conversion of prime agricultural land despite the fact that the primary components of the project's infrastructure—tarpaulin, water bladders—can readily be removed and may be characterized as being temporary in nature. Incorporating a limited approval timeframe, i.e., fifteen years, mitigates this potential impact to a level of insignificance together with the two other measures offered by the applicant. Additionally, the applicant is agreeable to entering into a conveyance of subdivision rights for a term equal to the length of time the land was temporarily converted to the water storage business. The subdivision forbearance period being the same as the amount of time the land is converted site meets the rough proportionality test. As a final mitigation measure for the impact, is the applicant has prepared a reclamation plan to restore the site to pre-project condition. Although the project will compact the soils, the soil restoration potential for the soil series found on the project site is rated high by Natural Resources Conservation Service. Reclamation activities will include the following: 1) removal of the equipment associated with the operation (e.g. tarpaulin, water bladders, pumps, etc.); 2) decompaction, ripping/tilling, and grading of the 5-acre area to pre-project conditions; and 3) planting of a nitrogen fixing cover crop that will be tilled into the soil at the appropriate time when the vegetation is dense, green and succulent. The ultimate goal of the reclamation activities is to restore the 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production, similar to what has occurred on this property in the past. To ensure reclamation occurs when the operation ceases, the applicant will provide a financial assurance mechanism, e.g., a certificate of deposit cashable by the County of Humboldt. The financial assurance estimate, which determines the amount of the mechanism, will be reviewed annually, similarly to reclamation for surface mining projects.

The potential impacts erosion and sedimentation appear in a number of the Initial Study categories, and the mitigation to address those impacts are the construction of an engineered berm designed and around the perimeter of all water bladder storage areas. To ensure that in event of the failure of one or more water storage bag does not cause sedimentation, the berm will be designed 1) to withstand and tolerate the rupture of one or more water bladders; 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water. Additionally all construction activities, including the construction of the berms, will incorporate and implement Best Management Practices and

the standard erosion control measures of Section 3432.9 of the Humboldt County Framework Plan.

As the project site is located in the 100-year flood plain adherence to the County Flood Damage Prevention regulations is a requirement that must be satisfied prior to the issuance of grading or building permits. This will include engineered strapping and anchoring of the bags to ensure they withstand flood flows. The rain catchment system (i.e. tarpaulin) has been designed to be held down by concrete blocks (approximately 750 pounds each) in a grid pattern which will ensure it remains in place during flood conditions. The containment berm must also be designed to withstand a flood event as well. Finally in the event of flood the project's conditions of approval include a requirement that the applicant submit an engineer's study within thirty days reporting the condition of the project's infrastructure and identifying any needed remediation to restore the integrity of the site.

In response to the October-November 2015 IS-MND, the Department of Fish and Wildlife provided substantive comments and recommendations on the project in their role as a CEQA Responsible and Trustee agency (included in Attachment 5). In response to receiving these significant comments, the Department requested that the item be pulled from the then scheduled December 3, 2015 Planning Commission hearing date to allow the applicant's agent work with DFW to address their comments. In sum, DFW's comments pertained to unauthorized surface water diversions at the site, and the continued presence of the associated diversion infrastructure; inadequate scoping thereby affecting the adequacy of potential impacts to listed and sensitive species; final sizing and configuration of the project infrastructure including containment berm. Accordingly, the applicant's agent amended the analysis in response which is reflected in the attached Revised IS-MND in Attachment 5. The Revised IS-MND incorporates several mitigation measures to protect biological resources. More specifically these measures include conducting focused surveys for protected wildlife and plant species prior to initiating project activities; qualified professionals designing appropriate protective buffers and operation restrictions if species are observed. Additional measures protective of wildlife include fastening jut netting along a portion of the collection ditch, and installing fish-friendly pump screens.

The project's consistency with newly adopted Commercial Medical Marijuana Land Use Ordinance (CMMLUO) surfaced as a new issue in the preparation of the Revised IS-MND because the CMMLUO expressly prohibits the use of trucked water for commercial medical marijuana operations except in the case of emergency as defined therein. Even though the use of trucked water for cannabis cultivation has been a common irrigation practice, and it is estimated there are 10,000 to 15,000 cannabis cultivation operations in Humboldt County, it is speculative that the project will conflict directly with the CMMLUO because the applicant does not own or operate water delivery trucks. Nonetheless, the potential for the project to indirectly conflict with the CMMLUO is tenable given the industry's historic practices and the sheer number of operations. Consequently, the Department worked with the applicant on record keeping and reporting measures to assist the Department to verify end user compliance with the CMMLUO, where applicable. At the point of sale the applicant will obtain the following information: 1) identification of the commercial water truck operator/business; and 2) identification of the delivery location by either Assessor's parcel number or address. This reporting will also help verify that deliveries are made only to in-county users. These measures are not dissimilar to the Water Hauler Guidelines used by the Humboldt Community Services District (included as Exhibit B of Attachment 2).

The project also includes an after-the-fact Special Permit for unpermitted grubbing work that was performed in the 100-foot Streamside Management Area (SMA) paralleling the South Fork of the Eel River. The applicant retained Streamline Planning to prepare a restoration plan prepared to remediate the unpermitted grubbing work. According to the report, the total area disturbed was approximately 9,900 square feet (page 3). The stated goal of the restoration "...is to replace the horizontal distance of riparian vegetation, from 13 to 23 feet wide, where brush removal occurred within the SMA" (page 6). As discussed in detail in the report, remediation includes the slope protection and planting a mix of native shrubs and trees in the disturbed area, along with annual monitoring of the success of the restoration for a period of three years. The applicant initiated the restoration work in the winter of 2016 to reduce potential slope erosion, and reduce the potential of pervasive non-native plants becoming established. According to the Streamline Planning the plantings are established, and are doing well (August 23, 2016,

personal telecommunication). As the applicant is undertaking 100 percent restoration and remediation for the grubbing work, and is not seeking a reduction of the 100-foot SMA buffer, staff determined this work to qualify for the Class 33-Small Habitat Restoration Projects-CEQA Categorical Exemption. The report was reviewed by DFW, which providing comments but generally agreed with the planting palette and approach.

At the end of July 2016, the Revised Initial Study-Mitigated Negative Declaration in Attachment 4 was circulated directly to the Garberville office of the California Highway Patrol, the Santa Rosa office of the Regional Water Quality Control Board (RWQCB), and DFW for review and comment. To date, neither CHP nor RWQCB have provided comments to the Planning Division. As for the DFW, no formal comments have been provided to the Planning Division. However, Jennifer Olson, DFW Environmental Scientist, indicated in a July 28, 2016 email "I don't think we will have formal comments on this since they have incorporated our prior comments".

In the run up to the noticed December 2015 Planning Commission hearing, the Department received public comments, and these are included in Attachment 6. Comments received in response to this notice for the availability of the Revised IS-MND and the Planning Commission hearing are also included Attachment 6.

In response to the noticing and the circulation of the draft Revised Mitigated Negative Declaration, Planning staff have received comments about potential impacts to/from aesthetic impacts, traffic, dust, and noise. Staff believes that with the full and diligent implementation of the various mitigation measures these potential impacts can be addressed to a level of insignificance.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if your Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 16-**

**Case Numbers CUP-15-004 and SP-15-067  
Assessor Parcel Number: 223-061-011**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Seasonal Water Solutions Conditional Use Permit and Special Permit request.**

**WHEREAS**, Seasonal Water Solutions submitted an application and evidence in support of approving a Conditional Use Permit for the development and operation of a business engage in the collection, storage, delivery, and sale of non-potable water; and

**WHEREAS**, Seasonal Water Solutions submitted an application and evidence in support of approving a Special Permit for restoration work to remediate grubbing work that occurred in the 100-foot Streamside Management Area of the South Fork of the Eel River;

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the Conditional Use Permit for the development and operation of a business engage in the collection, storage, delivery, and sale of non-potable water is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Special Permit for the restoration work to remediate grubbing work that occurred in the 100-foot Streamside Management Area of the South Fork of the Eel River is Categorically Exempt from environmental review pursuant to Section 15333—Small Habitat Projects—of the CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Case Numbers CUP-15-004 and SP-15-067); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 6, 2016.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Planning Commission that:

1. The restoration work to remediate work that occurred in the 100-foot Streamside Management Area is exempt from environmental review pursuant to CEQA Guidelines Section 15333, Class 33—Small Habitat Restoration Projects; and
2. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers CUP-15-004 and SP-15-067 based on the submitted evidence; and
3. The Planning Commission approves the Conditional Use Permit applied for as recommended and conditioned in Attachment 1 for Case Numbers CUP-15-004 and SP-15-067.

Adopted after review and consideration of all the evidence on October 6, 2016.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

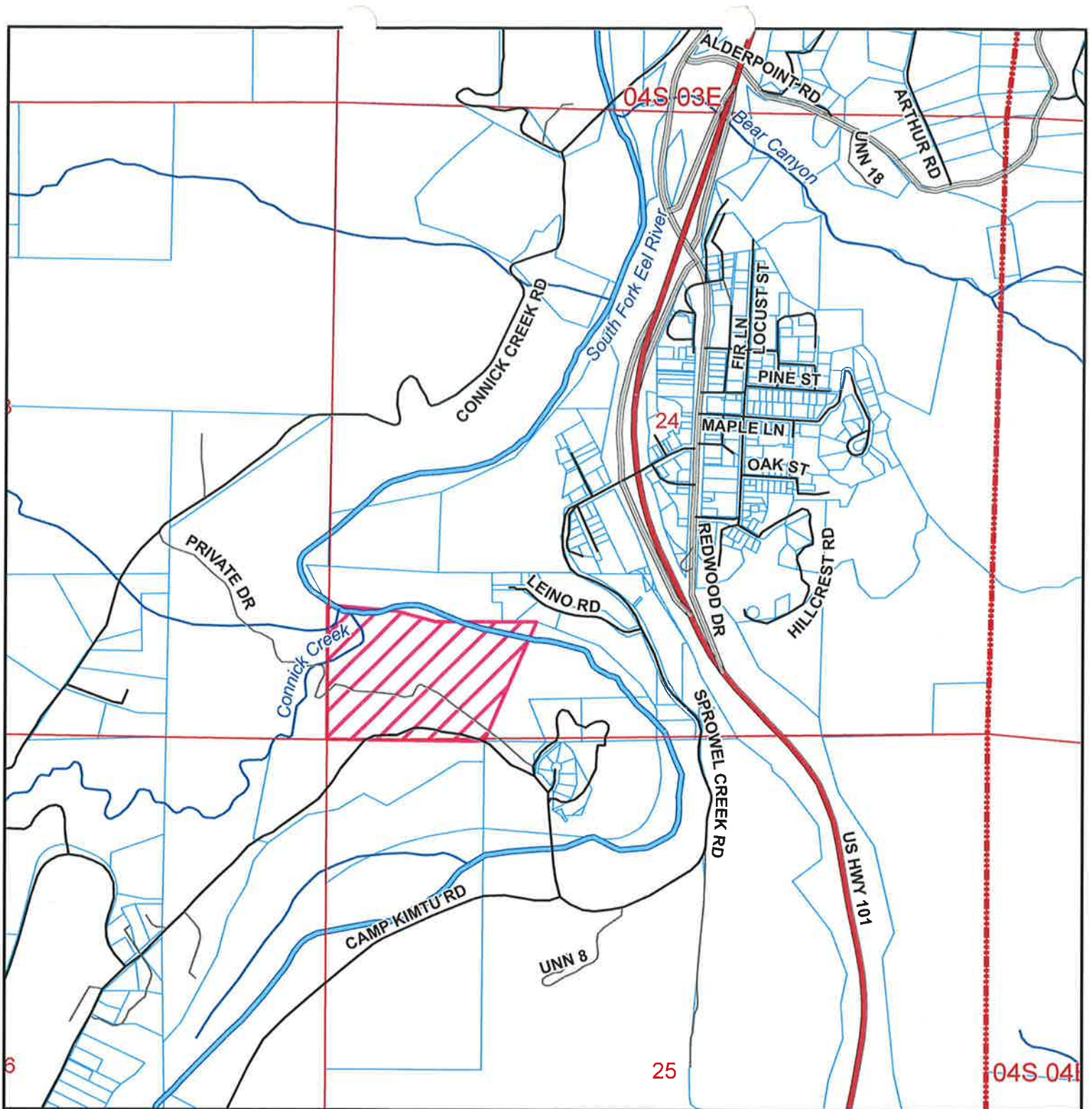
DECISION: Motion carries

\_\_\_\_\_  
Robert Morris, Chair

I, Suzanne Hegler, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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Suzanne Hegler, Clerk



# LOCATION MAP

## PROPOSED SEASONAL WATER SOLUTIONS CONDITIONAL USE PERMIT

GARBERVILLE AREA

CUP-15-004

APN: 223-061-011

T04S R03E S24 HB&M (Garberville)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25  
Miles

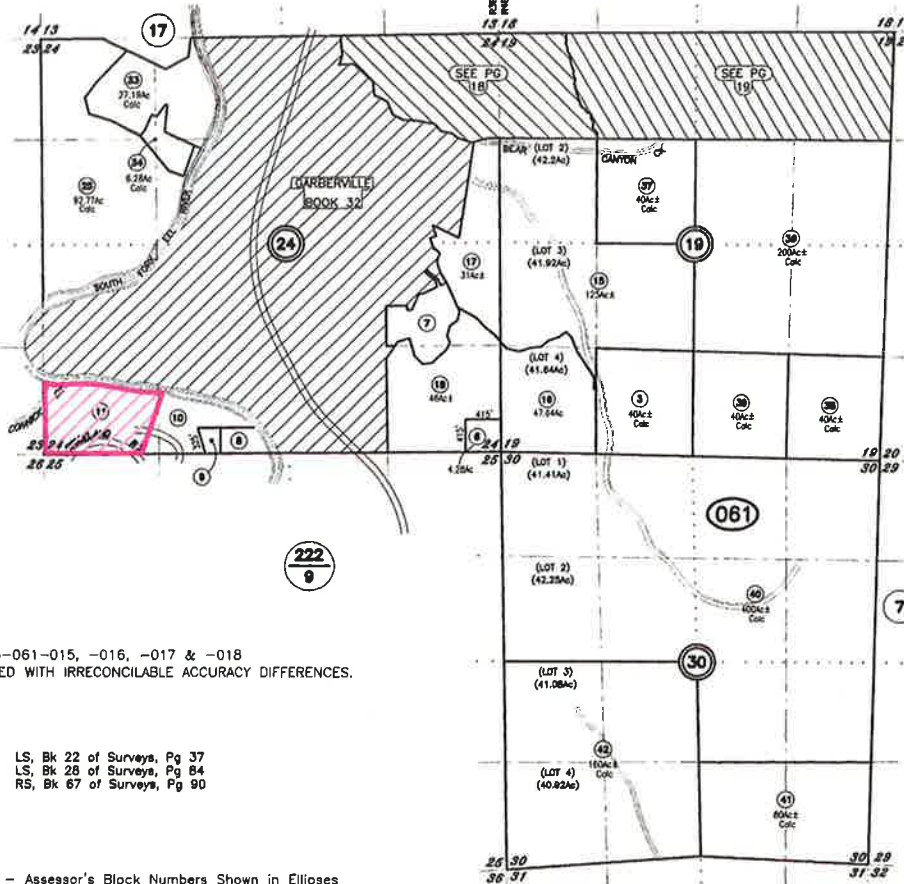




Assessor's Map Bk. 223, Pg.06  
County of Humboldt, CA.

SEC 30 & PTN SECS 19, T4S, R4E & 24, T4S, R3E H.B.& M.

223-06



\* NOTE -- APNS: 223-061-015, -016, -017 & -018  
HAVE BEEN GENERATED WITH IRRECONCILABLE ACCURACY DIFFERENCES.

LS, Bk 22 of Surveys, Pg 37  
LS, Bk 28 of Surveys, Pg 84  
RS, Bk 67 of Surveys, Pg 90

**OWNER'S PARCEL MAP**  
IF THIS MAP WAS PREPARED FOR  
RENT PURPOSES ONLY,  
NO LIABILITY IS ASSIGNED FOR  
ACCURACY OF THE DATA SHOWN.  
OWNER'S PARCELS MAY NOT  
CORRELATE WITH LOCAL LOT-SPLIT  
ORDINANCES.

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Small Circles

PROJECT SITE =

## ASSESSOR PARCEL MAP

### PROPOSED SEASONAL WATER SOLUTIONS CONDITIONAL USE PERMIT

GARBERVILLE AREA

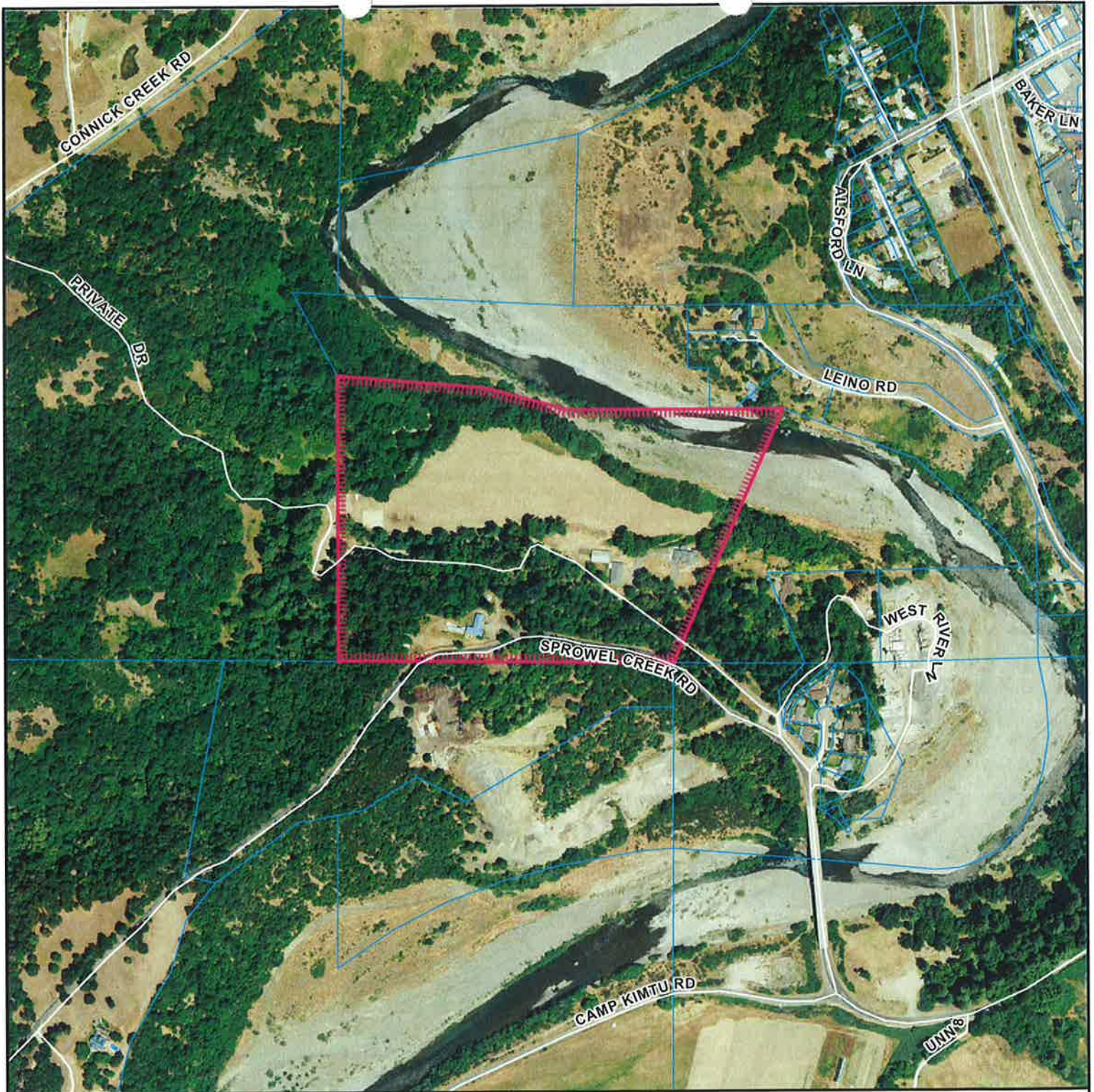
CUP-15-004

APN: 223-061-011

T04S R03E S24 HB&M (Garberville)

MAP NOT TO SCALE





## AERIAL MAP

### PROPOSED SEASONAL WATER SOLUTIONS CONDITIONAL USE PERMIT GARBERVILLE AREA

CUP-15-004

APN: 223-061-011

T04S R03E S24 HB&M (Garberville)

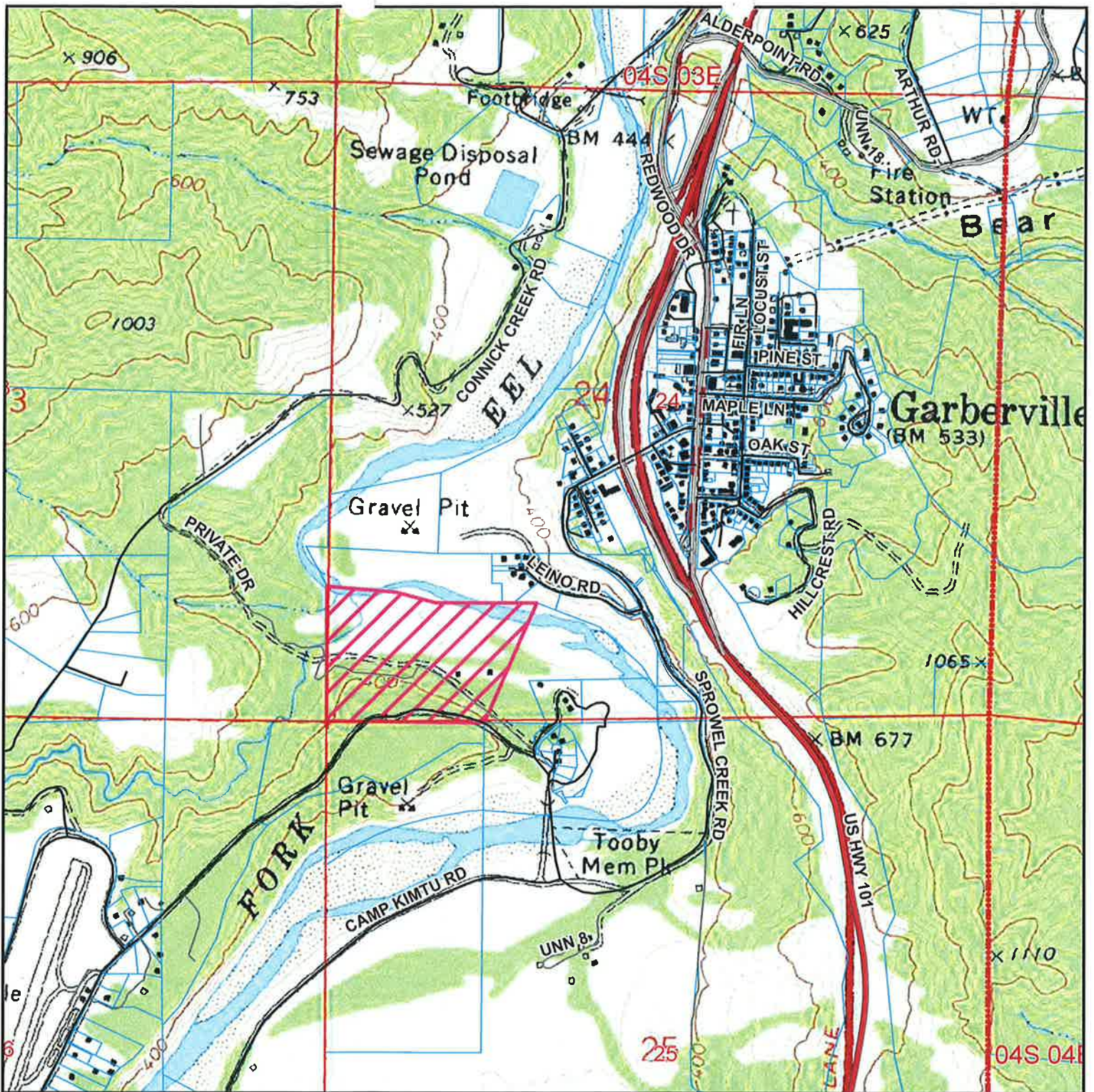
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750 Feet





# TOPO MAP

## PROPOSED SEASONAL WATER SOLUTIONS CONDITIONAL USE PERMIT GARBERVILLE AREA CUP-15-004

APN: 223-061-011

T04S R03E S24 HB&M (Garberville)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 Miles



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit and Special Permit is conditioned on the following terms and requirements.

#### Section 1:

1. The applicant shall be responsible for obtaining all necessary Federal and State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. All restoration work to remediate grubbing work conducted in the Streamside Management Area, including post-construction monitoring, shall be consistent with the Restoration Plan for Seasonal Water Solutions prepared by Streamline Planning and dated December 3, 2015.
3. Prior to commencing filling bags with harvest rainwater the applicant shall submit written verification that all unpermitted diversion infrastructure has been removed to the satisfaction of the Department of Fish and Wildlife.
4. The rainwater collection, storage and delivery system for the water sales business shall be designed, installed and maintained so as to be independent at all times of all other domestic and agricultural water sources, on- or off-site.
5. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID). The applicant/owner shall submit plans by a California-licensed engineer for the building permit and grading permit. All building and grading plans submitted for approval shall be consistent with those approved by the Planning Commission.
6. The applicant shall submit a restoration and monitoring plan prepared by a qualified biologist for the review and approval of the Planning Director. Said plan shall also satisfy the requirements of Department Fish and Wildlife. The report shall be referred to the Department Fish and Wildlife in accordance with Section 314-61.1 (m) HCC. This plan shall remediate the unpermitted grubbing conducted in the 100 foot Streamside Management Area and observed during the November 18, 2015 site visit. The restoration and monitoring plan shall meet the requirements of Section 314-61.1 (r) HCC, with a minimum monitoring period of three (3) years.
7. The applicant shall locate and demarcate the boundaries of the 100-foot Streamside Management Areas (SMA) for Connick Creek and the South Fork of the Eel River. As a part of the building/grading permit application the applicant shall provide the GPS coordinates of the SMA boundaries. The demarcation of the SMAs shall be verified by the Building Inspector in the field. The stakes shall remain in place during the period of construction and installation, and shall be made of a semi-permanent material.
8. In accordance with the Framework, Vol.1, General Plan, the applicant shall:
  - A. Maintain erosion control as specified in §3432(9) of the Framework Plan;
  - B. Implement "Best Management Practices" for erosion and sediment control during the construction phase of the project;
  - C. Use dust control techniques when excavating to minimize dust problems on adjacent dwelling(s).
  - D. Reseed/gravel disturbed areas prior to winter rain.
  - E. Take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

**This condition shall appear as an information note on the building permit and grading permit plot plans.**

9. Prior to commencing filling bags with harvested rainwater the applicant shall submit final a sign off from the engineer of record documenting that 1) the berm was built in accordance with the approved plans, and 2) that the storage bladders are anchored in accordance with approved plans.
10. Prior to the issuance of the Building Permit the applicant shall obtain a Business License from the Humboldt County Tax Collector.
11. Prior to the issuance of the Building Permit the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
12. Prior to commencing filling bags with harvested rainwater the applicant shall install a water meter at the water filling station, and shall install a rain gauge on the subject property. The installation locations of the water meter and rain gauge shall be identified on the applicant's building/grading permit application. The rainwater collection, storage and delivery system for the water sales business shall be designed, installed and maintained so as to be independent at all times of all other domestic and agricultural water sources, on- or off-site. For the life of the project, annually the applicant shall submit logs from both instruments to the Planning Division on the anniversary date of this permit's effective date. The logs shall report the monthly volume of water dispensed and the volume of precipitation. The accuracy of the logs shall be certified by an engineer.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
14. Prior to the issuance of building or grading permits the applicant shall submit the financial assurance cost estimate and mechanism. The financial assurance mechanism may be in the form of a certificate of deposit cashable by the County of Humboldt. The financial assurance cost estimate and mechanism shall also include an estimate of the cost for removal and disposal of all the project components, including but not limited to tarpaulin, water storage bags, piping, etc., such that the site can be returned to a pre-project condition and provide land suitable for grazing or hay production. The financial assurance cost estimate and mechanism shall account for changes in the Consumer Price Index. The financial assurances cost estimate shall be re-evaluated annually for the life of the project. The annual financial assurances cost estimate evaluation shall be submitted to the Planning Division no more than thirty (30) days from the anniversary date of this permit's effective date.
15. Prior to the issuance of building or grading permits the applicant shall pay the \$125.00 Review for Conformance with Conditions deposit as required by the County's adopted Schedule of Fees and Charges.
16. **Prior to hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,210.25 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2016, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at [www.dfg.ca.gov](http://www.dfg.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,260.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
17. Prior to the issuance of building or grading permits the applicant shall convey to the County of Humboldt the rights to further subdivide the portion of land that is the designated Remainder Parcel

for the Pancoast Parcel Map Subdivision Case No. PMS-06-27; File No. 223-061-011. The term of the forbearance from subdivision would be equal to the length of time the land was temporarily converted to the water storage business. (Note: rights to further subdivide the portion of land that is the designated Remainder Parcel for the Pancoast Parcel Map Subdivision Case No. PMS-06-27; File No. 223-061-011 were also conveyed as condition of approval for the referenced subdivision. See referenced file for the terms of release.) The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$295.00 plus applicable recordation fees) will be required.

## **Section 2: On-Going Requirements/Development Restrictions Which Must Continue for the Life of the Project**

1. The term of this Conditional Use Permit is **fifteen (15) years** from the effective date of permit approval. All restoration activities (i.e., removal and disposal of all the project components, including but not limited to tarpaulin, water storage bags, piping, etc., and returning the site to the pre-project condition suitable for hay production) shall commence within 90 days of this date.
2. All components of the rainwater collection/harvesting, storage, delivery and sale of non-potable water shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. Modification of the business to include the ownership and operation of water delivery trucks shall require a modification of this permit.
3. The rainwater collection, storage and delivery system for the water sales business shall be designed, installed and maintained so as to be independent at all times of all other domestic and agricultural water sources, on- or off-site.
4. The applicant shall certify that all water delivery operators shall have a valid Humboldt County Business License.
5. The applicant shall certify that the harvest rainwater is sold and used only within the boundaries of Humboldt County.
6. The development and provision of potable water for human consumption shall require a modification of this Conditional Use Permit.
7. The operator(s)/employee(s) of the water collection and storage business shall also be occupants of the residence.
8. Applicant shall certify that noise generated by the operations shall not exceed 55 dB at all property lines.
9. The applicant shall require that water truck operators agree as term of service to abide by an operating practice not to apply or use compression brakes (also known as Jake Brakes) when travelling within a mile of the site, including when travelling Sprowel Creek Road, except when necessary for safe truck operation.
10. All exterior lighting shall be compatible with the surrounding setting and shall not be directed beyond the boundaries of the parcel.
11. One (1) nameplate non-illuminated and not exceeding twenty (20) square feet in sign area may be permitted without modification of this permit. The sign shall conform to Section 314-87.2 of the Humboldt County Code and will maintain adequate sight visibility from points of ingress/egress.

12. Site visibility must be maintained at the driveway approach in conformance with County Code Section 341-1 et seq.
13. The applicant and successor's in interest shall adhere to all of the Mitigation Measures attached hereto as Exhibit A and incorporated hereby reference. The applicant and successor's in interest are required to pay for Mitigation Monitoring on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant. Any and all outstanding Planning fees to cover the Mitigation Monitoring shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
14. In the event during the fifteen (15) year permit approval time the permitted business for the harvesting, storage, sale and delivery of rainwater have been discontinued for a period of 90 consecutive days, the business shall be deemed abandoned. After the business has been found abandoned, the owner/applicant shall have an additional 90 days to reactivate the permitted use of the business; or transfer the business to another owner/operator who makes actual use of the business as permitted herein. Within 12 months of business abandonment, the operation shall be dismantled and removed along with all appurtenant structures to an approved location. If use has not been reactivated within the prescribed time period, all approvals shall automatically expire.
15. During the life of the project, applications to develop a secondary dwelling unit shall site that structure buildings at a higher elevation than the water bladder storage areas.
16. No less than every three (3) years the applicant will submit a California licensed engineer's study reporting on the condition and integrity of the berm, and indicate if any remedial actions are needed to maintain the integrity of berm.

In the event of a County, State or Federal declared flood event on the South Fork of the Eel River, within thirty (30) calendar days of the event the applicant shall submit a report by a California licensed engineer reporting the condition of the containment berm, the tarpaulin, and water storage bladders, including but not limited to the anchoring mechanisms. The report shall indicate if remediation is necessary to restore the site to pre-flood condition. Should remediation be needed the applicant shall obtain all building or grading permits prior to commencing any ground disturbing activities.

17. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers (THPOs) for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19<sup>th</sup> century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies. Should known or suspected Native American skeletal remains or burials be inadvertently discovered, the provisions of Section 7050.5 of the California Health & Safety Code and Section 5097.98 of the Public Resources Code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

**The applicant is ultimately responsible for ensuring compliance with this condition.**

**Informational Notes:**

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code. Once initiated, the term of the permit shall be as set forth in Section 2, Condition #1 above.
2. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. Exceptions to the 30-foot setback requirement may be pursued upon demonstration of providing the "same practical effect" of the setback through a combination of construction material choices, non-flammable vegetative buffers, and other design features.

**ATTACHMENT 1  
EXHIBIT A**

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT  
MITIGATION MONITORING REPORT  
For The Seasonal Water Solutions Rainwater Capture and Delivery Operation  
Conditional Use Permit and Special Permit  
APN 223-061-011; Case Numbers: CUP-15-004 and SP-15-067; Apps No. 9635**

**Project:** A Conditional Use Permit to conduct a business engaged in the collection, storage, delivery and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The business proposes to operate on an approximately 5-acre portion of a 34-acre parcel which is currently developed with two existing single-family residences, a detached garage, a barn and a studio. To supply water for the business, the project proposes to collect rainwater by covering approximately 83,000 square feet of ground with black pond liner (polyethylene) tarpaulin, which will be weighted down with large concrete blocks in a grid pattern and used as an impervious surface to facilitate capture of runoff during rainfall events. Captured water will be directed into and stored in a series of large water bladders, which will be located on mostly level terrain and anchored to comply with the County flood regulations. There are currently seven (7) bladders on the parcel. Each is capable of storing approximately 210,000 gallons of water and were placed on the property without the benefit of County review. The project ultimately proposes installation and use of up to sixteen (16) bladders for water storage, each capable of storing approximately 210,000 gallons of water, that when filled are approximately eight (8) feet in height, and are tan-earth tone in color. Each bladder will be anchored to the ground, and surrounded by an engineered berm, approximately three (3) feet in height, designed to contain unintentional water release in the event of a rupture or leak. Water will be delivered using private water trucks that are independently owned and operated. Delivery of bulk water sold from the site will occur year-round, though primarily during the summer months and will operate 7 days per week. The water delivery activity will generate on average 12 truck trips per day (6 in/6 out). During periods of peak use, maximum truck traffic could be four truck trips per hour (2 in/2 out), resulting in a maximum of 36 truck trips per day (18 in/18 out) during peak season. The approval term for the Conditional Use Permit is a maximum of fifteen (15) years.

Also an after-the-fact Special Permit for grubbing work conducted in the Streamside Management Area (SMA) of the South Fork of the Eel River in the fall of 2015. The applicant is proposing full restoration of the disturbed SMA using native plantings. As Lead Agency, the Humboldt County Planning Division has determined that the after-the-fact Special Permit for the grubbing work and proposed restoration is exempt from environmental review pursuant to Section 15333—Small Habitat Restoration Projects—of the State CEQA Guidelines. Therefore, this project component is not incorporated herein.

**Project Location:** The project site is located in Humboldt County, in the Garberville area, 200 feet west of the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road, and further described as APN 223-061-011. SW ¼ of the SW ¼ of Section 24, Township 04 South, Range 03 East.

**Application Number:** 9635      **Case Numbers:** CUP-15-004 and SP-15-067

**Assessor Parcel Number:** 223-061-011

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.



## Mitigation Measures

**M-1.** Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will implement the reclamation plan as described in the Reclamation Plan dated October 20, 2015 prepared by Streamline Planning Consultants, and restore the approximately 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Once the operation ceases or the permit term expires, whichever event occurs first.	Once		HCP&BD**		

**M-2.** A conveyance of the subdivision rights for the portion of the parcel defined as the Remainder parcel of the Pancoast Parcel Map Subdivision, Case No. Case No. PMS-06-27; File No. 223-061-011, to the County will occur to mitigate the temporary conversion of the 5-acres of agricultural land that will be used for the project.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD**		

**M-3.** Prior to project-related activities, a qualified biologist shall conduct a focused survey for protected wildlife species within 100 feet of the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected wildlife species are observed, the qualified biologist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected wildlife species exist within 100 feet of the proposed 5-acre project site, no further surveys will be necessary for the duration of the permit term.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD** and CDFW*		

**M-4.** Prior to project-related activities, a qualified botanist shall conduct a focused survey for protected plant species within the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected plant species are observed, the qualified botanist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected plant species exist within the 5-acre project site, no further surveys will be necessary for the duration of the permit term.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD** and CDFW*			

**M-5.** To ensure entrapment of wildlife including amphibian and reptile species does not occur in the collection ditch, jute netting will be fastened along the northern edge of the ditch to provide a roughened surface that will facilitate the movement of wildlife out of the ditch.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD** and CDFW*			

**M-6.** To prevent impacts to wildlife species including amphibians and reptiles during the term of the project, pumps will be used for the operation that contain screens meeting the CDFW fish screening criteria ([http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin\\_ScreenCriteria.asp](http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp)).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD** and CDFW*			

**M-7, MI-9, MI-10.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**MI-8.** If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the Humboldt County Coroner and the Tribal Historic Preservation Officers (THPOs) of Bear River, Wiyot, Rohnerville Rancheria and Blue lake Rancheria shall be notified immediately. Should known or suspected Native American skeletal remains or burials be inadvertently discovered or if the remains are determined by the Coroner to be Native American in origin

then the provisions of section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

**M-11.** To prevent overflow of the pond liner and collection ditch from occurring when the water bladders are at capacity or during a heavy rainfall event, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**M-12.** To prevent overflow of the pond liner and collection ditch from occurring in the event of a power outage, a back-up generator system is proposed to be used to continue providing power to the pumps. The generator is proposed to be located in a small shed-type structure on the elevated portion of the project parcel outside of the 100- year flood plain.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**M-13.** Engineered strapping and anchoring have been designed for the water bladders to ensure they withstand flood flows. The rain catchment system (i.e. tarpaulin) has been designed to be held down by concrete blocks (approximately 750 pounds each) in a grid pattern which will ensure it remains in place during flood conditions.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**M-14.** The operator will adhere to the following record keeping and reporting standards: 1) identification of the commercial water truck operator/business; 2) identification of the delivery location by either Assessor's parcel number or situs address; and 3) weekly reporting to the Planning and Building Department. No out of county deliveries shall be permitted.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Weekly	Ongoing for Life of Project		HCP&BD**			

\* CDFW = California Department of Fish & Wildlife

\*\* HCP&BD = Humboldt County Planning and Building Department

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**Staff Analysis of the Evidence Supporting the Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FRWK) and the Garberville/Benbow/Redway/Alderpoint Community Plan (GRBAP).

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §2725 (FRWK) §2700 (GRBAP)	Agriculture Rural (AR): Outside of Urban/Rural Community Centers few public services required. Large lot areas on slopes generally less than 30 percent. Timber or agricultural land allowing intensive management opportunities. Primary and Compatible uses: Agriculture and timber harvesting under intensive management, single family residences, cottage industries, educational and religious activities and recreational uses. Density: 1 dwelling unit per 5 – 20 acres.	While the product sold, i.e., harvested rainwater, is not derived from a crop or animals raised on site the product, irrigation water, will directly support agricultural operations (discussed further below under the Agricultural General zoning conformance finding). Previously the Planning Commission and Zoning Administrator have approved CUPs for other business endeavors that either directly supported agricultural operations or were derived from an agricultural product originating from another location, e.g., soil amendments and wineries. The AR land use designation does reference "...agricultural land allowing intensive management opportunities." The project will be intensive given its physical footprint, the truck traffic generated, etc., and the AR land use designation references agricultural operations that are intensively managed as primary and compatible uses, supporting the argument that the project is consistent with the AR land use designation. The project will not result in change of density.
Cultural Resources §3500 (FRWK/ GRBAP)	Protect cultural resources, including historic, archaeological, and scenic resources.	The applicant had a Cultural Resources Investigation prepared by William Rich, M.A., RPA. The report's author concludes "[t]his report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area." (Page 5). This report was provided to the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria indicating that with they do not have further concerns based on the report and the incorporation of the inadvertent discovery protocol.
Housing §2400 (FRWK/ GRBAP)	Encourage innovative designs that facilitate optimum use of sites.	The project does not involve residential development. Given the plan and zone, however, the subject parcel could potentially support a secondary dwelling unit (SDU) upon the issuance of a Special Permit. Staff site inspections and referral agency comments indicate that the proposed division is suitable for residential purposes. Should the applicant or successor in interest seek a Special Permit for a SDU during the permit's 15 year approval term the recommended conditions of approval include a requirement that the SDU be located at an elevation above that of the water storage bags to ensure neither occupants or property are not exposed to localized flooding in the event of a water bladder rupture.

Geologic Hazards §3210 (FRWK/ GRBAP)	Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.	The site is not within a mapped Alquist-Priolo Fault Hazard Zone, and is located in area mapped as low slope instability on the General Plan Geologic Hazard Maps. Areas of low instability are generally soils composed of alluvium and slopes less than 15 percent.
Hazards §3200 (FRWK/ GRBAP)  Flood §3220 (FRWK)  Fire Hazards §3230 (FRWK)	New development shall minimize risk to life and property in areas of high flood and fire hazards.	According to the Flood Insurance Rate Maps (Panel 1835), portions of the approximately 30 acre parcel are in Flood Zone "A", areas of 100-year flood, including the project site. Consequently, as a part of the building and grading permit applications, the project's design must meet the provisions of the County's Flood Damaged Prevention regulations which including anchoring of the bags, and designing the containment berm to withstand a flood event. The project site is not within a mapped dam or levee inundation area and, at ± 20 miles distance from the coast, is outside the areas subject to tsunami run-up. The subject property is located within the State Fire Responsibility Area for fire protection (Calfire). Calfire's comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. No exceptions to these standards are requested at this time.

<p>Noise §3240 (FRWK)</p>	<p>Conform with noise standards.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The Planning Division has received public comments indicating that while the business was operating without the necessary CUP, truck operators often applied their compression brakes (more commonly referred to as Jake brakes) while travelling along Sprowel Creek Road. As Randal Sand &amp; Gravel operates in close proximity some of the noise associated with the Jake brakes may be sourced from Randal Sand &amp; Gravel truck operators. To ensure that the future Seasonal Water Solutions operation does not contribute to increases in noise levels, the applicant is agreeable to restricting truck operator's use of compression brakes to only when necessary for safe truck operation. Additionally, the project as proposed will operate between 8:00 am to 5:00 pm, seven days a week. The pump that move water from the collection ditch to the water bladders will be electrical and not diesel. The project as proposed and conditioned is not expected to generate significant noise levels.</p>
<p>Sewage Disposal §4530, 4531.5, 4531.6, 3361.2 (FRWK)</p>	<p>Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety. Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board. Policy: Regulate development that would pollute watershed areas.</p>	<p>Although the existing sewage disposal system serving the residence located on the subject parcel will be covered by tarpaulin, there is no indication that the placement of the tarpaulin will impede the proper functioning of the leach field areas. The Division of Environmental Health has recommended approval of the project.</p>



<p>Biological Resources §3400 (FRWK)</p>	<p>Goal: To maximize where feasible, the long term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats. Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.</p>	<p>The site is the confluence of the South Fork of the Eel River, Connick Creek and an unnamed tributary. (The unnamed tributary traverses through the northwest corner of the property and is the most distant surface water feature.) There are 100-foot Streamside Management Areas (SMA) associated with Connick Creek and the South Fork of the Eel River. Based on a site visit in November of 2015, the applicant's staking of the containment berm and edge of the tarpaulin are located outside the SMAs. All aspects of the project—site preparation, installation of project infrastructure—must conform to the County's Streamside Management regulations. During multiple site visits conducted at the project site over the last 6 months, including a site visit with staff members from the Humboldt County Planning Department and CDFW on November 18, 2015, it was observed that the 5-acre project site does not contain sufficient habitat for most of the protected species listed in the setting above. This is due to the disturbed condition of the open field from past agricultural activities, the presence of non-native invasive pasture grasses, and the annual mowing of the site. However, due to the potential for protected species to exist at or adjacent to the project site, surveys by a qualified biologist and botanist will occur prior to the beginning of project-related activities. If any of these species are observed at or directly adjacent to the project site, mitigation will include establishing buffers, operational restrictions, and other appropriate methods of mitigation acceptable to DFW as outline in Exhibit A of Attachment 1 (see M-3 and M-4). As for the unpermitted work that performed in the SMA in the fall of 2015, according to the within the total area disturbed was approximately 9,900 square feet consisting of a mix of trees and shrubs (page 3). The stated goal of the restoration "...is to replace the horizontal distance of riparian vegetation, from 13 to 23 feet wide, where brush removal occurred within the SMA" (page 6). As discussed in detail in the report, remediation includes the slope protection and planting a mix of native shrubs and trees in the disturbed area, along with annual monitoring of the success of the restoration for a period of three years. The applicant initiated the restoration work in the winter of 2016 to reduce potential slope erosion, and reduce the potential of pervasive non-native plants becoming established. According to the Streamline Planning the plantings are established, and are doing well (August 23, 2016, personal telecommunication). One of the project's conditions of approval is for the filing of the annual monitoring reports on the success of the plantings.</p>
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§4220, 4237.7 (FRWK): Access

Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas. Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.

The parcel is accessed by Sprowel Creek Road, a paved public County maintained road, approximately 1.5 road miles west of Garberville. Sprowel Creek Road meets the Firesafe requirement of Road Category 4 and is not a dead-end road. Access to serve project is from Buttermilk Lane, a private road within a 50 foot right-of-way, but it is not a Road Category 4 road.

Truck traffic generated by the project will occur most intensely between July and October of each year. With the maximum of 10.3 acre-feet (approximately 3.36 million gallons) transported each year, approximately 2,240 truck trips (1,120 in/1,120 out) would be required annually (approximately 3.36 million gallons per year/3,000 gallons per truck load = 1,120 truckloads per year). When this number of truck trips is averaged over a 6-month period (e.g. May – October), the average number of truck trips per day will be 12 (6 in/6 out). During periods of peak use (worst case scenario), maximum truck traffic could be 4 truck trips per hour (2 in/2 out). This would result in a maximum of 36 truck trips per day (18 in/18 out) from 8:00 a.m. – 5:00 p.m. during the peak of the season.

Sprowel Creek Road is classified as a major collector by the California Department of Transportation (See attached map 2E43) and is designed as a Category 4 roadway with two lanes and an 18 foot traveled way. As defined in the CalTrans Highway Design Manual, "*Collector Road--A route that serves travel of primarily intracounty rather than statewide importance in rural areas or a route that serves both land access and traffic circulation within a residential neighborhood, as well as commercial and industrial area in urban and suburban areas.*" Table 3-1 (Street & Highway Classification System) of the City of Eureka General Plan Transportation & Circulation Element lists the design capacity for collectors as up to 12,000 Average Daily Volume (ADV) and the capacity for local streets as up to 5,000 ADV. Humboldt County Public Works Department requires that roads used for surface mining related truck traffic must meet Category 4 road standards in being at least 18 feet in width when 2-way traffic is expected. As discussed above, Sprowel Creek Road meets these standards.

Traffic counts were taken in August 2008 by the County Public Works Department which measured an Average Daily Traffic (ADT) of 1,085 vehicles at Tooby Park (post mile 1.05) and an ADT of 578 vehicles at Old Briceland Road (post mile 2.10), which are the two closest locations to the project site. Additional traffic counts were taken in October 2015 on Old Briceland Road which measured an ADT of 92 at post mile 5.45 and an ADT of 272 at post mile 7.34. The highest traffic counts obtained in August 2008 were found directly adjacent to the community of Garberville at the Sprowel Creek Road overpass at Highway 101 (mile 0.13) with an ADT of 3,630, and at Riverview Lane (mile 0.20) with an ADT of 1,418. Table 1 of the County of San Diego Public Road Standards (February 9, 2010) lists a minor collector with no median as being at a Level of Service (LOS) of B when the ADT is <4,100 and a LOS of A when the ADT is <1,900. Most of the traffic counted at the Highway 101 overpass is associated with vehicles entering and exiting the highway. This is evidenced by the substantial decrease in ADT between the Highway 101 overpass and Riverview Lane which is 0.07 miles further down Sprowel Creek Road. The proposed operation will utilize the overpass to access Highway 101 south bound and travel through this section of Sprowel Creek Road to access Redwood Drive and ultimately Highway 101 northbound.

Since the Humboldt County General Plan does not contain any specific thresholds for roadway capacity, a threshold of 5,000 vehicles per day was used to evaluate potential impacts on Sprowel Creek Road. As described above, the worst case scenario for traffic generated by the project would be 36 truck trips per day. This amount of traffic would be a minor contribution to traffic on Sprowel Creek Road considering the designation as well as existing volumes (578 – 1,418 ADT). Considering that Sprowel Creek Road is capable of handling more vehicles per day, no significant impact from the minor amount of additional traffic generated by this project would be expected. Humboldt County Public Works Department did not raise any concerns about traffic impacts or the capacity of Sprowel Creek Road in their referral comments submitted for nearby aggregate mining projects.

## **Water Resources Framework Plan: Section 3361 Policies and Section 3362 Standards**

### **Policy 1: Ensure that land use decisions are consistent with the long term value of water resources in Humboldt County.**

To begin with, under normal conditions the place of use of the rainwater falling on the subject property would be inside the boundaries of Humboldt County either as groundwater or as surface water. To ensure the place of use of the harvested rainwater remains Humboldt County the project's operating restrictions limit water sales to properties in Humboldt County. Moreover, should the CUP be approved, it will not allow or authorize diversion of a surface water supply or the pumping of ground water to fill the water bladders. Only the rainwater that falls on the tarpaulin can be used to fill the water bladders. To ensure conformance with the requirement, the project's recommended conditions of approval include the installation of a rain gauge, and a water meter at the standpipe, along with the annual submittal of logs from the gauge and meter. Two hydraulic concerns have been expressed: 1) potential impacts to surface and ground water supplies as the project involves the interception rainwater; and 2) whether the amount of rainfall potentially captured by the tarpaulin aligns with the proposed storage capacity. This first issue is discussed at length in the draft MND in Attachment 4. To summarize: the project will collect a small percentage of rainwater available in the South Fork Eel River watershed. The 83,000 square feet of tarpaulin represents only 0.00043 percent of 689 square mile watershed area. This application proposes to collect a maximum of 3.36 million gallons of water annually (as dictated by the capacity of the 16 water bladders). According to USGS records, the average annual runoff for the South Fork Eel River from 1940 to 2014 was 45.7 inches which equates to an annual average of approximately 547 billion gallons of water over the entire 689 square mile watershed (17.38 million gallons of water per square mile per inch). This project proposes to collect approximately 0.00061% of the average annual water available in the South Fork Eel River Watershed.

With respect to the proposed storage capacity aligning with the volume of rainfall, the applicant's agent's has provided the following information: according to the United States Geological Survey (USGS), 1 inch of rain falling on 1 acre of ground is equal to about 27,154 gallons. The proposed impervious surface will be approximately 1.9 acres which equates to 51,592 gallons per inch of rain. The project proposes a maximum of 3.36 million gallons (10.3 acre-feet) of water storage which would require approximately 65 inches of rain annually to be captured by the 1.9 acre impervious surface to fill the water bladders. According to the Western Regional Climate Center (WRCC), the average annual precipitation for Garberville from 1917-1985 was 56.9 inches and from 1981-2010 was 72.84 inches. The highest rainfall year recorded for Garberville from 1917-1985 was 108.21 inches in 1983 and the lowest rainfall year was 25.12 in 1976. 2014 was another extremely dry with only 15.4 inches according to USGS records. In an average year with 56.9 inches of rain, the 1.9 acre impervious surface would yield approximately 2.94 million gallons (9 acre-feet). In an extremely dry year such as 1976 and 2014 with 25.12 and 15.4, respectively, inches of rain, the 1.9 acre impervious surface would yield approximately 1.3 million gallons (4 acre-feet) and approximately 418,200 gallons (1.2 acre-feet), respectively. In an extremely wet year such as 1983 with 108.21 inches of rain, the 1.9 acre impervious surface would yield approximately 5.58 million gallons (17.1 acre-feet). The 3.36 million gallon (10.3 acre-feet) storage capacity proposed by the applicant aligns with the rainfall average for Garberville from 1917-1985 was 56.9 inches and from 1981-2010 was 72.84 inches, which is 64.9 inches. The 64.9 average inches of rain, falling on the 1.9 acres of impervious surface would return 3.35 million gallons (10.3 acre-feet).

### **Policy 2: Regulate development that would pollute watershed areas.**

Standard 1. Development which could potentially "pollute a watershed area" includes, but is not limited to: the placement of septic systems, junkyards, waste disposal facilities, industries utilizing toxic chemicals, and other potentially polluting substances proximate to streams, creeks, reservoirs, or groundwater basins. It can also occur from additions of natural material into a stream because of land use practices but does not include normal agricultural practices which do not require permits from the County.

Standard 2: A Critical Water Supply Area is defined as the specific area used by a municipality or community for its water supply system, which is so limited in area that it is susceptible to a potential risk of contamination from development activities.

Standard 3: Development proposed within Critical Water Supply Areas shall demonstrate that no risk of contamination to the water supply area would occur due to the development activity proposed.

Standard 4: Development within Critical Water Supply Areas shall utilize appropriate Erosion Control Measures including, but not limited to, those in Section 3432.9.

The project could result in pollution of the watershed during the construction and installation phase; in the event of a rupture of one or more of the storage bag; overland flow of rainwater that cannot be stored because the bladders are at capacity; and during a flood event. The types of pollution could be sedimentation and erosion, thermal pollution from the stored water being a higher temperature than water in the water courses; and the project's infrastructure and components entering a water course.

To ensure project does not result in pollution during the construction and installation phase the applicant will incorporate and implement Best Management Practices and the standard erosion control measures specified in Section 3432.9 of the Humboldt County Framework Plan. As the project site is located next to the South Fork of the Eel River, a dynamic and moving body of water, to ensure the integrity of the berm and that it does not become a source of pollution. During intense rainfall when the storage bags are at capacity, per Allan Baird, the applicant will employ a sprinkler system. In these conditions the same pump that is used to fill the bladders will be used to charge the sprinklers that will discharge the rainwater across the property (November 13, 2015 letter, Allan M. Baird). This method would prevent the water from being discharged as concentrated runoff and potentially causing erosion and sedimentation. All components must be designed to meet the County's Flood Damage Prevention regulations, including but not limited to using strapping and anchoring to prevent the project's infrastructure from entering a water course in a flood event. The tarpaulin used will be pond liner grade. According to the manufacturer's website ([www.btlines.com](http://www.btlines.com)), the product has excellent UV exposure resistance, and has a high tear and bursting strength. Over the 15 year life of the project the applicant will inspect it no less than every two years to evaluate its integrity and condition. The purpose of these inspections is to ensure that the tarpaulin is not deteriorating or shredding off pieces that could enter surface water or open areas. In the event of a local, State, or Federal declared flood event, in no less than thirty (30) calendar days, the applicant shall submit an engineer's report regarding the status of the berm and necessary restoration. With respect to potential thermal pollution, the berm will be designed 1) to withstand and tolerate the rupture of one or more water bladder; 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water. As the subject parcel is located in Flood Zone A according to FEMA mapping, all aspects of the project are subject to the County's Flood Damage Prevention regulations which require anchoring and strapping.

Although the parcel does not received water or sewer service from the Garberville Sanitary District (GSD), the local community services district, the project is located in the Critical Water Supply Area for the GSD. As discussed above, there are several occasions when erosion and sedimentation could occur, and there are a number of measures that will be undertaken by the applicant to ensure the project does not contaminate a drinking water supply.

**Policy 3: Ensure that the intensity and timing of new development will be consistent with the capacity of water supplies.**

The project is not expected to adversely impact the capacity of water supplies as it is not a development proposal that would create a new demand for water services.

**Policy 4: Existing water uses shall be considered during the review for new water uses.**

Existing water uses to be considered are the GSD and existing domestic users in the vicinity. As discussed in the draft Mitigated Negative Declaration, the project will collect a small percentage of rainwater available to the South Fork of the Eel River. The area proposed for the collection of rainwater at the

project site is 83,000 square feet (approximately 1.9 acres) which is approximately 0.00043 percent of the area of the South Fork Eel River watershed. Even though all rainwater falling on this impervious surface will be captured until the storage capacity of the bladders is reached this amount of precipitation is approximately 0.00061% of the average annual water available in the South Fork Eel River Watershed. For the drought year like 2014, with only 15.4 inches of rainfall, the project would collect approximately 0.0018% of the water that was available. The project is not expected to adversely affect these users given the small percentage of rainwater that will be harvested.

**Policy 5: The availability of groundwater should be used as a prime factor in determining the desirable amount of residential development in a particular area in order to protect groundwater resources from depletion or contamination.**

Although the project does not involve residential development, the project has the potential impact to groundwater recharge because the project will intercept rainfall that would otherwise percolate into the ground and/or drain into water courses. The project is not expected to adversely impact groundwater recharge by either the interception of rainwater or by the creation of a new impervious surface. With respect to the former, as discussed above and in the draft Mitigated Negative Declaration, the project proposes to collect approximately 0.00061% of the average annual water available in the South Fork Eel River Watershed. The overall project footprint is approximately five acres, which represents twenty percent of the entire parcel area (after recordation of the parcel map subdivision). Even with the inclusion of the other existing improvements on the property, the lot coverage does not exceed the 35 percent standard of the Agricultural General zoning standard.

**Policy 6: Projects must provide evidence of water availability prior to recordation of map.**  
The project is not a subdivision; therefore, this does not apply.

**Policy 7: Maximize the use of water conservation techniques appropriate for new and existing development.**

Standard 5. "Water Conservation Techniques" include but are not limited to, domestic and industrial low flow water fixtures and native vegetation landscaping.

The proposed project is a form of water conservation as it will harvest a limited amount of rainwater that will be stored, and sold. The applicant anticipates that the primary customers will be agricultural operations because the water sold will be non potable and that there are few industrial operations in southern Humboldt with non potable water needs. The project may reduce the number of agricultural operations that employ illegal surface water diversions and impoundments.

**Policy 8: Continue participation in all state, regional or local water resource planning efforts effecting surface run-off or groundwater supplies.**

This policy is direction to County, and does not apply to an individual project proposal.

**Policy 9: Encourage further investigation on the County's water resources by federal and state water resource agencies.**

Again, similar to Policy 8 above, this is direction to the County.

**Policy 10: Large water export projects will not be approved or supported unless specific requirements and assurances are satisfied. These shall include the 1978 water policy statement policies regarding "Water Export Projects on Humboldt County Streams". (See Standards 6a-l).**

Dam and reservoir development projects are the intended targets of this policy. To ensure the project is not characterized as a water export project, the project's operational restrictions limit the place of use of the collected water to Humboldt County. The full text of the implementing Standards for this policy is attached in Exhibit A. As the project is not a large export project, staff has found the implementing Standards are not applicable.

**Policy 11: Support flow release schedules from existing reservoirs that maintain or enhance the fisheries of those rivers.**

The project does not involve an existing or proposed reservoir, so this policy is not applicable. The full text of the Standards is in Exhibit A.

**Policy 12: Support the development of fisheries enhancement projects on small Humboldt County streams.**

The project as proposed does not involve or impact a fisheries enhancement project

**Policy 13: Ensure that projects located within state designated wild, scenic or recreational river basins are consistent with the guidelines in the State Wild and Scenic Rivers Act (as amended).**

Per a telecommunication with Heather Baugh, Assistant General Counsel of the California Natural Resources Agency (November 12, 2015), provided the project does not involve the commercial use of water in the South Fork of the Eel River the project will conform with the State Wild and Scenic Rivers Act. Only domestic (residential use) of this water is consistent with referenced guidelines. Again, the Conditional Use Permit sought by the applicant will not allow or authorize the use of surface or ground water to fill the bladders; only rainwater captured on the 83,000 square foot tarpaulin can be used.

**Policy 14: The development of environmentally sound small hydroelectric projects on publicly and privately owned lands in Humboldt County is generally encouraged. The County should only examine small hydroelectric project proposals for impacts not reviewed by other agencies and for overall consistency with the intent of the General Plan.**

Standard 8: Small hydroelectric projects for the purposes of this policy are defined as run of the river type diversions and existing impoundments with a maximum generating capacity of five (5) megawatts.

As discussed above, the project is not for the generation of hydroelectricity so the cited policy and standard do not apply.

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:**

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>§314-7.2 Agricultural General (AG): Intended to be applied in areas in which agriculture is the desirable predominate use and rural residential uses are secondary.</p> <p>Uses permitted with a [Conditional] Use Permit: Guest houses, servants' quarters, labor caps, and labor supply camps; hog farms, turkey farms, frog farms and fur farms; animal feed lots and sales yards; agricultural and timber products processing plants; rental and sales of irrigation equipment and storage incidental thereto; animal hospitals and kennels; golf courses; private institutions and cemeteries; <u>any use not specifically enumerated...if similar to and compatible with the uses permitted in the AG zone.</u> (Emphasis added.)</p>	<p>Rainwater collection, storage, and delivery operations are not an expressly enumerated use, as either a principal or conditional use, in the AG zone. Section 314-136 Humboldt County Code (HCC) defines Agricultural General as "farming, dairying, pasturage, timber production, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but no including stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter". Agricultural Operation, also defined in the HCC: "...shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity...and any commercial operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market." (Section 314-136 HCC). The AG zoning district does permit non-enumerated uses to be permitted with a conditional use permit when found to be similar to and compatible with other uses permitted in the zone. The AG zone does identify the rental and sales of irrigation equipment and storage as a conditionally permitted use. The rental and sale of irrigation equipment along with associated storage is a business that provides services and products that directly supports agricultural operations although not selling a product or service that is directly derived from animals, food or fiber grown on-site. Additionally, the enumerated use rental and sales of irrigation equipment includes the storage of this equipment that by its nature has a large footprint. The proposal to collect, store, sale, and deliver rainwater that will be non-potable shares similar characteristics to the enumerated irrigation equipment use; the proposed project also offers a product and service that directly supports agricultural endeavors in the community while the product sold is not derived from a crop or animals raised on site. Also similar is that it too has a large storage footprint. As the water sold will be non-potable, the use of the water will have limited application with the most likely customers being those engaged in agricultural operations, using the water for irrigation. There are few industrial enterprises in the Garberville-Redway area, the most urbanized portions of the southern Humboldt region. Given that the harvested, stored, and sold rainwater has limited application because it is non-potable and the fact that water is an essential component for a wide range of agricultural crops supports that the project would be considered an agriculture related use. Permitted water delivery operations such as the proposed project have the potential to reduce the amount of water illegally diverted from local watersheds.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Min. Lot Size	5 acres	Approximately 34 acres prior to recordation of the tentatively approved parcel map, and approximately 23 acres after recordation.
Min. Lot Width	60 feet	Greater than 1,200 feet wide
Maximum Lot Depth	None specified	Average depth of approximately 645 feet
Max. Ground Coverage	35%	Given the parcel sizes, the existing coverage is far below the maximum allowed.
Setbacks	Firesafe setbacks of 30 feet from all property lines applies.	The existing residences already comply with these setback requirements.
Max. Building Height	None specified	The existing residences are less 35 feet tall. The water bladders are approximately 8 feet in height when filled.
<p>§314-61.1 Streamside Management Area Ordinance: Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.</p> <p>The site is the confluence of the South Fork of the Eel River, Connick Creek and an unnamed tributary. (The unnamed tributary traverses through the northwest corner of the property and is the most distant surface water feature.) There are 100-foot Streamside Management Areas (SMA) associated with Connick Creek and the South Fork of the Eel River. Based on a site visit, the applicant's staking of the containment berm and edge of the tarpaulin are located outside the SMAs. All aspects of the project—site preparation, installation of project infrastructure—must conform to the County's Streamside Management regulations. During multiple site visits conducted at the project site over the last 6 months, including a site visit with staff members from the Humboldt County Planning Department and CDFW on November 18, 2015, it was observed that the 5-acre project site does not contain sufficient habitat for most of the protected species listed in the setting above. This is due to the disturbed condition of the open field from past agricultural activities, the presence of non-native invasive pasture grasses, and the annual mowing of the site. However, due to the potential for protected species to exist at or adjacent to the project site, surveys by a qualified biologist and botanist will occur prior to the beginning of project-related activities. If any of these species are observed at or directly adjacent to the project site, mitigation will include establishing buffers, operational restrictions, and other appropriate methods of mitigation acceptable to DFW as outline in Exhibit A of Attachment 1 (see M-3 and M-4). As for the unpermitted work that performed in the SMA in the fall of 2015, according to the within the total area disturbed was approximately 9,900 square feet consisting of a mix of trees and shrubs (page 3). The stated goal of the restoration "...is to replace the horizontal distance of riparian vegetation, from 13 to 23 feet wide, where brush removal occurred within the SMA" (page 6). As discussed in detail in the report, remediation includes the slope protection and planting a mix of native shrubs and trees in the disturbed area, along with annual monitoring of the success of the restoration for a period of three years. The applicant initiated the restoration work in the winter of 2016 to reduce potential slope erosion, and reduce the potential of pervasive non-native plants becoming established. According to the Streamline Planning the plantings are established, and are doing well (August 23, 2016, personal telecommunication). One of the project's conditions of approval is for the filing of the annual monitoring reports on the success of the plantings.</p>		

### **314-55.4 et seq. Commercial Medical Marijuana Land Use Ordinance (CMMLUO)**

Section 314-55.4.11(m): water must be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action." new commercial medical cannabis operations are prohibited from using trucked water, except for in the event of an emergency as defined in cited section.

The applicant's proposal does not include or extend to owning and/or operating water delivery trucks; the applicant's point of sale is at the standpipe. Potential customers are anticipated to be:



- truck operators whose business operation is selling and delivering water directly to customers;
- to businesses in need of water, e.g., construction companies;
- to individuals who will self-haul the purchased water.

To begin with, the applicant's business model separates his regulated enterprise from the destination customer because he does not own or operate the water delivery trucks. For the various land use types found in the Humboldt County Zoning Regulations, only the commercial medical marijuana (CMM) regulations restrict the use of trucked water. Therefore, there would be no zoning conflicts when this water is used by destination customers for construction, hydroseeding, non-CMM agriculture, etc. projects.

Destination customers (i.e., end users) are likely to include CMM operators given that the use of trucked water for cannabis cultivation has been a common irrigation practice, and it is estimated there are 10,000 to 15,000 cannabis cultivation operations in Humboldt County. Again, the applicant's business model separates his enterprise from the destination customer, thereby making the argument for direct conflict with the CMMLUO speculative. However, there is plausibility to the argument for indirect inconsistency with the CMMLUO given historic irrigation practices and the number of operations. Conflict does not arise in the case of new CMM operations as these are expressly prohibited by ordinance from using trucked water, except for emergencies as defined therein. In the case of existing CMM operators who are actively seeking land use clearances and permits in accordance with Section 314-55.4 HCC they may be allowed to use trucked water as part of their provisional permit where the prior use of trucked water for irrigation can be documented (e.g., submittal of receipts or invoices).<sup>1</sup> For qualifying CMM operations with a demonstrated history of using track water, the provisional permit may allow for the use to continue to some degree during the two year provisional permit period where the cultivator is seeking to develop additional off-season water supply or storage capacity. In these cases the interim use of regulated trucked water may be an improvement over other common practices of obtaining irrigation water through illegal surface water diversions and impoundments, as documented in the Final MND certified for the CMMLUO Ordinance (SCH No. 2015102005). Applications for existing cultivation operations proposing the interim use of the trucked water during the provisional permit period shall be evaluated on a case-by-case basis.

To ensure the project's consistency with the CMMLUO and the legal requirement that there be a nexus and between the project's impacts and the mitigation measures, the applicant is agreeable to record keeping and reporting measures: at the point of sale of the applicant will obtain, in the form of an affidavit, the 1) identification of the commercial water truck operator/ business; and 2) identification of the delivery location by either Assessor's parcel number or address. This data will be reported to the County on a weekly basis. Responsibility for enforcement of the CMMLUO rests with the County and the not the project proponent. The data collected will also assure that all destination customers are located in Humboldt County. The information to be collected is not unlike that required by the Humboldt Community Services District Water Hauler Guidelines, attached as Exhibit B.

**4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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<sup>1</sup> Section 314-55.4 HCC et seq. of the CMMLUO obligates the County to issue provisional clearances or permits for qualifying operations and applications that are also actively abating, remediating, and permitting illegal water diversions and impoundments.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel was not included in the 2014 Housing Inventory. It is developed with two family residences which will not be impacted by the project. The project is in conformance with the standards in the Housing Element.

#### **6. Environmental Impact:**

Please see the attached draft Revised Initial Study-Mitigated Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this tentative map,** the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife

(DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #16 of Attachment 1.

**Exhibit A**  
**Excerpt from Framework Plan**  
**Section 3300 Water Resources, Section 3362 Standards**

6. Water Export Projects on Humboldt County Streams.

The Humboldt County Board of Supervisors, prior to giving its approval and support to large export projects on County streams, will require the following:

- A. Assurances must be given that each project constructed on any stream tributary to Humboldt County be designed and operated in a manner that provides maximum practical flood protection from the water flowing from the project consistent with the project purposes.
- B. Full recognition shall be given to the ecological impact of any proposed project. Appropriate ecological studies by a team of independent experts, qualified to conduct such studies, should be funded by the project sponsor and completed before project authorization.
- C. Absolute assurance must be given that funding will be made available for development and improvement of suitable fisheries above, and maintenance and improvement of native fisheries below, any project. Absolute assurance must also be given that funding will be made available for the effort to replace, restore, and maintain the native wildlife habitat destroyed or altered by any of the contemplated projects. The funding requirement for such development, improvement and maintenance of the fisheries and native wildlife habitat set forth herein above, shall be a funding requirement of the project and shall be identified as a commitment of the state, federal or local entity sponsoring the project. Recognition must also be given to the difficulty in accurately predicting long range financial requirements to meet the fisheries and wildlife policies set forth herein. Consequently, reappraisal and adjustments should be considered on five to ten year schedules throughout the projected project life in order to meet all of the funding requirements which may occur during the project life. Funding shall be provided for post project evaluation. Wildlife mitigation should be accomplished insofar as possible on existing public lands with prime consideration given to the wildlife resources involved and to its habitat requirements.
- D. Inasmuch as Native Americans comprise a large segment of Humboldt County's population with environmental and historical ties to some of the river valleys, assurances must be given prior to the construction of any water project that no Indian tribal lands, including burial, or ceremonial grounds in Humboldt County will be inundated without specific prior consultation with the Indian people concerned.
- E. Water supplies must be planned and financed as part of any project in sufficient quantity to provide ultimate future supplies of agricultural, municipal, industrial, recreational, and environmental water, and water for fisheries and wildlife habitat development. Recreational, and environmental water requirements (i.e., non-consumptive water requirements for the general public enjoyment including non-resident populations of tourists to north-western California) may well exceed consumptive uses in many hydrographic areas. Thus, the project sponsor must take an active role in providing such water and must absorb the burden of expenses for such water. Greater consideration of the values of non-consumptive water uses should be given when assessing the economic feasibility of water projects.
- F. Recreation land acquisition should be included in the project development, consistent with the project's purpose.

- G. Land acquisition should include provisions for exchange.
  - H. Water quality control must be included as a specific purpose of the project.
  - I. Projects which result in property tax loss to local entities shall have in-lieu taxes as a part of the project costs.
  - J. The state must assume the non-federal recreational costs of a federal project. These costs must include the improvement of existing roads and development of roads required for the recreational development.
  - K. If hydroelectric power is generated by a major water project using the water resources of the county, the county should be compensated for the sale of such power.
  - L. Department of Fish and Game shall develop a flow release schedule to provide for the maintenance of the fishery resources and habitat. The project sponsor shall agree to provide the water for the release schedule.
7. Development of fisheries enhancement projects should include:
- A. An immediate pilot project initiated on one of the Humboldt County streams for the express purpose of establishing the feasibility of small dams designated and operated only for fishery development and enhancement.
  - B. Efforts designed to improve the anadromous fishery resources of Humboldt County streams. Specifically, the assessment of the natural capacities of the streams and identification of factors limiting production of anadromous fish.
  - C. The use of Humboldt County Water Resources for the development of mariculture and aquaculture, with appropriate regulations to protect the native fish populations and the general public interests.

**Exhibit B**  
**Humboldt Community Services District's**  
**Water Hauler Guidelines**

# Humboldt Community Services District

*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## WATER HAULER GUIDELINES

Effective July 1, 2016

It is the District's desire to be able to provide a convenient source of potable water for transportation to other areas when necessary for domestic or municipal use as well as water for hydro-seeding and construction. The District would also like to keep the process simple while maintaining the integrity of the water system. The District has established the following guidelines effective immediately:

- All water haulers desiring to purchase water from HCSD must complete and submit an HCSD application and permit for each tanker truck, and driver, including those trucks used by sub-contractors.
- Current Certificates of Insurance for general liability and auto liability must be on file with the District (See attached for details).
- Water Haulers are advised that water availability is subject to change without notice.
- The District requires that all tankers fill at the District yard (5055 Walnut Drive in Cutten) between the hours of 8 :30 a.m. and 4 p.m., Monday through Friday. **It is unlawful to take water from any other hydrant/location. In addition, tampering with any fire hydrant for the unauthorized use of water therefrom, or any other purpose, is a misdemeanor punishable by law (HCSD Code 4.10.180)**
- All water haulers are required to check in at the District office prior to filling up and provide the following information on their **load log**: approximate gallons, date, time and certify it is destined for the aforementioned uses.
- **The fee for less than 600 gallons per load is \$20.00. The fee for 600 or more gallons per load is \$0.03/gallon. Fees will be invoiced monthly per load log (as outlined above) and payment to the District is to be made prior to the invoice due date. Late payment of invoice may result in suspension of privileges.**
- **To maintain the integrity and security of the District's property, please observe the following:**
  - **Do not enter** District buildings other than the District Main Office.
  - There is a public restroom in the District Main Office
  - A telephone is available for emergency use in the District Main Office
  - **Do not attempt to move** District vehicles or property. Ask for assistance from a District employee if you have a problem.
  - District personnel and equipment need access to the hydrant in the District Yard. District personnel and equipment have priority over other users.
  - **It is strictly prohibited to utilize any District water source to wash, rinse, or hose off any vehicle.**

Violation of the above guidelines may result in the loss of privilege to obtain water from Humboldt Community Services District and/or legal action.

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Post Office Box 158 • Cutten, CA 95534 • (707) 443-4550 • Fax (707) 443-0818

# Humboldt Community Services District

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*Dedicated to providing high quality, cost effective water and sewer service for our customers*

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## **CERTIFICATE OF INSURANCE REQUIREMENTS**

All water purveyors and bulk water haulers will be required to provide the District with a Certificate of Insurance on an annual basis.

The Certificate of Insurance shall evidence general liability coverage of not less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage and auto liability of at least \$1,000,000 for bodily injury and property damage each accident limit. Coverage is to be placed with a carrier with an A.M. Best rating of no less than A-, VII, or equivalent, or as otherwise approved by the District. In the event that the water purveyor/hauler employs other contractors (sub-contractors) to haul water from the District, it shall be the water purveyor/hauler's responsibility to require and confirm that each sub-contractor meets the minimum insurance requirements specified above.



**HUMBOLDT COMMUNITY SERVICES DISTRICT  
WATER HAULER APPLICATION PERMIT**

Name _____		Date _____	
Address _____		Permit # _____	
Phone _____	Fax _____	Account # _____	
E-Mail _____			
Contact Name _____			

<b>Vehicle #1</b>		<b>Back Flow Inspection:</b>	
Make/Model _____		System Type _____	
Year _____	License # _____	Date _____	
State _____	Tank Size _____	Approved By: _____	
Remarks _____			

<b>Vehicle #2</b>		<b>Back Flow Inspection:</b>	
Make/Model _____		System Type _____	
Year _____	License # _____	Date _____	
State _____	Tank Size _____	Approved By: _____	
Remarks _____			

<b>Driver #1</b>		<b>Driver #2</b>	
Name _____		Name _____	
CA DL# _____		CA DL# _____	

This permit, issued by Humboldt Community Services District (HCSD) to the owner and/or operator of the equipment identified above, shall be in effect for a period of one (1) year from the date of application approval, subject to the following conditions:

1. This permit is to acquire bulk water from HCSD as directed by HCSD staff.
2. HCSD is not responsible for the contents once it leaves the District's system.
3. This permit, or a copy of, must be with the vehicle when acquiring the water.
4. Revocation of this permit may occur at any time, with or without cause, and/or modified at the District's discretion.
5. Written notification to HCSD of any changes whatsoever to the equipment identified above and/or its loading procedures. HCSD staff shall approve such changes prior to continuing operations.
6. The Owner/Operator(s) of this equipment certify said equipment meets all current requirements of the California Department of Health Services and all other applicable regulations.
7. The Owner/Operator(s) will establish an account with HCSD for monthly billing.
8. The Owner/Operator(s) are liable for any damages to the HCSD, its system(s) and/or its equipment.
9. Bulk Water rates are updated on an annual basis and can change at anytime without notice.
10. The Owner/Operator(s) is responsible for any, and all, water taken from the HCSD system.
11. To the fullest extent permitted by law, Owner/Operator(s) will defend, indemnify, and hold harmless the District, its directors, officers, employees or authorized volunteers from all claims and demands of all persons arising out of the performance of the Owner/Operator(s) work or the furnishing of materials; including, but not limited to, claims by the Owner/Operator(s) or Owner/Operator(s) employees for damage to persons or property.

**WATER AVAILABILITY IS SUBJECT TO CHANGE WITHOUT NOTICE**

**By signing below, Owner/Operator(s) acknowledges and agrees to abide by the conditions and requirements set forth above as well as outlined in the HCSD Emergency Water Hauler Guidelines**

Owner/Operator: _____ (Signature)	Date _____
Approved by HCSD: _____ (Signature)	Date _____

# **HCSD Water Hauler Program WATER HAULERS LOAD LOG**

COMPANY NAME: \_\_\_\_\_ DRIVER: \_\_\_\_\_

BILLING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

	DATE	TIME	#OF GALLONS	COST/LOAD	I Certify the Water Hauled is for Domestic or Municipal Use (Sign Below)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
<b>TOTAL</b>	<b>DUE</b>	<b>HCSD</b>		<b>\$</b>	

## **ATTACHMENT 3**

### **Applicant's Evidence In Support of the Required Findings**

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form (in file)
- Plot Plan (attached with maps)
- Plan of Operation (attached)
- Water Bladder Storage Design and Anchorage, Allan M. Baird Engineering, February 6, 2015
- Reclamation Plan and Financial Assurances Cost Estimate for Seasonal Water Solutions, October 201, 2015
- Letter regarding discharge of excess water, Allan M. Baird Engineering, November 13, 2015
- Restoration Plan for South Fork of the Eel River, Streamline Planning Consultants, December 3, 2015



## **A.M. BAIRD**

**ENGINEERING & SURVEYING, INC.** ambaird@suddenlinkmail.com  
1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

**CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING**

February 6, 2015

Humboldt County Planning Department additional sheet for Application Form

Applicant: Jesse Jeffries, Seasonal Water Solutions, LLC

**Project Description:** The applicant seeks a Conditional Use Permit for placement of rain water collection tarps, Commercial Water Storage and Sales on APN: 223-061-011, also known as 1575 Sprowel Creek Road, Garberville. There is currently a single family home, detached garage and barn on the parcel.

The intent of the project is to provide a source of non-potable water to residents in the Southern Humboldt Area. Water will be stored in multiple 210,000 Gallon Water Bladders and transported from the site in water trucks. The site will be accessed from an existing driveway also known as Buttermilk Lane. Buttermilk Lane connects with Sprowel Creek Road approximately 1000 feet east of the parcel.

Water collection will be from approximately 83,000 sq feet of tarp. Tarps will be weighted down along the perimeter. Water will be collected and stored in multiple water storage bags. Each bag hold 210,000 gallons. There are 7 existing bags and would eventually like to place 16 bags.

Water bladders will be placed on an existing 15 acre flat. Each bag will be strapped to and anchored to the ground. There will be a 3' tall berm constructed around the bags to contain any water that may be spilled in the event of a leak.

All stored water will be available to any water service or fire department in the case of an emergency.

## Plan of Operations

Owner: Jesse Jeffries owner of Seasonal Water Solutions, LLC  
Location: 1575 Sprowel Creek Road, Garberville APN: 223-061-011

**Project Description:** The applicant seeks a Conditional Use Permit for placement of rain water collection tarps, Commercial Water Storage and Sales on APN: 223-061-011, also known as 1575 Sprowel Creek Road, Garberville. There is currently a single family home, detached garage and barn on the parcel.

The intent of the project is to provide a source of non-potable water to residents in the Southern Humboldt Area. Water will be stored in multiple 210,000 Gallon Water Bladders and transported from the site in water trucks. The site will be accessed from an existing driveway also known as Buttermilk Lane. Buttermilk Lane connects with Sprowel Creek Road approximately 1000 feet east of the parcel.

Water collection will be from approximately 83,000 sq feet of tarp. Tarps will be weighted down along the perimeter. Water will be collected and stored in multiple water storage bags. Each bag hold 210,000 gallons. There are 7 existing bags and would eventually like to place 16 bags.

Water bladders will be placed on an existing 15 acre flat. Each bag will be strapped to and anchored to the ground. There will be a 3' tall berm constructed around the bags to contain any water that may be spilled in the event of a leak.

All stored water will be available to any water service or fire department in the case of an emergency.

### **Business Details:**

**Hours:** 8-5, Monday through Saturday

**Employees:** 1- Jesse Jeffries, Owner / Operator of Seasonal Water Solutions LLC

Water trucks will be independently owned and operated.

**Duration:** Water collection will be seasonal, approximately November to April when weather allows.

Water sales may happen throughout the year with the peak season being

Between July and October.

**Traffic:** This business will create a maximum of 6 additional vehicle trips per day by Water truck and one additional personal vehicle trip per day.

### **Public Facilities:**

This project will add an additional 7 vehicle trips per business day on to public roads. No public water or sewer services will be impacted by this project. There will be no impact on local schools as this project does not increase population density.

### **Noise Level:**

This project will not create any noise above and beyond the existing noise level of the neighborhood. The only noise will be the coming and going of the 6 trucks a day.

### **Discharge/ emissions / byproducts:**

This project will not create any by products, emission or discharge.





**Streamline**  
Planning Consultants

• PLANNING • PERMITTING • ENVIRONMENTAL CONSULTING

October 20, 2015

TO: Humboldt County Planning & Building Department

FROM: Sam Polly, Erosion Control, Soils and Storm Water Specialist  
Edible Landscape, Garden and Agricultural Consultant

**RE: Reclamation Plan and Financial Assurances Cost Estimate for Seasonal Water Solutions Agricultural Land Reclamation (Case Number CUP-15-004)**

The purpose of this letter is to provide a description of the reclamation activities that are proposed at the completion of the Seasonal Water Solutions Rainwater Capture and Delivery Operation.

Project Summary

Seasonal Water Solutions proposes a Rainwater Capture and Delivery Operation on the property known as 1575 Sprowel Creek Road, and further described as APN 223-061-011. The project proposes to collect rainwater by covering approximately 83,000 square feet (1.91 acres) of ground with (polyethylene) tarpaulin, which will be weighted down along the perimeter and used as an impervious surface to facilitate capture of runoff during periodic rainfall events. Captured water will be directed into and stored in a series of 210,000 gallon water bladders, which will be located adjacent to the tarpaulin on the open field of the property. The project ultimately proposes installation and use of up to 16 bladders, which will be strapped and anchored to the ground, and surrounded by a 3-foot tall berm or concrete blocks to help contain unintentional water release in the event of a rupture or leak (See attached Site Plan).

According to the Natural Resource Conservation Service (NRCS) soils mapping, the property contains prime agricultural soils classified as Gschwend-Frenchman Complex (0 to 9 percent slopes). The agricultural soils are located in the open field area on the property where it is proposed to locate the tarpaulin, water bags, berm or concrete blocks, and associated equipment for the proposed operation. The proposed project will temporarily cover 5 acres of land, defined as prime agricultural land, and will result in compaction of the soils. This compaction necessitates reclamation of the land upon cessation of the operation, as outlined at the end of this letter. No other deleterious impacts to the soil or environment are expected based on site-specific assessment, soil testing and literature review.

The Soil Restoration Potential for the Gschwend-Frenchman Complex Soil Series found at this site has been rated High by the NRCS (Soil Survey Staff 2015). The following narrative from the Web Soil Survey explains this rating:

“This interpretation rates each soil for its inherent ability to recover from degradation, which is often referred to as soil resilience. The ability to recover from degradation means the ability to restore functional and structural integrity after a disturbance. Both the rate and degree of recovery need to be considered. Soil functions that are important include sustaining biological activity, diversity and productivity; capture, storage and release of water; storing and cycling nutrients and other elements; filtering, buffering, degrading, immobilizing and detoxifying contaminants; providing support for plant and animal life; and protection for archeological sites. Restoration goals may include re-establishment of a preferred natural plant assemblage of the ecological site that existed prior to decline to a degraded state.

Soil resilience is dependent upon adequate stores of organic matter, good soil structure, low salt and sodium levels, adequate nutrient levels, microbial biomass and diversity, adequate precipitation for recovery, and other soil properties. Dynamic soil properties, such as microbial biomass and diversity or carbon nitrogen ratio, are not used for this rating since they are not contained within the soil database.”

The proposed water bladder and tarpaulin catchment system is an ideal temporary use of this site because the characteristics of this use combine well with this Soil’s resilience to provide a highly restorable soil. The key reclamation practices to restore soil function after tarp and bladder removal will be tillage and cover crop incorporation to decompact and then rebuild soil structure. The following list of parameters details why this catchment operation lends itself to highly restorable agricultural production:

- *Characteristics of Proposed Use*

A water bladder and catchment tarpaulin system as proposed for this site, unlike a permanent building with a foundation that cannot be removed, will cover the site for the duration of the project, effectively protecting the soils from erosion, organic matter oxidation or nutrient leaching. Additionally, the lack of cement foundation prevents the addition of liming agents that could drive the pH to unnaturally high levels for the area. At project end, the bladders and tarp can easily be removed and the soils quickly restored to agricultural productivity, since the only expected impact will be soil compaction.

- *Biological Activity, Diversity & Productivity*

Since no chemical or industrial uses will occur, the major inhibitors to biological action will be lack of oxygen, food (carbon) and moisture. Upon removal of the bags (which seal the soil from gas exchange) and tillage of the soil during decompaction, natural oxygen levels and gas exchange function will be restored to the soil. Incorporation of the reclamation cover crop will restore organic matter (microbial food) to the soil, while removal of the bags will restore the interface for precipitation to replenish soil moisture.

- *Capture, Storage and Release of Water*

After removal of tarps and bladders, the entire soil surface will again interface with precipitation. Decompaction and subsequent cover crop incorporation will quickly rebuild soil organic matter levels, structure and microbial biomass, which combined with the

loamy soil texture and flat topography, will provide excellent precipitation capture, storage and release to groundwater.

- *Storage and Cycling of Nutrients*

See *Capture, Storage and Release of Water*, above (same conditions affect water and nutrients).

- *Filtering, Buffering, Degrading, Immobilizing and Detoxifying Contaminants*

Restoration of soil biological processes, along with bullet #3 outlined above, are the soil attributes that filter, buffer, degrade, immobilize and detoxify contaminants, including those of atmospheric, vehicular or other unforeseen sources.

- *Providing Support for Plant and Animal Life*

The above bullet points outline the combination of practices that will restore this site's ability to support plant and animal life. Once the bladders and tarps are removed, restoration of the soil structure and organic matter levels will allow plants to again grow onsite. Plant growth will then create habitat for species common to pasture or agricultural lands, such as frogs, mice and sparrows.

### Reclamation Activities

To reclaim the 5 acres for future agricultural production, the following activities are proposed at the completion of the project:

Removal of Equipment: The plastic liner and water bags will be drained of any remaining water, rolled up, and hauled to the barn structure on the property for storage. The pumps and any other remaining equipment will be removed from the 5 acre area and hauled to the barn structure on the property for storage.

Decompaction/Grading: A large tractor with disk and chisel attachments will be used to decompact, rip/till, and grade the 5 acre area to return the topography and soil structure to pre-project conditions. The grades will be designed to generally simulate and utilize pre-project drainage patterns.

Nitrogen Fixing Cover Crop: A tractor with a seeding attachment will be used to spread green manure mix over the 5 acre tilled area and the resulting vegetation will be tilled into the soil at the appropriate time when the vegetation is dense, green and succulent.

The ultimate goal of the reclamation activities is to restore the 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production, similar to what has occurred on this property in the past.

Attached is a Financial Assurance Cost Estimate (FACE) calculation for the proposed reclamation activities which totals \$8,211.20. The applicant proposes to provide a CD that is cashable by 'Humboldt County' as the financial assurance mechanism for the proposed reclamation activities. Upon completion of the above described reclamation activities by the project applicant to the satisfaction of the County, the financial assurance mechanism (i.e. CD) shall be released to Seasonal Water Solutions.



#### Reference

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.sc.egov.usda.gov/.htm>. Accessed 10/16/15.

#### Preparer's Signed Certification

Project Name: Seasonal Water Solutions

Project Phase: Rainwater Capture and Delivery Operation, Agricultural Land Reclamation

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Preparer's Signature: 

Date: October 20, 2015

Preparer's Name: Sam Polly

Telephone Number: (707) 822-5785

Preparer's Title: Erosion Control, Soils and Storm Water Specialist  
Edible Landscape, Garden and Agricultural Consultant

Preparer's Certifications: CPESC #5926, QSD/P #00316, IGP QISP & ToR #92

#### Preparer's Training:

38 Hour Army Corps of Engineers Wetland Delineation Training Program, 2012

Soil Science 363, Wetland Soils, Humboldt State University, Spring 2012

24-Hour Caltrans-Certified SWPPP Training, Shasta College, 2007

8-Hour Construction Site Storm Water Manager Training, NCSC/IECA, W. Chapter, 2007

M.S. Agricultural Education, Cal Poly San Luis Obispo, 2006

B.S. Soil Science, Land Resources Concentration, Cal Poly San Luis Obispo, 1996

Preparer's Organization: Streamline Planning Consultants

# Financial Assurance Guidelines

State of California

DEPARTMENT OF CONSERVATION  
Financial Assurance Cost Estimate  
Form OMR-23 (New 06/96)

## **APPENDIX A-1** **[EXAMPLE]**

Page 1 of 7

# FINANCIAL ASSURANCE COST ESTIMATE FOR

Seasonal Water Solutions Agricultural Land Reclamation

Humboldt County (CUP-15-004)

CA MINE ID # 91- NA.

Prepared by:

Streamline Planning Consultants

1062 G Street, Suite I

Arcata, CA 95521

Date: 10-20-15

**Note:** This worksheet was developed by the Office of Mine Reclamation to assist lead agencies and operators prepare a reclamation cost estimate and determine an appropriate amount for the financial assurance in conformance with Section 2773.1 of SMARA. It should be used in conjunction with the *Financial Assurance Guidelines* adopted by the State Mining and Geology Board.

# Financial Assurance Guidelines

**EXAMPLE**

## I. PRIMARY RECLAMATION ACTIVITIES

Page 2 of 7

### Description of Task:

Decompacting, ripping/tilling, and grading of the 5 acre area on the property to topography similar to pre-project conditions and suitable for grazing or hay production.

### Methods to be Used:

7210R John Deere Tractor with disk and chisel attachments.

### Miscellaneous Information:

Overburden (cubic yards): 0 Topsoil (cubic yards): 0 Acres: 5  
 Production Rate (cubic yards/hour): 1. NA 2.        3.        4.         
 Haul Distance (feet): 1. NA 2.        3.        4.       

- A. Equipment - List all equipment required to complete identified task. For large reclamation jobs separate mine areas for ease of accounting.

Equipment	Quantity	\$/Hour	# of Hours	Cost (\$)
1. John Deere Tractor	1	\$60	20	\$1,200
2.				
3.				
4.				

Total Equipment Cost for this Task \$ 1,200

- B. Labor - List all labor categories to complete identified task.

Labor Category	Quantity	\$/Hour	# of Hours	Cost (\$)
Grader Operator	1	\$90	20	\$1,800

Total Labor Cost for this Task \$ 1,800.00

- C. Materials - List all materials required to complete identified task (include disposal costs).

Item	Quantity	\$/Unit	Cost (\$)
NA			

Total Materials Cost for this Task \$ NA

- D. Direct Cost for this Task

Equipment Cost + Labor Cost + Materials Cost = \$ 3,000

**II. REVEGETATION****Description of Task:**

Use tractor with seeding attachment to spread green manure mix over the 5 acre tilled area.  
Use tractor to till the resulting vegetation into the soil at the appropriate time when the vegetation is dense, green and succulent.

**Methods to be Used:**

Revegetation will consist of using a tractor to spread the seed of a nitrogen fixing cover crop over the 5 acre tilled area.

**A. Equipment - List all equipment required to complete identified task.**

Equipment	Quantity	\$/Hour	# of Hours	Cost (\$)
Tractor with seeding attachment.	1	60	3	\$180
Tractor with tilling attachment.	1	60	5	\$300

Total Equipment Cost for this Task \$ 480

**B. Labor - List all labor categories to complete identified task.**

Labor Category	Quantity	\$/Hour	# of Hours	Cost (\$)
Labor - Driving tractor for seeding	1	\$90	3	\$270
Labor - Driving tractor for tilling	1	\$90	5	\$450

Total Labor Cost for this Task \$ 720

**C. Materials - List all materials required to complete identified task.**

Item / Plant Species	Unit of Measure	# of Units	\$/Unit	Cost (\$)
Green manure mix	50 pound	3	\$90/unit	\$270

Total Materials Cost for this Task \$ 270

**D. Direct Cost for this Task**

Equipment Cost + Labor Cost + Materials Cost \$ 1,470

**III. PLANT STRUCTURES AND EQUIPMENT REMOVAL**Page 4 of 7**Description of Task:**

No structures are proposed that will require removal. Equipment that will require removal from the 5 acre area includes the plastic liner, water bags, and pumps.

**Methods to be Used:**

The plastic liner and water bags will be drained of any remaining water, rolled up, and hauled to the barn structure on the property for storage. The pumps and any other remaining equipment will be removed from the 5 acre area and hauled to the barn structure on the property for storage.

**A. Equipment - List all equipment required to complete identified task.**

Equipment	Quantity	\$/Hour	# of Hours	Cost (\$)
Hauling Truck	1	\$40	8	\$320
Front-End Loader	1	\$50	8	\$400

Total Equipment Cost for this Task \$ 720**B. Labor - List all labor categories to complete identified task.**

Labor Category	Quantity	\$/Hour	# of Hours	Cost (\$)
Labor - Remove equipment and hauling	2	\$30	8	\$480

Total Labor Cost for this Task \$ 480**C. Demolition - List all structures and equipment to be dismantled or demolished.**

Structure / Equipment	Type of Material	Volume (cubic feet)	Unit Cost Basis	Disposal Cost	Cost (\$)
NA					

Total Materials Cost for this Task \$ 0**D. Direct Cost for this Task**Equipment Cost + Labor Cost + Demolition Cost = \$ 1,200

## Financial Assurance Guidelines

**EXAMPLE**

Page 5 of 7

### E. Surplus / Salvage Value

1. Total cost to reclaim plant structures and equipment pursuant to the approved reclamation plan. \$ 0
2. Net salvage value of the plant structures and equipment.\* \$ 0
3. Subtract Line 2 from Line 1 \$ 0

4. If Line 3 is greater than \$0, enter this amount on the total plant structures and equipment removal cost line under Section VIII (Summary of Costs). If Line 3 is less than \$0, enter \$0 on the appropriate line in Section VIII.

**\*NOTE** This is the value of plant structures, buildings and equipment on a salvage basis -- e.g. after the structures and equipment have been removed for sale or use off-site. In order to include net salvage value in the financial assurance calculation, the operator must provide a letter of agreement, signed contract, bid or quote from an independent company which provides industrial dismantling or equipment salvage services, or is in the business of buying and selling scrap metals or similar products.



**IV. MISCELLANEOUS COSTS**Page 6 of 7

Examples of this type of cost could include temporary storage of equipment and materials off site, special one-time permits (i.e. transportation permits for extra wide or overweight loads, etc.), decommissioning a process mill (i.e. decontamination of equipment), or disposal of warehouse inventories.

Item / Task	Quantity	\$/Unit	Cost (\$)
1. NA			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Total Miscellaneous Costs \$ NA**V. MONITORING**

Monitoring Task	\$/Visit	# Visits/Year	# of Monitoring Years	Cost (\$)
1. NA				
2.				
3.				
4.				
5.				

Total Monitoring Costs \$ NAPage 6 of 7

**VII. SUMMARY OF COST**

Total of all Primary Reclamation Activities Costs	\$ 3,000.00
Total of all Revegetation Costs	\$ 1,470.00
Total of all Plant Structures & Equipment Removal Costs	\$ 1,200.00
Total of all Miscellaneous Costs	\$ 0
Total of all Monitoring Costs	\$ 0
<b>Total of Direct Costs</b>	<b>\$ 5,670.00</b>
Supervision ( 7 %)	\$ 396.90
Profit/Overhead ( 14 %)	\$ 793.80
Contingencies ( 10 %)	\$ 567.00
Mobilization ( 5 %)	\$ 283.50
<b>Total of Indirect Costs</b>	<b>\$ 2,041.20</b>
<b>Total of Direct and Indirect Costs</b>	<b>\$ 7,711.20</b>
<b>Lead Agency Administrative Cost*</b> (Determined by the Lead Agency)	<b>\$ 500</b>
<b>Total Estimated Cost of Reclamation</b>	<b>\$ 8,211.20</b>

**\*NOTE** The Financial Assurance Guidelines recommend that when reviewing and approving a financial assurance cost estimate, lead agencies should include their administrative cost to draw on the financial assurance and implement the reclamation plan, should it become necessary.



**A.M. BAIRD**

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

**CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING**

## **WATER BLADDER STORAGE DESIGN AND ANCHORAGE**

JESSIE JEFFRIES



**APN 223-061-011**

Site address 1575 Sprowel Creek Road  
Garberville, CA 95542

PREPARED BY:

**ALLAN M. BAIRD, RCE 23681**

License Expires 12-31-15



February 6, 2015  
#14-3319-7

## (7) 210,000 GALLON WATER BLADDER ANCHORAGE DESIGN

### Conditions/ Parameters:

- Bladder state: empty to full of water. Assume during all states of storage, there is minimal to no residual air in bladder. Normal operation of valves for filling and emptying preclude significant air inflow – operator to ensure no air remains in bladders.
- Flood elevation of 100 year flood approximately 5-6 feet over the height of a full bladder (5-6 feet is full volume height).
- Each bladders max volume is 210,000 gallons, assumed empty weight is approximately 5,000 lbs.
- Buoyancy forces assumed to resolve to act entirely perpendicular to ground.

### Buoyancy:

- Buoyancy will be equal to the weight of water displaced by volume of the bladder - by Archimedes principle. Specific gravity of 1.2 grams/cu. cm is assumed for polypropylene plastic for bladder, therefore buoyancy is counteracted by weight of plastic.
- Assume for design, that residual air is trapped inside bladder resulting in a 1/2" of air thickness in the bladder,  $75' \times 73' \times 1/2" = 228 \text{ cu ft} \times 62.4 \text{ lb/cu ft} = 14,235 \text{ lb}$  – 5,000 lb weight of plastic = 9,227 lb uplift from buoyancy.

### Hydrodynamic Force:

Flood level and topography indicate location of bladders will be in a "backwater" condition. Therefore, no significant hydrodynamic forces are generated. Hold downs for bladder buoyancy will be sufficient for expected lateral flood loads.

### Containment:

A berm shall be constructed around the 3 down-gradient sides of the bladder configuration forming a perimeter containment barrier for control of spills should a bladder burst during non flood conditions. The rear (or east) side of the bladders are up against a slope for containment. This berm can be a rounded top 3 foot in height compacted onsite or imported clean soils, with a minimum base of 6', spaced a minimum 5 feet from the edge of the bladders. Alternately, concrete "block" 2'x2'x6' stacked 2 high to a 3 foot height around the full perimeter length, with the bottom block buried 1 foot into grade can be used, also spaced 5 feet from the bladders.

**Design:**

Use earth soil auger type tie down system for anchorage of bladders to ground such as used with manufactured home foundations. Use a rated approved tie down auger system with a tested minimum withdrawal value of 3,000 lb per auger. Each bladder shall attach by straps with a minimum working load rating of 3,000 lb (9,000 LB break strength) at 10 locations to augers with 3 augers oriented parallel to Eel River flow, and 2 oriented perpendicular. The parallel augers shall share loads between adjacent bladders. Soil bearing pressure is assumed at a conservative 1,000 psf based on field investigation and likely conditions during flood waters, and require no further review.

[Calculation for uplift:  $10 \times 3000 \text{ lb} / 2 = 15,000 \text{ lb}$  allowable  $\gg 9,227 \text{ OK}$ ]

[Assume forces resolve to act vertically for straps, use **3,000 lb rated** working load (typically 1/3 of ultimate rated load break strength or a minimum 9,000 lb maximum break strength) tow straps or equivalent, continuous length, or linked together and attached to each auger's eye loop.]

**SEE ENCLOSED DETAILS**

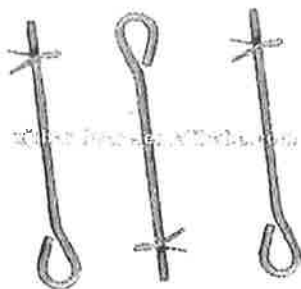
Products  Search Advanced Search **Post Buying Request**

About 87 results: Anchors (24) Use 5 minutes and get up to 10 quotes. [I got it!](#)

Home > Products > Hardware > Fasteners > Anchors (21894)

Language Options

## Red Earth Anchor



FOB Price: [Get Latest Price](#)

Port: QINGDAO

Minimum Order Quantity: 2000 Piece/Pieces

Supply Ability: 300 Ton/Tons per Month

Payment Terms: L/C, T/T

Ms. Wendy Chen

[Offline](#)

[Add to Inquiry Cart](#)

[Place Order](#) via

**Buyer Protection**  
ensure your transaction safety

[See larger image: Red Earth Anchor](#)

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Verified Company

**Qingdao Xinjiarui Industry Co., Ltd.**

[ Shandong, China (Mainland) ]

**Main Products:** sod staple,nail  
stakes,washers,copper nails,Aluminum nails

Onsite Checked

74 buyer(s) sent a message in last 90 days

5% showed interest in placing an order

0 Escrow transactions in last 365 days

No substantiated complaints in last 90 days

Contact Details

[View this Supplier's Website](#)

### Product Details

### Company Profile

Online Showroom: 452 Products

Other Similar Products from this Supplier

### Quick Details

Place of Origin: Shandong China (Mainland)

Brand Name: XJR

Model Number: 3" x 30", 3" x 15"

Type: Pole Anchor

Material: Steel

Diameter: 3", 4", 6"

Length: 15", 30", 40", 48"

Color: red

### Packaging & Delivery

Packaging Detail: 10pcs/bundle, then pack on pallet as client's requirement

Delivery Detail: 20DAYS

### Specifications

1. Simply twist auger into the ground and tie off to eyelet

2. All painted red

3. 3" x 30", 3" x 15", 4" x 40", 6" x 48"

- screw into the ground to hold down tents, canopies, storage buildings, fencing, playground equipment as well as hundreds of other uses.
- 3" x 15", 0.544 (1/2) rod diameter, 1/8" helix diameter, 200 lb. maximum holding power
- 3" x 30", .0565 (1/2") rod diameter, 9/64" helix diameter 1400 lb. maximum holding power
- 4" x 40", 0.557 (1/2") rod diameter, 9/64" helix diameter, 3000 lb. maximum holding power
- 6" x 48", 0.780 (3/4") rod diameter, 11/64" helix diameter, 4000 lb. maximum holding power
- Packing: 10pcs/bundle, then pack on pallet as client's requirement
- Delivery time: 20 days after receiving the deposit

*Equivalent Rated Auger  
or BETTER*

Suggestions



**Canon Rebel T5i**  
Auction Price: **\$30.24**  
Saved: 97%  
**Shop Now**

**50" 3D LED HDTV**  
Auction Price: **\$54.23**  
Saved: 95%  
**Shop Now**

**iPad mini 64GB**  
Auction Price: **\$21.38**  
Saved: 96%  
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**Samsung Galaxy Note Tab**  
Auction Price: **\$37.70**  
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## Neiko 51005A Heavy Duty Tow Strap with Hooks, Polyester, 2-Inch x 20-Feet

by Neiko

183 customer reviews | 9 answered questions

#1 Best Seller in Tow Straps

List Price: \$27.00  
Price: \$18.27  
You Save: \$9.72 (35%)

In Stock,  
Ships from and sold by Amazon.com. Gift-wrap available

Want it Friday, Feb. 6? Order within 3 hrs 55 mins and choose Two-Day Shipping at checkout. Details

- Features 2" x 20' strong polyester tow strap
- Maximum pulling capacity rated at 10,000 lb
- Package includes two safety hooks
- See more product details

7 new from \$9.50



Click to open expanded view

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Price for both: \$31.92

Show availability and shipping details

- This item: Neiko 51005A Heavy Duty Tow Strap with Hooks, Polyester, 2-Inch x 20-Feet \$18.27
- Smittybilt 13047B 3/4" Black D-Ring \$13.65

### Customers Who Bought This Item Also Bought



Smittybilt 13047B 3/4" Black D-Ring  
421  
\$13.65



TEKTON 5547 4-Ton Dual Gear Power Puller  
101  
\$45.99



TEKTON 5546 4-Ton Power Puller  
12  
\$39.00



ProGrip 230400 6' x 2" Polyester Wobbling Tree Saver with Loops  
51  
\$13.20



Smittybilt CC330 3' x 30' Recovery Strap - 30,000 lb Capacity  
259  
\$36.99



Smittybilt 25312B Receiver Hitch D-Ring with 3/4-Inch Shackle for 2-Inch Receivers  
269  
\$34.99

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(259)  
\$39.99



Master Lock 317SAT 25' X 2" Tow Strap with Forged Hooks and Clips, 10000 lbs Break Strength/3333 lbs  
(68)  
\$17.45



Smittybilt 13047B 3/4" Black D-Ring  
(421)  
\$13.65



Keeper 02625 Emergency 25' Tow Strap with Spring Latch Hooks  
(10)  
\$22.21

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Page 1 of 17

Ad feedback

# TIE DOWN ENGINEERING

## Engineered Tie Down System

Manufactured home/commercial tie down calculation and schedules for single/double & triple wides.

### Design Loads

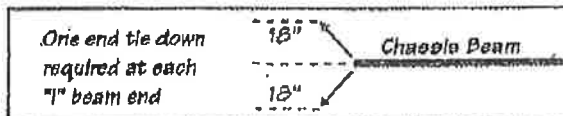
Wind	15 PSF
Soil Bearings	1000 PSF
Tie Down Straps	3150# Working Load
Seismic Category	D

Tie down straps meet federal specifications QQ-S-781H for Type I, Class B, Grade I Strapping and be at least 1-1/4" x .035, zinc plated.

Earth Auger	2862# (Tested to 4750# minimum)
Cross Drives	1727# (Calculated)
Concrete Slab Anchors	1390# (Calculated)

### General Notes

1. The charts shown herein are for the required number of tie downs on the sides of the Manufactured Home.
2. Tie downs are required at each chassis beam, each end of each transportable section of the Manufactured Home and can be any types shown herein.
3. Combination of the different types of tie downs can be used.
4. In the event an earth auger cannot be installed due to obstruction, use of cross drive anchors is permitted, provided 2 cross drive anchors are installed for each earth auger that cannot be installed.
5. For all tie down installations, the Manufactured Home chassis members are shown as "I" beams for illustration purposes only. Chassis beams can also be "C" shaped or RFC shaped.
6. End tie downs can be located within 18" of either side of the chassis beam axis as shown.



7. The sizes, types, lengths, etc. of materials shown herein are minimum. Larger, longer, heavier materials supplied by Tie Down Engineering may be used at the same spacing and locations shown.
8. Alternate devices may be substituted with engineers and HCD approvals.

### Engineer Approval



JAN 31 2011

### State Approval

#### ENGINEERED TIEDOWN SYSTEM APPROVED

SUBJECT TO CORRECTIONS NOTED

Approved does not authorize or approve any omission or deviation from requirements of applicable State laws and regulations.

State of California  
Department of Housing and Community Development  
DIVISION OF CODES AND STANDARDS

By [Signature] Date 2/24/11  
(Signature)

SPA NO ETS 114

This Plan Approval Expires 2/22/13

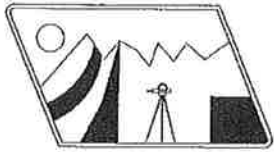
This tie down system meets the requirements of Title 25 Section 1330.3, subsection (a)

**TIE DOWN ENGINEERING • 255 Villanova Drive SW • Atlanta, GA 30336**  
**www.tiedown.com (404) 344-0000 Fax (404) 349-0401**



REFERENCE





## A.M. BAIRD

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

**CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING**

November 13, 2015

Michelle Nielsen

RE: Jesse Jeffries  
Application #: 9635  
Case # CUP 15-004

Dear Michelle,

In reference to the project for Jesse Jeffries. It has come to my attention that a discussion concerning what would happen to the rain water that falls within the catch system if the bladders were full.

Our plan is to set up a sprinkling system where by the same pump that is used to fill the bladders is used to charge the sprinklers out onto the existing pasture area. It is not anticipated that this would be an occurrence that would take place very often if at all.

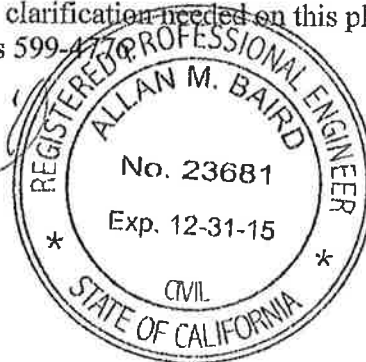
Our calculations on a normal rain fall year in Humboldt County is that it takes almost the whole rainy season to fill the bladders as they exist. This shows us that the need of the sprinkling system will not be necessary but as Confucius says, better to be prepared than sorry.

So at this time our answer to the excess water in the catch space is to discharge it in a sprinkling manner across the pasture that is not covered by product.

If there are any additional questions or clarification needed on this please contact me  
[ambarid@suddenlinkmail.com](mailto:ambarid@suddenlinkmail.com) or cell phone is 599-4770

Sincerely,

Allan M. Baird



CC: Gary Rees  
Jesse Jeffries



**Streamline**  
Planning Consultants

• PLANNING • PERMITTING • ENVIRONMENTAL CONSULTING

## Restoration Plan

for

Seasonal Water Solutions

1575 Sprowel Creek Road, Garberville, CA

APN 223-061-011



Photograph looking east across eastern half of Seasonal Water Solution's Terrace. SMA can be seen at left center, running along the edge of the pasture, and ending at the shady oak trees just to the right of the photograph's center, at the far end of the pasture. Note variation between tree and shrub strata. Photograph taken October 21, 2015.

December 3, 2015

for submission to  
Humboldt County Planning Department  
825 5<sup>th</sup> Street  
Eureka, Ca 95501

**STREAMLINE PLANNING CONSULTANTS**

[www.streamlineplanning.net](http://www.streamlineplanning.net)

1062 G St. Suite I, Arcata, CA 95521

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## Content Cross Reference

with Humboldt County Streamside Management Ordinance Section 314-61.1 (r)

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Ph (707) 822-5785

Fax (707) 822-5786

## ATTACHMENTS

**ATTACHMENT 1: Aerial Photograph of Restoration Plan Area**

**ATTACHMENT 2: Site Photographs**

**ATTACHMENT 3: Monitoring Form**



## 1. INTRODUCTION

The property found at 1575 Sprowel Creek Road, designated APN 223-061-011, sustained brush removal during the fall of 2015 to reclaim the historic flat, upland pasture area of the elevated river terrace (Attachment 1 & Photo 1, Attachment 2). Brush was removed within the Streamside Management Area (SMA) from an approximate 597' x 13' strip along the northern edge of the terrace, and from five to ten feet down the upper portion of the slope below (north of) three sections of this strip. This Restoration Plan was requested by the County of Humboldt on November 19, 2015, to articulate the measures that will be employed to remediate unpermitted clearing activities by restoring the width of the riparian vegetation within the SMA. The goal of this restoration plan is to replace the vegetative buffer that was removed along the south side of the SMA.

## 2. BACKGROUND

Site visits for this project were performed by Streamline Planning Consultants on October 8, November 18 & November 24, 2015. Brush removal was performed between the first two site visits. Streamline staff traversed the site below and above the brush removal area during the initial site visit, noting species present. During this visit, staff also crawled through two sections of the riparian vegetation from the river to the terrace, noting a dominance of Himalayan blackberries in the shrub layer.

The brush was removed to restore the historic pasture area on the river terrace. Three old T-posts were noted at the edge of the flat from an old fence, which indicates the pasture historically reached to the edge of slope. However, county policy states that two years after cessation of grazing, grandfathered grazing rights within an SMA are forfeited, so the vegetation can no longer be managed within the 100-foot SMA without special permitting.

## 3. BIOLOGICAL SETTING AND SITE CONDITIONS

The parcel lies directly north of Sprowel Creek Road, west of Garberville, California (Attachment 1). The South Fork Eel River flows along the northern border of the parcel. The project area examined in this report comprises approximately five acres of a 34 acre parcel and is located at latitude 40.09455 and longitude -123.80171. The site lies on a depositional river terrace at an approximate elevation of 329' above sea level. The river sits approximately 29' below the terrace.

The soils found throughout the site are dominated by well-drained loam soils of the Gschwend Soil Series (Soil Survey Staff 2015). These deep soils exhibit no ponding due to the well-drained character of the sandstone-derived alluvium. Average annual rainfall is approximately 62 inches per year (WeatherDB 2015). Soil color is variable across the site, ranging from 10 YR 3/3 to 10 YR 4/2 (Munsell 2000). The dominant geomorphic characteristic of the site is the flat, slightly undulating topography and the slope between the terrace summit and the river bar below (Photo 1). During the November 24 site visit, heavy rainfall produced no ponding or erosion due to rapid infiltration.

Historical use of this site included grazing the flat terrace, with a dairy on the upper terrace. Old fence

posts show where a historical fence kept livestock on the terrace and off the slope to the river. The site has been occasionally disked to minimize invasive plants such as thistles and brambles. The pasture area is currently covered with non-native *Cynodon dactylon*, which is adapted to soils with good moisture holding capacity and hot summers.

The plant community within the affected SMA section was dominated by trees and shrubs, comprising a mixed broadleaved evergreen and broadleaved deciduous upland forest (Cowardin 1979). The shrub layer was dominated by non-native, invasive Himalayan blackberry, *Rubus armeniacus*, with native coyote brush, *Baccharis pilularis*, blackberry, *Rubus ursinus* and red willow, *Salix laevigata* filling in the remainder of the layer (Photo 2, Attachment 2). The tree layer was a mix of nine native tree species, with a dominance of *Umbellularia californica* and *Salix laevigata* along the affected portion (see Table 1 & Photo 3, Attachment 2). These trees form a native barrier holding the hillslope soil in place, blocking views from northern neighbors, slowing potential 100-year flood flows, screening the river and providing wildlife habitat. The SMA vertical texture was undulating and extremely variable, from 120' redwood and cottonwood, to 10' willows.

Table 1. Trees found along affected SMA.		
Latin Name	Common Name	Dominant
<i>Acer macrophyllum</i>	Big Leaf Maple	
<i>Aesculus californica</i>	CA Buckeye	
<i>Fraxinus latifolia</i>	Oregon Ash	
<i>Notholithocarpus densiflorus</i>	Tanoak	
<i>Populus trichocarpa</i>	Black Cottonwood	
<i>Quercus kelloggii</i>	Black Oak	
<i>Salix laevigata</i>	Red Willow	Yes
<i>Sequoia sempervirens</i>	Coast Redwood	
<i>Umbellularia californica</i>	CA Bay	Yes

The density of the grass/forb layer was very sparse due to shading by the trees and, especially, the dominating Himalayan blackberries. A few scattered patches of *Carex leptopoda*, *Polystichum munitum* and grasses were found along this stretch.

#### 4. NATURE OF VIOLATION CONDITIONS

The affected site was masticated, with essentially no soil removal and little soil disturbance, beyond equipment traffic (Photo 1). Nearly all of the vegetation in the affected areas was removed, leaving only roots and occasional stem bases exposed. Table 2 lists the disturbed areas to be restored.

Table 2. Vegetation Removal Areas within SMA

Area	Main Strip	West Bank	Middle Bank	East Bank	Total Area
Length (E. to W.)	597'	100'	144'	55'	
Width (N. to S.)	13'	10'	6'	5'	
Surface area (ft <sup>2</sup> )	7,761 ft <sup>2</sup>	1,000 ft <sup>2</sup>	864 ft <sup>2</sup>	275 ft <sup>2</sup>	9,900 ft <sup>2</sup>

The four adjacent, affected areas were classified by location and size (Attachment 1). The main area is the approximate 13'-wide strip along the northern border of the flat pasture (Photo 1). The other three locations lie on the upper reach of the north-facing backslope leading away from the pasture, down toward the river bar (Photo 4, Attachment 2). These three disturbed slope areas are classified according to their location relative to one another, east to west. The western-most bank area is the largest of the three due to its 10' width. The middle bank area is slightly smaller due to its narrower width, even though it is longer (Table 2).

The vegetation removed from this site was dominated by invasive, non-native Himalayan blackberry plants. Along several sections, willows and CA bay trees were sheared off, but most of the cleared vegetation was the invasive blackberry plants. Although these blackberries were non-native, they still provided a screen and habitat for wildlife, especially birds. During the November 24 visit, an approximate 85% dominance of non-native thistles were emerging after the disturbed seedbed had been exposed to rain and relatively warm fall temperatures (Photo 5, Attachment 2). The other 15% plant emergence was non-native grass species. Total plant cover was estimated at around 65% at this time. While the site is stabilizing rapidly from this non-native revegetation, these invasive plants are relatively shallow rooted and do not produce the riparian buffer or habitat that the native trees and shrubs provide.

## 5. RECOMMENDATIONS

The environmentally ideal alternative for this site is to replace the recently removed, non-native, invasive *Rubus armeniacus* and other vegetation with the native plants known to grow in this location. Since the site is dominated by native trees, these should be the primary focus, although a percentage of *Baccharis pilularis* and *Polystichum munitum* should be added for stratum diversity, along with grasses and forbs such as *Carex leptopoda*, *Cyperus eragrostis*, *Elymus glaucus*, *Festuca californica*, or other native plants known to grow in the area, for added stability and stratum diversity. To ensure successful plant installation, the following procedure must be followed:

- 1) Slope Protection – The three exposed slope areas should immediately be covered with straw mulch to minimize raindrop impact, facilitate infiltration (prevent erosion) and to protect the topsoil for effective revegetation (three days after initial glyphosate application, see below).
- 2) Site Preparation – The almost immediate germination of thick, non-native weeds, including thistles and grasses, demonstrates the invasive seed bank volume in this soil. To minimize weed

competition with installed plants, the flat portion (13-foot-wide strip) should be tilled three times over approximately 10 weeks (roughly three weeks apart) to destroy the tender weed seedlings. Tillage will mine the invasive seed bank. The three slope areas should not be tilled since this would destabilize the hill and soils. These areas should be inspected and sprayed with glyphosate, at the label rate, on roughly the same schedule as the tillage of the flat area, if weeds begin to emerge. One application immediately (weather permitting) and a follow up application within two months should help reduce weed competition with installed plants. Care must be taken to avoid drift or contact with existing native species. Applications must occur on dry, calm days per label specifications. After the ten week period, at least five days after the second glyphosate application, plants should be installed.

3) **Plant Installation** – Plant installation will focus on trees since a heavy tree cover exists on this site. Additionally, trees will have a better chance competing with invasive Himalayan blackberries if these berries reestablish. Availability can be a challenge, so exact numbers of species will not be listed, rather total numbers and percentages will be used. Trees should be installed at approximate ten-foot spacing along the length of the disturbed areas, as shown in Table 3, below. Species installed will be native and every attempt will be made to choose plants from Table 2, since this list represents what is found along this riparian corridor. Emphasis will be made on procuring the listed *Umbellularia* and *Salix* species to account for a minimum 40% of the installed trees, with the remaining 60% composed of a mix of at least half of the other species from Table 2 (see Photos 3 & 6, Attachment 2).

If non-availability of the dominant species prohibits the procurement of the 40% (18 bay & 18 willow), then as many of these two species will be installed as available. The remainder of the trees will be taken from the table. If further difficulty is encountered acquiring the appropriate number of trees, locally growing natives such as *Alnus rubra* may be substituted. Shrub and herb stratum plants listed in the first paragraph of Section 5, above, will be installed between trees. If these species are not available, appropriate native species known to grow in the area may be substituted, such as *Corylus cornuta* or *Iris douglasiana*.

**Table 3. Planting Table**

Area	Main Strip	West Bank	Middle Bank	East Bank	Total Plants
Length (E. to W.)	597'	100'	144'	55'	
Width (N. to S.)	13'	10'	6'	5'	
Trees	60	10	14	5	89
Shrubs	30	10	14	5	59
Grass/Forb	0	20	28	10	58
Total Plants	90	40	56	20	206

All plants should be installed no later than the end of February to ensure adequate establishment during the cool, wet season without irrigation. Plants will be staggered in a somewhat random fashion along the length of each planting area, in a mixed planting (as opposed to clustering



species). The long flat stretch will not be planted with herb stratum plants so that this area can be maintained (disked or mowed) to allow the trees and shrubs to become established and to shade out invasive plants. Fertilizer should not be required for these native plants on this loamy soil. Baskets will be placed over sensitive tree species as needed to protect from predation. Alternatively, deer repellent may be applied to rags tied to an adjacent stake, per product label specifications. Mulch should not be needed on this site due to natural leaf fall and good moisture holding capacity.

4) Plant Material – Both bare root and containerized plants will be procured, according to availability, from nurseries such as Samara Restoration, Lost Foods, Miller Farms and Cornflower Farms. Additionally, cuttings of red willow may be procured to ensure the site-specific genetics are maintained for this species, since cuttings remove very little material and are harmless for local willow trees. Similarly, excess tree seedlings that will crowd each other, such as CA bay growing several feet apart, found outside the SMA may be extracted for use as bare root stock. Availability dictates what plant size will be installed, but roughly one-gallon-equivalent size will be the goal to ensure adequate root mass to become established quickly and to ensure adequate resilience against insect and other pests.

Willow cuttings should be about two feet long and ½ to ¾ inch thick, preferably from the base of stems. The bottom of the cuttings should be cut at an angle so the folks planting them don't get confused and insert the tops into the ground. The lower half of the stems to be inserted under ground should be soaked in a bucket of water for two to three weeks (with the water replaced every few days). The cuttings should have at least half of their length planted underground.

## 6. TEMPORARY EROSION & SEDIMENT CONTROL PLAN

This site is ideally suited for restoration because of the permeable, friable soils. Additionally, a minimum 80% of the outer SMA remains intact, providing an effective barrier against runoff and sedimentation. During a November site visit, heavy rain was infiltrating with zero runoff. The loose soils will also be easy to plant. However, with freshly exposed soil, the slopes will be prone to erosion of the fertile topsoil. Due to the short slope length, rough soil surface and solid vegetative buffer, only straw mulch should be required to protect the soil surface along the slopes. Straw mulch should be applied three days after an initial application of glyphosate, which will eliminate the first flush of non-native weeds. The flat area will not be mulched until final planting so that weeds can be disked under per Section 5-2, above.

## 7. DEBRIS REMOVAL

Several debris items such as a small propane tank and a blue drum were found west of the restoration area, under the dripline of the trees. These and any other debris items will be removed from the SMA.

## 8. RESTORATION PROCEDURES

### 8.1 Restoration Goals and Performance Standards

The restoration goal on this site is to replace the horizontal distance of riparian vegetation, from 13 to 23 feet wide, where brush removal occurred within the SMA. This dominantly Himalayan blackberry corridor, with a portion of California bay and willow, will be replaced with a mix of native vegetation as outlined above. Since the disturbed area consisted of approximately 85% non-native Himalayan blackberry, a final goal for percent native plant cover will not be maintained because any additional native cover beyond 15% will be an improvement. However, 85% total plant cover shall be achieved (whether installed plants and/or naturalized plants), with a goal of 70% survival of native trees and shrubs, whether they be the installed plants or naturally emerging plants. If more than 30% of the installed trees and shrubs die, but a number of native trees and shrubs emerge, these naturally emerging trees can count toward the 70% numeric goal. If the installed herb stratum plants are replaced by naturally occurring plants, either native or non-native, the native trees and shrubs will eventually dominate anyway. A modest survival rate of the trees and shrubs, even 50%, would be a marked improvement over pre-clearing conditions. Over time, the tree canopies will increase in diameter and provide continually more total cover, along with ground mulch through leaf drop. With the ensuing drought conditions and the dry summer climate at this site, a growth performance standard of four inches per year will be maintained.

### 8.2 Restoration Methodology & Standards

Upon completion of planting, the site will be monitored annually in June to observe the survival and growth of the installed plants. If tree and shrub survival drops below 70%, plants from Table 2 will be installed to bring the number back up to the original total of 59 shrubs and 89 trees. It is expected that naturalized herb stratum plants will emerge and cover the ground to stabilize the soil. During this monitoring period, weeds and herb stratum plants may be occasionally mowed on the flat top area to ensure establishment of the installed native species. If drought conditions ensue, a portable water tank may be used to water the installed plants to extend the spring rainy season and early summer growth period. If tree growth is found to be below four inches per year, an appropriate application of fertilizer will be applied based on soil testing.

### 8.3 Replanting Procedures

If the number of shrubs declines to 41, and/or the number of trees declines to 62 (70%), then deceased plants will be replaced during the oncoming December-January planting period. This timing ensures: short day length, moist soils, cool soils, plant dormancy and extended rainy season establishment. If fertilizer is required due to slow growth, granular fertilizer will be applied around the base of each tree to minimize environmental impacts and to ensure the nutrients reach the target plants. Wood chip or shredded bark mulch will also be applied at least three inches deep to retain soil moisture. If plants receive detrimental browsing or stomping,

appropriate caging or fencing will immediately be installed with necessary bracing.

## 9. MONITORING

Monitoring will be performed by the project manager or his agent annually for a period of three years unless the County signs off on the success of the restoration project before that time. Monitoring should generally occur around June. Consultants from Streamline Planning Consultants will oversee monitoring to ensure the specified goals are achieved (see Attachment 3). The north facing slope areas will be inspected to ensure appropriate stability and soil conservation, in addition to successful plant establishment per Section 8 of this Plan. The installed trees and shrubs should continue to increase in size over the three years and should remain as healthy as the surrounding vegetation according to climatic and seasonal conditions. If restoration is deemed complete by the consultant before February 28, 2019, a final report will be submitted, requesting project closing and County sign off.

Annual reports will be submitted to the County Planning Department by July 15 of each year for the three year responsibility period. A final report will be filed by March 28 of 2019 summarizing the progress and success of the project. If the project does not meet the goals set forth in this Restoration Plan, a Revised Restoration Plan and Monitoring Program will be created to achieve successful restoration of reasonable native plant cover for this site. This revised plan would be submitted by April 28, 2019, if necessary.

## 10. PROJECT SUMMARY & TIMELINE

Weed control between December 4, 2015 and February 22, 2016

- Till flat disturbed area on terrace 3 times at three week intervals

- Apply glyphosate to non-native weeds along the three slopes as soon as possible

- Straw mulch slopes three days after initial slope glyphosate application

- Final hillside glyphosate application by February 15, minimum 1 week before planting

Plant installation by February 28, 2016

First growing season inspection, June 2017

- This inspection will determine if alternative revegetation is required (see Section 8.3)

- If revegetation is required, installation will occur per Section 8.3 in Dec/Jan of 2017

First Annual Report submitted by July 15, 2017

Second growing season inspection, June 2018

Second Annual Report submitted by July 15, 2018

Final inspection, February, 2019

Final report filed by March 28, 2019

Revised plan, if necessary, submitted by April 28, 2019

## 11. CONCLUSION

While restorationists face many challenges, Streamline staff feels this site can be effectively restored with appropriate native species. These species will be a marked improvement over the Himalayan



blackberries and will provide competition and shade to reduce the return of this non-native specie. This plan sets forth the most feasible practices that will lead to the best likelihood of success.

## 12. REFERENCES

Cowardin, L.M., V. Carter, F.C. Golet, E.T. LaRoe, 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Department of the Interior, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

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Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed November 27, 2015.

WeatherDB. 2015. Accessed on December 1, 2015 at: <http://rainfall.weatherdb.com>.

## ATTACHMENTS

ATTACHMENT 1: Aerial Photograph of Restoration Plan Area

ATTACHMENT 2: Site Photographs

ATTACHMENT 3: Monitoring Form

## ATTACHMENT 1. Aerial Photograph of Restoration Area



Google earth

feet 400  
meters 100



West Slope Area

Middle Slope Area

East Slope Area

13-Foot-Wide Flat Restoration Area



## ATTACHMENT 2. SITE PHOTOGRAPHS



Photograph 1. Looking west down flat, average 13' wide mastication area showing where Himalayan blackberry zone was overshot into native tree & shrub zone (see torn branches).



Photograph 2. Looking north toward the SMA pre-disturbance. Note shrub layer in this section. Forest layer more apparent to east and west of this photo.



Photograph 3. Tree stratum along disturbed SMA. This photo shows dominance of *Umbellularia*. This photo was taken east of Photo 2.



Photograph 4. One of the 3 slope areas where *Rubus armeniacus* was mowed down the slope (see remaining brown stems).



Photograph 5. Non-native weed seedlings emerging after recent November rain; photo uses color image enhancement to amplify visual recognition of weeds (soil shown as blue). Bright green on left is undisturbed pasture; pink/blue is 13'-wide mastication zone.



Photograph 6. Mature ~30' *Salix laevigata* tree in SMA.

# Attachment 3

## Revegetation Monitoring, BMP Inspection & Maintenance Log

GENERAL INFORMATION				
Project Name	Seasonal Water Solutions			
Signature of Satisfactory Inspection			This signature certifies BMPs & revegetation are satisfactory and any needed actions have been taken.	
Inspector's Name				
Inspector's Title				
Signature				
Date of Inspection				
Inspection Type (Check Applicable)	<input type="checkbox"/> Prior to forecast rain <input type="checkbox"/> After a rain event <input type="checkbox"/> Biannual <input type="checkbox"/> Quarterly; Type: _____ <input type="checkbox"/> Bi-Monthly <input type="checkbox"/> Other _____			
Season (Check Applicable)	<input type="checkbox"/> Rainy (Nov-Apr) <input type="checkbox"/> Non-Rainy (May-Oct)			
Storm Data (If Applicable)	Storm Start Date & Time:		Storm Duration (hrs):	
	Time elapsed since last storm (Circle Applicable Units)	Min. Hr. Days	Approximate Rainfall Amount (inches)	

PROJECT AREA SUMMARY AND DISTURBED SOIL AREA (DSA) SIZE		
Total Project Area	5	Acres
Field Estimate of Active DSAs	0.227	Acres
Field Estimate of Non-Active DSAs	NA	Acres

Non-applicable BMPs and actions deleted from this form.				
---	--	--	--	--

INSPECTION OF BMPs				
Revegetation Progress, BMP Function	Yes	No	N/A	Maintenance/Corrective Action
<b>Revegetation Progress</b>				
Are revegetation areas filling in at an appropriate rate?				
Are plants healthy on revegetation areas, similar to adjacent areas?				
Is the plant composition close to the goal listed in the restoration plan?				
Current # of Surviving Trees:				
Current # of Surviving Shrubs:				
Notes:				
Notes:				
<b>Preservation of Existing Vegetation</b>				
Location:				
Location:				
<b>Temporary BMPs (Straw Mulch, Fiber Rolls, Berms, Fencing, etc.)</b>				
Is straw mulch properly installed, functional and maintained?				
Has low-growing vegetation stabilized straw mulch?				
Are additional soil stabilization BMPs required?				
Location:				
Location:				
Location:				
<b>Waste Management &amp; Materials Pollution Control</b>				
Is the site free of litter?				
Location:				
Location:				
<b>General</b>				
Are there any other potential concerns at the site?				
Location:				
Location:				
Location:				

Additional Notes/Comments:

**ATTACHMENT 4**

**Revised Mitigated Negative Declaration (State Clearinghouse Number 2007062070)**

**Circulated July 28, 2016 to August 29, 2016**

**PLANNING DIVISION  
HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT  
3015 H STREET | EUREKA, CA 95501**

**REVISED Initial Study and Draft Mitigated Negative Declaration,  
State Clearinghouse No. 2007062070**

1. **Project title:** Seasonal Water Solutions Rainwater Capture and Delivery Operation Conditional Use Permit and Special Permit: APN 223-061-011; Case Nos.: CUP-15-004 and SP-15-067; Apps No. 9635.
2. **Lead agency name and address:** Humboldt County Planning & Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax (707) 445-7446
3. **Contact person and phone number:** Michelle Nielsen, Planner (707) 268-3708; fax: 707-445-7446; email: mnielsen@co.humboldt.ca.us
4. **Project location:** The project site is located in Humboldt County, in the Garberville area, 200 feet west of the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road, and further described as Assessor's Parcel Number (APN) 223-061-011. SW ¼ of the SW ¼ of Section 24, Township 04 South, Range 03 East.
5. **Project sponsor's name and address:**

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
Seasonal Water Solutions 1575 Sprowel Creek Road Garberville, CA 95542 415-716-4857	Jesse Jeffries 1353 Sprowel Creek Rd Garberville, CA 95542	Streamline Planning Consultants c/o Garry Rees 1062 G St., Suite I Arcata, CA 95521 707-822-5785
6. **General plan designation:** Agricultural Rural (AR); Density: One dwelling unit per 20 acres to one dwelling unit per 5 acres; Garberville/Redway/Benbow/Alderpoint Community Plan (GRBAP). Slope Stability: Low Instability (1)
7. **Zoning:** Agricultural General (AG-B-5(5)), Minimum building site area 5 acres (B-5(5)).
8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or on-site features necessary for its implementation. Attach additional sheets if necessary.) A Conditional Use Permit to conduct a business engaged in the collection, storage, delivery, and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The business is proposed to operate on an approximately 5-acre open field portion of a 34-acre parcel which is currently developed with two existing single-family residences, a detached garage, a barn, and a studio. To supply water for the business, the project proposes to collect rainwater by covering approximately 83,000 square feet of ground with black pond liner (polyethylene) tarpaulin, which will be weighted down with large concrete blocks (approximately 750 pounds each) in a grid pattern and used as an impervious surface to facilitate capture of runoff during rainfall events. Captured water will be directed into a collection ditch and pumped into a series of large water bladders, which will be located on mostly level terrain and anchored to comply with the County flood regulations. There are currently seven (7) bladders on the parcel. Each is capable of storing approximately 210,000 gallons of water, and were placed on the property without the benefit of County review. The project ultimately proposes installation and use of up to sixteen (16) bladders for water storage, each capable of storing approximately 210,000 gallons of water, that when filled are approximately eight (8) feet in height, and are tan earth-tone in color. Each bladder will be strapped to and anchored to the ground, and surrounded by an engineered containment berm, approximately three (3) feet in height, designed to contain unintentional water release in the event of a rupture or leak. The berm has been designed to contain the volume



of approximately 5 to 6 water bladders (1,260,000 gallons). To prevent overflow of the pond liner and collection ditch from occurring when the water bladders are full, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment. The submersible pumps that are proposed to be used for the project to transfer water from the collection ditch to the water bladders or sprinkler system will be powered by electrical service from Pacific Gas & Electric (PG&E). To prevent overflow of the pond liner and collection ditch when the pumps cease to work in the event of a power outage, a back-up generator will be installed on the elevated portion of the site to continue providing power to the pumps. Water will be delivered using private water trucks that are independently owned and operated. Delivery of bulk water sold from the site will occur year-round, though primarily during the summer months, and will operate Monday through Sunday (7 days per week). The water delivery activity will generate on average 12 truck trips per day (6 in/6 out). During periods of peak use (worst case scenario), maximum truck traffic could be four truck trips per hour (2 in/2 out), resulting in a maximum of 36 truck trips per day (18 in/18 out) during peak season. The approval term for the Conditional Use Permit is a maximum of fifteen (15) years; the applicant is agreeable to the 15 year permit approval timeframe. Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will restore the approximately 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production.

Also an after-the-fact Special Permit for grubbing work conducted in the Streamside Management Area (SMA) of the South Fork of the Eel River in the fall of 2015. The applicant is proposing full restoration of the disturbed SMA using native plantings. The restoration plan was developed in consultation with the Department of Fish and Wildlife, and was implemented in the winter of 2016. As Lead Agency, the Humboldt County Planning Division has determined that the after-the-fact Special Permit for the grubbing work and proposed restoration is exempt from environmental review pursuant to Section 15333—Small Habitat Restoration Projects—of the State CEQA Guidelines.

9. **Surrounding land uses and setting:** Briefly describe the project's surroundings: The approximately 30 acre parcel is currently developed two single family residences with associated on-site sewage disposal and water systems. Portions of the property are in Flood Zone "A", areas of 100-year flooding, according to FEMA mapping. Additionally the South Fork of the Eel River is adjacent to the north, and Connick Creek a perennial tributary of the South Fork of the Eel River traverses through the west side of the property. The property is mostly flat and is accessed by Sprowel Creek Road, a paved County-maintained road which the road category 4 minimum and is not a dead-end road. According the Natural Resource Conservation Service soils mapping, the property contains prime agricultural soils classified as Gschwend-Frenchmen Complex (0 to 9 percent slopes). The subject parcel is surrounded by agricultural land, rural residential ownerships, mining operations, ranches, the Southern Humboldt Community Park, and the town of Garberville. There is a tentatively approved minor subdivision of the subject parcel resulting in one parcel approximately 6.5 acres in size, and a designated Remainder parcel approximately 22.25 acres in size. This approval is effective until September 18, 2016. The project is proposed on a 5-acre open field portion of the designated Remainder parcel.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement. Rainwater capture is not regulated by the State Water Resource Control Board (SWRCB) or Department of Fish & Wildlife (DFW) and is encouraged as an alternative to surface water and groundwater diversions. Locally, permits from Humboldt County Building Division are required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics           | <input checked="" type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality                |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources    | <input checked="" type="checkbox"/> Geology / Soils |

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                                | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                           | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance   |   |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

7/27/2016

Signature

Date

Michelle Nielsen

Printed name

Humboldt County Planning & Building Department  
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identify:
  - a) The significant criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

## CHECKLIST, DISCUSSION OF CHECKLIST RESPONSES, PROPOSED MITIGATION

### 1. AESTHETICS . Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting:

The project is adjacent to the South Fork Eel River. This section of river is also in the vicinity of the town of Garberville, population approximately 4,200, with nearby development along or near the shorelines of the river. Other development along this stretch of river (within 2 miles of the project site) include the Garberville Airport, houses, gravel operations, a sewage treatment plant/ponds, Highway 101 and other roads, bridges, and construction yards. Further, the Randall Sand & Gravel and Quarry operations have been active intermittently for the last several decades, so regular users of this area are accustomed to the presence of commercial and industrial activities near the river. There are no designated vista points or scenic highways in the project area. However, this section of the South Fork Eel River has been designated "recreational" under the State (and Federal) Wild and Scenic Rivers Act of 1972. The Act recognizes that development (such as what is currently at the site and which pre-existed the Act) would be present. Recreational rivers are those segments of Wild and Scenic Rivers that are readily accessible by road or railroad, that may have some development along their shorelines and that may have undergone some impoundment or diversion in the past. According to the California Scenic Highway Mapping System ([www.dot.ca.gov](http://www.dot.ca.gov)), Highway 101 is listed as an eligible state scenic highway (not officially designated).

#### Analysis:

The project will be visible from Sprowel Creek Road for a short distance while traveling southerly-southeasterly from the town of Garberville to the river. Existing vegetation partially screens the project site from a person viewing it from these areas, including from vantage points the nearby gravel bar and river. Operational restrictions for the life of the project include retention of screening vegetation along the roadway and river. The width of this buffer will be a minimum of fifty feet. However, the project site is not visible from any portion of Highway 101.

Impacts to aesthetic resources resulting from the project would be limited to views of the black colored tarpaulin (polyethylene) and tan-earth tone colored water bladders in the field for a short distance while traveling southerly-southeasterly Sprowel Creek Road to the river. For users of the nearby and adjacent gravel bars along the South Fork of the Eel River and the river itself, the existing vegetation along the perimeter reduces the visibility of the site; the area of development will not be widely visible. To ensure the project does not create aesthetic impacts, the project's operational restrictions include retention of screening vegetation along the roadway and the river, with a minimum width of fifty feet; however, more specifically with respect to the riparian corridors along the South Fork of the Eel River and Connick Creek: these riparian corridors will be retained and not disturbed in accordance with the Humboldt County Streamside Management regulations, Humboldt County (HCC) Section 314-61.1 et seq. which specifies a minimum width of 100 feet beginning at the stream transition line. There are no scenic resources, other than the South Fork Eel River, within the project area. Mature riparian vegetation will not be disturbed by the proposed operation. People using the area are already familiar with the existing commercial and in-

dustrial operations. The project site lies in a low density rural residential area so visual impacts are a concern.

The project does not propose any new equipment or structures that would result in any new sources of light or glare. The black colored tarpaulin and tan colored water bladders will not reflect light or cause any sources of glare that would impact surrounding residences, drivers on Sprowel Creek Road, or air traffic using the Garberville airport. Also all new and existing exterior lighting will be directed downward and within the boundaries of the property.

#### Applicant Proposed Operating Restrictions:

AE-1. The hours of operation proposed will be from 8:00 a.m. – 5:00 p.m. Monday through Sunday. These limits reduce the amount of time activities can be observed.

AE-2. Existing vegetation surrounding the project site will be retained to maintain a visual buffer from Sprowel Creek Road and the river. The width of the buffer shall not be less than 50 feet. Specifically the riparian corridors and buffers along Connick Creek and the South Fork of the Eel River will be retained and not disturbed. The minimum width of this buffer is 100 feet from the stream transition line pursuant to HCC) Section 314-61.1 et seq.

AE-3. The operation shall not have any new equipment or structures that would result in any new sources of light or glare. All new and existing outdoor lighting will be compatible with the existing setting and directed downward and within the property boundaries.

AE-4. Signage shall be in conformance with Humboldt County Code Section 314-87.2, unless otherwise permitted.

AE-5. The pond liner (tarpaulin) used will be black. Water storage bags used will be tan-earth tone in color. This equipment will not have any reflective coating.

#### Findings:

- a) The project will not have a substantial adverse effect on a scenic vista: **Less than significant impact.**
- b) The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway: **Less than significant impact.**
- c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings: **Less than significant impact.**
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area: **Less than significant impact.**

**2. AGRICULTURE & FORESTRY RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Setting:

The Farmland Mapping and Monitoring Program of the California Resources Agency has not yet mapped farmland in Humboldt County ([www.consrv.ca.gov](http://www.consrv.ca.gov)). According to the Natural Resources Conservation Service (NRCS) the property contains prime agricultural soils classified as Gschwend-Frenchman Complex (0 to 9 percent slopes). The project site (APN 223-061-011) is zoned Agricultural General (AG-B-5(5)) and designated Agricultural Rural (AR5-20)) which allows a maximum density of one dwelling unit per 5 acres. Certain portions of the parcel containing the project site are forested, but the parcel is not zoned for timber production and has never been used for the harvesting of timber. Surrounding land uses include a mixture of rural residential, agriculture and open space; the town of Garberville is located ½ mile to the northeast of the project area.

Analysis:

Pursuant to Section 312-10 Humboldt County Code (HCC), Conditional Use Permits typically run with the land once vested. However for this project, the applicant has proposed a finite permit term of 15 years. Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will implement the proposed reclamation plan to restore the site for future agricultural use. The soil restoration potential for the Gschwend-Frenchman Complex Soil Series found on the project site is rated high by NRCS. To ensure implementation of reclamation occurs the applicant proposes to provide a certificate of deposit cashable to the County of Humboldt in the same amount as the submitted Financial Assurance Cost Estimate (FACE). Further mitigation proposed to address the temporary conversion of the 5-acres of agricultural land used for the project includes the conveyance of subdivision rights to the County (See MI-1 and MI-2 below).

The project will not result in a permanent conversion of farmland because it is proposed to reclaim the site for future agricultural use once the operation ceases or the permit's 15-year approval term expires, whichever event occurs first. Although the project will compact the soils, the soil restoration potential for the Gschwend-Frenchman Complex Soil Series found on the project site is rated high by NRCS (Reclamation Plan and Financial Assurances Cost Estimate, October 20, 2015). Reclamation activities will include the following: 1) removal of the equipment associated with the operation (e.g. tarpaulin, water bladders, pumps, etc.); 2) decompaction, ripping/tilling, and grading of the 5-acre area to pre-project conditions; and 3) planting of a nitrogen fixing cover crop that will be tilled into the soil at the appropriate time when the vegetation is dense, green and succulent. The ultimate goal of the reclamation activities is to restore the 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production, similar to what has occurred on this property in the past. Additional mitigation proposed to address the temporary conversion of the 5-acres of agricultural land used for the project which includes a conveyance of subdivision rights to the County (See MI-1 and MI-2 below).

As noted in other sections of this document, the applicant proposes to develop and install an engineered containment berm consisting of earth and/or concrete blocks that will be installed around the water bladders. The project engineer has recommended in a supplemental letter (dated 12/21/15) that the concrete blocks would be the preferred method of containment. However, if an earthen berm is used for the containment, the fill material used for the berm will be of a similar quality to the prime agricultural soils occurring at the site (Gschwend-Frenchman Complex Soil Series). This will ensure that the earthen berm does not impact the condition of the soils at the site or inhibit reclamation efforts at the end of the operation.

date: 7/27/2016

Rainwater collection, storage, and delivery operations are not an expressly enumerated use, as either a principal or conditional use, in the AG zone. Section 314-136 Humboldt County Code (HCC) defines Agricultural General as "farming, dairying, pasturage, timber production, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter". Agricultural Operation is also defined in the HCC: "...shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity...and any commercial operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market." (Section 314-136 HCC). The AG zoning district does identify the rental and sales of irrigation equipment and storage as a conditionally permitted use. The rental and sale of irrigation equipment along with associated storage is a business that provides services and products that directly supports agricultural operations although not selling a product or service that is directly derived from the animal, food or fiber grown on-site. Additionally, the enumerated use rental and sales of irrigation equipment includes the storage of this equipment which by its nature has a large footprint. The proposal to collect, store, sale, and deliver rainwater that will be non-potable shares similar characteristics to the enumerated irrigation equipment use; the proposed project also offers a product that supports agricultural endeavors in the community; the product sold is not derived from a crop or animals raised on site; and has a large storage footprint. As the water sold will be non-potable, the use of the water will have limited application with the most likely customers being those engaged in agricultural operations, using the water for irrigation. There are few industrial enterprises in the Garberville-Redway area, the most urbanized portions of the southern Humboldt region. Given that the harvested, stored, and sold rainwater has limited application because it is non-potable and the fact that water is an essential component for a wide range of agricultural crops supports that the project would be considered an agriculture related use.

The project site is already disturbed by residential development and historic agricultural operations. Use of existing road access and storage areas will be maximized. The project area is zoned for agricultural use, but there are currently no agricultural uses occurring on the parcel. Nor is the parcel subject to a Williamson Act. The closest land subject to a Williamson Act contract is roughly a half mile away on the east side of Highway 101. Although, certain portions of the parcel containing the project site are forested, the parcel is not zoned for timber production and has never been used for the harvesting of timber.

The proposed project will not result in significant growth inducing or cumulative impacts that will result in the conversion of farmland or forest land. Agricultural practices are dependent upon water to facilitate farming. Growth inducing impacts are generally caused by projects that have a direct or indirect affect on economic growth, population growth, or land development. The project will only employ a few people for a limited amount of time; economic benefits would not be such that people might be attracted to the area as a result. Therefore, the project would not lead to the permanent conversion of farmland to non-agricultural use or forest land to non-forest use in the area surrounding the site.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to agricultural or forestry resources.

#### Applicant Proposed Operating Restrictions:

AFR-1. The Conditional Use Permit for Seasonal Water Solutions CUP-15-004 will expire fifteen (15) years from the effective date.

AFR-2. The project has been limited in size and location to non-timber harvested lands.

AFR-3. The project will not result in a permanent conversion of farmland since it is proposed to reclaim the site for future agricultural use once the operation ceases or the permit term expires.

AFR-4. If an earthen berm is used for the water bladder containment, the fill material used for the berm will be of a similar quality to the prime agricultural soils occurring at the site (Gschwend-Frenchman



Complex Soil Series). This will ensure that the earthen berm does not impact the condition of the soils at the site or inhibit reclamation efforts at the end of the operation.

**Mitigation:**

**M-1.** Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will implement the reclamation plan as described in the Reclamation Plan dated October 20, 2015 prepared by Streamline Planning Consultants, and restore the approximately 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production

**M-2.** A conveyance of the subdivision rights for the portion of the parcel defined as the Remainder parcel of the Pancoast Parcel Map Subdivision, Case No. Case No. PMS-06-27; File No. 223-061-011, to the County will occur to mitigate the temporary conversion of the 5-acres of agricultural land that will be used for the project.

**Findings:**

a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use: **Potentially significant unless mitigation incorporated.**

b) The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract: **Less than significant impact.**

c) The project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526): **Less than significant impact.**

d) The project will not result in the loss of forest land or conversion of forest land to nonforest use: **Less than significant impact.**

e) The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **Less than significant impact.**

**3. AIR QUALITY.** Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting:**

The project site is located in Humboldt County, which lies within the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range

provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 50 to 60 inches with the majority falling between October and April. Predominate wind direction is typically from the northwest during summer months and from the southwest during storm events occurring during winter months.

Project activities are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). The North Coast Unified Air Quality Management District (NCUAQMD) is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards except for the state 24-hour particulate (PM-10) standard, which relates to concentrations of suspended airborne particles that are 10 micrometers or less in size.

#### Analysis:

Two potential types of air-born pollutants result from this project: 1) emissions from construction equipment and commercial water delivery trucks; and 2) dust generated during construction from heavy equipment and from commercial truck traffic associated with the delivery operation. First, the emissions generated during construction and from the delivery operation: the North Coast Air Quality Management District does not currently require permits for the operation of heavy equipment (i.e. construction equipment) within the project area. There are no "target" air quality standards/limits in this area; however, heavy equipment is generally subject to emission standards, and exceeding those standards may constitute a "nuisance" condition, and can be mitigated by proper vehicle maintenance. The construction equipment and water trucks will be maintained to meet current emission standards. Due to the small scale of the project, emissions from commercial truck traffic would not be significant. More than 5,000 vehicle trips would have to be generated to reach the NCUAQMD's significance criteria of 15 tons of PM-10 per year. The project will be well below the NCUAQMD's threshold of significance: the maximum amount of water that could be transported each year is 10.3 acre-feet (210,000 gallon capacity per bag x 16 bags = 3.36 million gallons) resulting in approximately 2,240 truck trips (1,120 in/1,120 out) annually (3,360,000 gallons per year/3,000 gallons per truck load = 1,120 truckloads per year). The particulate matter generated by this project would be significantly lower than the NCUAQMD's significance criteria of 15 tons of PM-10 per year as the project will generate less than 5,000 vehicle trips.

The dust from the construction equipment and commercial truck traffic: all activities at the project site are required to meet NCUAQMD Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District. The North Coast Unified Air Quality Management District currently enforces dust emissions utilizing the CA Health and Safety Code (Section 41701) that limits visible emissions that exceed 40 percent density to a maximum of 3 minutes for any one-hour period. The USEPA has determined that dust generally settles out of the atmosphere within 300 feet of the source. Dust would only be created during dry periods for the project's maximum 15 year life. Because of the grade of the access road and size of the site, construction equipment and trucks at the site would not travel at speeds above 15 m.p.h.; establishing a speed limit greatly reduces the potential amount of dust generated. The first 500+ feet of the access road is paved and will be effective in preventing dust generation and track-out onto Sprowel Creek Road. Most of the dust associated with the construction equipment use and commercial truck traffic would be trapped by the surrounding tree canopy and vegetation. In order to reduce dust emissions created by use of the unpaved section of the access road, the applicant is proposing to apply Organic Materials Review Institute (OMRI) certified dust suppressants (e.g. Dust-Off) approximately three times per year. Periodic watering of the unpaved section of the access road will also occur during the dry season to reduce dust generation and ensure the dust suppressant remains effective. The closest sensitive receptors are the residences in the vicinity, but because of the limited activity that will occur, the rapid dissipation of the dust and the low density of residences, impacts will be minimal.

Although fugitive airborne dust is created naturally in the river valley by summer winds, there are currently no air quality problems in the region, and this project will not cause a violation of ambient air quality standards either individually or cumulatively in the area. This project will not expose sensitive receptors to substantial pollutant concentrations and will not result in any objectionable odors.

The pump used to move water from the collection ditch to the water bladders or sprinkler system will be electrical, and will primarily use the property owner's existing PG&E connection. In the event of a power outage, a back-up generator system is proposed to be used to continue providing power to the pumps. Since emissions will only occur from the generator the few times each year that a power outage occurs, it is not expected to generate significant emissions.

Due to the small scale of the project, emissions from equipment and commercial water trucks are not expected to be significant especially when in compliance with current emission standards. The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to air quality.

Applicant Proposed Operating Restrictions:

AQ-1. To reduce the potential amount of dust generated construction equipment and trucks on site will be required to maintain a 15 m.p.h. speed limit. The speed limit will be posted on-site.

AQ-2. In order to reduce dust emissions created by use of the unpaved section of the access road, the applicant will either wet the private access road and/or apply Organic Materials Review Institute (OMRI) certified dust suppressants (e.g. Dust-Off) approximately three times per year during the dry season and/or during peak delivery operations. Periodic watering of the unpaved section of the access road will also occur during the dry season to reduce dust generation and ensure the dust suppressant remains effective. Should the Planning Division receive complaints regarding fugitive dust caused by vehicle trips associated with the operation of the water delivery business, the applicant shall prepare and submit a dust management plan to the Planning Director for consideration and approval, and then implement the approved dust management plan for the life of the project.

AQ-3. When wind speeds exceed 15 m.p.h. and result in dust emissions crossing the property line, truck traffic will cease until wind speeds are less than 15 m.p.h.

Findings:

a) The project will not conflict with or obstruct implementation of the applicable air quality plan: **Less than significant impact.**

b) The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation: **Less than significant impact.**

c) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors): **Less than significant impact.**

d) The project will not expose sensitive receptors to substantial pollutant concentrations: **No impact.**

e) The project will not create objectionable odors affecting a substantial number of people: **No impact.**

#### 4. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting:

The parcel (APN 223-061-011) containing the 5-acre project site is located in southern Humboldt County approximately ¼ southwest of the town of Garberville. The project is proposed to occur on an open field adjacent to the South Fork Eel River riparian corridor that has been historically used for agricultural purposes.

The South Fork Eel River is the second largest tributary to the Eel River, entering at River Mile 40. The basin is almost equally divided among Mendocino and Humboldt Counties in Northern California and drains an area of 689 square miles. The landscape in the watershed varies from redwood and Douglas-fir forests in upland areas to grassland and oak woodlands. Land uses in the watershed include grazing, timber management, rural and residential development, recreation, gravel extraction, infrastructure, and agriculture. Land uses in the project area (within 2 miles of the project site) include the Garberville Airport, houses, gravel operations, the Southern Humboldt Community Park, a sewage treatment plant/ponds, Highway 101 and other roads, bridges, and construction yards.

Vegetation in the area surrounding the project site is a mixed conifer/hardwood forest composed of several species, the most dominant of which are redwood and Douglas fir. Other representative trees in the mixed coniferous forest are big leaf maples, black oak, madrone, red alder, tan oak, wax myrtle, California bay, and cascara. Shrubs include coyote brush, blue blossom, pink flowering currant, salmonberry, blackberry and black huckleberry. A variety of ferns also occur, dominated by sword fern, lady fern and bracken. The mixed conifer forest supports animals typical of the cover type with nearby development. This includes large mammals such as the Columbian black-tailed deer, black bear and mountain lions. This area can also provide habitat for quail, small game animals, furbearers and asso-

ciated predators.

The open field area where the rainwater capture and storage system is proposed to be located does not contain significant riparian vegetation or wetland areas. The field primarily consists of an exposed soil surface with non-native pasture grasses that is mowed annually. The Army Corps of Engineers conducted a site visit on October 8, 2015 and found there are no Federally protected wetlands in the 5-acre project site. There are two established riparian corridors that occur on the northern edge of the project parcel adjacent to the South Fork Eel River and along Connick Creek.

The project area contains habitat for numerous species including some rare, threatened, and endangered species. The California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) Online Inventory were queried on December 08, 2015 for any species recorded within the Garberville USGS quadrangle and eight adjacent quadrangles. Species which required specific habitat that is not present in or near the project area were removed from the list. As the CNDDDB and CNPS databases are primarily driven by known occurrences, habitat for additional special status species was assessed and the databases were also scoped for species found in similar habitat types, but not observed within the quadrangles which were queried. More specifically, the databases were scoped for species that occur within Mendocino and Humboldt Counties between 225-425 feet in elevation in and near riparian areas and riverine settings. Of primary concern for this project are the Federally and State listed species below:

Common Name	Scientific Name	Federal Listing	State Listing
Bald eagle	<i>Haliaeetus leucocephalus</i>	Delisted	Endangered
chinook salmon – California coastal ESU	<i>Oncorhynchus tshawytscha</i>	Threatened	None
coho salmon – southern Oregon/northern California	<i>Oncorhynchus kisutch</i>	Threatened	Threatened
Humboldt County milk-vetch	<i>Astragalus agnicidus</i>	None	Endangered
little willow flycatcher	<i>Empidonax traillii brewsteri</i>	None	Endangered

The project area also contains habitat for several species identified as species of special concern (SSC) by the CA Department of Fish & Wildlife (CDFW) including:

- fisher – West Coast DPS (*Pekania pennanti*)
- foothill yellow-legged frog (*Rana boylei*)
- northern red-legged frog (*Rana aurora*)
- Sonoma tree vole (*Arborimus pomo*)
- southern torrent salamander (*Rhyacotriton variegatus*)
- summer-run steelhead trout (*Oncorhynchus mykiss irideus*)
- western pond turtle (*Emys marmorata*)

Review of the California Natural Diversity Database (CNDDDB) also shows the occurrence of one insect species within the vicinity of the project site. The insect species is commonly known as western bumble bee (*Bombus occidentalis*) and is not a federal or state listed species.

#### Analysis:

Land uses in the project area (within 2 miles of the project site) include the Garberville Airport, houses, gravel operations, the Southern Humboldt Community Park, a sewage treatment plant/ponds, Highway 101 and other roads, bridges, and construction yards. Further, the Randall Sand & Gravel and Quarry operations have been active intermittently for the last several decades, so wildlife in the area are accustomed to the presence of commercial and industrial activities near the river.

The proposed rainwater capture and storage system is proposed to occur in a 5-acre agricultural field area outside of the adjacent riparian corridors along the South Fork Eel River and Connick Creek. The

field primarily consists of an exposed soil surface with non-native pasture grasses that is mowed annually. The U.S. Army Corps of Engineers conducted a site visit on 10/08/15 and found there are no Federally protected wetlands in the 5-acre project site. The project has been designed to maintain a 100-foot setback from the stream transition line of the South Fork Eel River and Connick Creek as recommended by California Department of Fish and Wildlife (CDFW) and required by Section 314-61.1 (Streamside Management Area Ordinance) of the Humboldt County Zoning Regulations for areas outside of Urban Development and Expansion Areas.

Potential wildlife impacts resulting from the project would be limited to short-term impacts due to the intermittent nature of the operation. Activity on the project site is intermittent and potential wildlife impacts would be limited to times of operation and would be limited to temporary disturbance. There is the potential for impact on some wildlife species resulting from the temporary noise levels produced by the construction equipment and truck traffic that will be used for this project. More sensitive wildlife species would tend to move away from activity areas or make use of the area during evening, night, early morning and times of the year the project is not in operation (November – March). Since the project site is small (5 acres), wildlife moving from one place to another would be expected to go around the activity area when it is in operation. Existing wildlife corridors exist in the area outside of the 5-acre project site, primarily the active channel of the South Fork Eel River and Connick Creek. Wildlife living in the area have already adapted to existing disturbances (Garberville Airport, rural residences, public facilities, commercial and industrial operations, and nearby agricultural operations) and would not be further disturbed by this project. There will be no significant impact on fish species because the project proposes the collection of rainwater instead of surface water diversions.

During multiple site visits conducted at the project site over the last 6 months, including a site visit with staff members from the Humboldt County Planning Department and CDFW on November 18, 2015, it was observed that the 5-acre project site does not contain sufficient habitat for most of the protected species listed in the setting above. This is due to the disturbed condition of the open field from past agricultural activities, the presence of non-native invasive pasture grasses, and the annual mowing of the site. However, due to the potential for protected species to exist at or adjacent to the project site, surveys by a qualified biologist and botanist will occur prior to the beginning of project-related activities. If any of these species are observed at or directly adjacent to the project site, mitigation will include establishing buffers, operational restrictions, and other appropriate methods of mitigation acceptable to CDFW (See M-3 and M-4 below).

Once the project commences, the location of the pond liner on the open field area will create a new aquatic environment which may attract wildlife including some of the amphibian and reptile species of special concern listed in the setting above. This could occur in the collection ditch and pond liner which will direct water to the submersible pumps that will be used to fill the water bladders. The collection ditch has been designed with an approximate 1.1% slope towards the west to a collection area containing the pumps and filters. The configuration of the ditch will be in a v-shape that is approximately 4 feet deep. Due to the minimal slope of the collection ditch it is not anticipated that wildlife including amphibian or reptile species will become entrapped in the collection area any more than would occur for a typical ditch or pond. However, to ensure entrapment of wildlife including amphibian and reptile species does not occur in the collection ditch, jute netting will be fastened along the northern edge of the ditch to provide a roughened surface that will facilitate the movement of wildlife out of the ditch (See M-5 below). The proposed submersible pumps that will be used to transfer water from the collection ditch to the water bladders or sprinkler system have the potential to impact wildlife including amphibian or reptile species if not properly screened. To prevent impacts to these species during the term of the project, pumps will be installed that contain screens meeting the CDFW fish screening criteria ([http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin\\_ScreenCriteria.asp](http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp)) (See M-6 below).

As a part of the Preliminary Review for the project, CDFW expressed concern that the rupture of a bladder could cause potential impacts of sedimentation and thermal pollution. To mitigate these potential impacts the applicant proposes to install an engineered containment berm around the perime-

ter of the water bladders. These berms will be designed to contain the stored water in the event of a rupture of approximately 5 to 6 storage bladders (1,260,000 gallons). (See Water Bladder Storage report (February 06, 2015) and Supplemental Letter (December 21, 2015) from Baird Engineering.) In the event of a rupture the stored water will percolate into the underlying soil, which is characterized as well drained and deep by the Natural Resource Conservation Service (NRCS). At saturation, the berm will be designed to allow for the controlled release of water so as to not cause erosion or sedimentation below the grade of water storage areas. In other words, the engineered berm will account for the possibility of water bladder failure, will be designed to withstand should such an event occur, and will incorporate measures for the controlled release of water such that bladder failure does not result in a sudden surge of water into the adjacent South Fork Eel River or Connick Creek (See MI-7 below). During the life of the project, the applicant proposes to inspect the condition of the water bladders quarterly to ensure their integrity, and repair or replace the bladders as needed to minimize the potential for failure of the bladders. As for the construction of the berms themselves, this activity is subject to a grading permit that will need to incorporate Best Management Practices to control and minimize potential erosion and sedimentation.

As for the pond liner (tarpaulin) to be used to create an impervious surface to harvest rainwater, the applicant proposes to use 24 millimeter pond liner, which is a much higher grade than conventional tarpaulin that is highly susceptible to deterioration from UV exposure. According to the manufacturer's website ([www.btl liners.com](http://www.btl liners.com)), the product proposed to be used has excellent resistance to UV exposure. These types of liners are commonly used for pond, lake, and lagoon liners and have a high tear and bursting strength that will hold up to the concrete blocks that will be used to hold the liner down. A liner of this strength and UV resistance will only need to be inspected every couple of years during the 15 year permit term to ensure there are no major tears or punctures. Further, the tarpaulin grade to be used significantly reduces the potential of the tarpaulin deteriorating and shedding off pieces that could potentially enter open areas or water courses. According to the referenced company's Frequently Asked Questions, the pond liner to be used should last for the fifteen year life of the project even with sun exposure most of the time.

This project does not conflict with local policies or ordinances protecting biological resources. In addition to the general biological resources policies in the County General Plan, the County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality. The width of the SMA on this section of river is 100 feet on either side of the river pursuant to Section 3432(5)(A)(1) of the Humboldt County General Plan as measured from the stream transition line. As described above, the project footprint has been designed to occur outside of the SMA for the South Fork Eel River and Connick Creek, and not encroach into the SMAs. This property is not within or subject to any habitat conservation plan. Permitted water delivery operations such as the proposed project also have the potential to reduce the amount of water illegally diverted from local watersheds and reduce resulting off-site impacts to biological resources.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to biological resources.

#### Applicant Proposed Operating Restrictions:

BR-1. The hours of operation proposed will be from 8:00 a.m. – 5:00 p.m. Monday through Sunday.

BR-2. Vegetated areas at the perimeter of the project site will be maintained. The riparian corridors and vegetation of the South Fork of the Eel River and Connick Creek will be not be disturbed, and a buffer 100 feet in width, as measured from the stream transition line, will be retained and not disturbed.

BR-3. Construction activities, including the construction of the berms, will incorporate Best Management Practices and the standard erosion control measures of Section 3432.9 of the Humboldt County Framework Plan. These measures will be incorporated in all building and grading permit applications, and will be implemented at the time of ground disturbance.

BR-4. The applicant will use black tarpaulin of a pond liner grade with a manufacturer's specification



of being able to resist UV exposure.

BR-5. The applicant will inspect the condition of the water bladders quarterly to ensure their integrity, and repair or replace as needed to minimize the potential for failure of the bladders.

BR-6. The applicant will inspect the condition of the tarpaulin at least every two years to ensure its integrity, and repair and/or replace as needed to ensure pieces of the tarpaulin do not enter open areas or water courses.

#### **Mitigation:**

**M-3.** Prior to project-related activities, a qualified biologist shall conduct a focused survey for protected wildlife species within 100 feet of the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected wildlife species are observed, the qualified biologist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected wildlife species exist within 100 feet of the proposed 5-acre project site, no further surveys will be necessary for the duration of the permit term.

**M-4.** Prior to project-related activities, a qualified botanist shall conduct a focused survey for protected plant species within the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected plant species are observed, the qualified botanist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected plant species exist within the 5-acre project site, no further surveys will be necessary for the duration of the permit term.

**M-5.** To ensure entrapment of wildlife including amphibian and reptile species does not occur in the collection ditch, jute netting will be fastened along the northern edge of the ditch to provide a roughened surface that will facilitate the movement of wildlife out of the ditch.

**M-6.** To prevent impacts to wildlife species including amphibians and reptiles during the term of the project, pumps will be used for the operation that contain screens meeting the CDFW fish screening criteria ([http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin\\_ScreenCriteria.asp](http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp)).

**M-7.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

#### **Findings:**

a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Potentially significant unless mitigation incorporated.**

b) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Potentially significant unless mitigation incorporated.**

c) The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means: **Less than significant impact.**

d) The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites: **Less than significant impact.**

e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance: **No impact.**

f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **No Impact.**

**5. CULTURAL RESOURCES.** Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The access road is already in place. No known historical resources as defined in § 15064.5 exist.				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

The project site is located on APN 223-061-011 directly south of the South Fork Eel River on an existing field that has been historically used for agricultural operations. The geology at the project site is not unique to the area nor is it a paleontological resource or site. It is highly unlikely that human remains exist below the existing grade at the site. If remains were onsite, they would have already been uncovered by historical ground disturbing activities (e.g. agricultural operations). Vegetation surrounding the project site includes hardwoods, conifers, and riparian vegetation. The site is located near the confluence of Connick Creek and the South Fork Eel River. Industrial and commercial activities have occurred along this section of the river since as early as 1914.

Analysis:

The project site contains no known historic, archeological or paleontological resources as defined in CEQA Guidelines Sec. 15064.5. However, due to the parcels location at the confluence of Connick Creek and the South Fork Eel River, it was requested by the local Tribal Historic Preservation Officers (THPOs) that a Phase I Archaeological Study be conducted for the proposed project.

A Cultural Resources Investigation (June 2015) was completed by William Rich of William Rich & Associates which concluded on Page 27: *"This report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist in the limits of the project area. At this time, no further archaeological studies are recommended for the project, as it is currently proposed. Although this report suggests that it would be unlikely to encounter significant buried archaeological materials during subdivision construction; guidance is provided below in the instance archaeological materials are unearthed during project implementation."*

**8.1 Protocols for Inadvertent Discoveries**

*Inadvertent Discovery of Cultural Resources*

*If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Work near the archeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action."*

The inadvertent discovery protocol recommended in the Cultural Resources Investigation has been included as Mitigation Measure MI-8 for the project. The project will not disturb any human remains; since no known human remains exist on the project site. In the event that human remains are discovered on the site, an inadvertent discovery protocol has been included in Mitigation Measure MI-8. Additionally, the William Rich Cultural Resources Investigation was reviewed by the Tribal Historic

Preservation Officer of the Bear River Band of the Rohnerville Rancheria, Erika Cooper, THPO. In her comments Ms. Cooper, indicated that with they do not have further concerns based on the report and the incorporation of the inadvertent discovery protocol.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to cultural resources.

**Mitigation:**

**MI-8.** If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the Humboldt County Coroner and the Tribal Historic Preservation Officers (THPOs) of Bear River, Wiyot, Rohnerville Rancheria and Blue lake Rancheria shall be notified immediately. Should known or suspected Native American skeletal remains or burials be inadvertently discovered or if the remains are determined by the Coroner to be Native American in origin then the provisions of section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

**Findings:**

- a) The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5: **Less than significant impact.**
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5: **Potentially significant unless mitigation incorporated.**
- c) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature: **Less than significant impact.**
- d) The project will not disturb any human remains, including those interred outside of formal cemeteries: **Potentially significant unless mitigation incorporated.**

**6. GEOLOGY AND SOILS.** Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project site is located in the Coast Ranges province. The province is underlain by accreted Mesozoic and Cenozoic rocks of the Franciscan Complex. Late Cenozoic deposits formed in a variety of marine to non-marine depositional settings overlie the late Cenozoic to late Mesozoic of the Franciscan Complex. Published mapping (USGS, 2000) indicates the project site to be situated in a fault-bounded block of Wildcat Group sediments in contact with sedimentary rocks of the Yager terrain. In general, the Wildcat Group sediments exposed at the site consist of weakly to moderately well lithified sandstone, siltstone, mudstone, and minor conglomerate. The surrounding Yager sedimentary rock consists of sheared and highly folded mudstone (LACO, 2004 – Geologic Investigation Report of Findings for the Randall Quarry).

Based on field inspection, geologic units onsite consist of Wildcat Group sediments fault bounded by Yager sediments. Varying lithologies units are well exposed due to the resistant, cliff forming nature of the moderately well lithified sandstone of the Wildcat sediments. Neither the Yager nor Wildcat sediments contain serpentine or asbestos materials (USGS, 2000) (LACO, 2004 – Geologic Investigation Report of Findings for the Randall Quarry).

The project site is located on APN 223-061-011 directly south of the South Fork Eel River on an existing field that has been historically used for agricultural operations. Due to the elevation of the project site, there is the potential for flooding from the South Fork Eel River. Vegetation surrounding the project site includes hardwoods and conifers, and riparian vegetation.

Topography in the vicinity of the project site consists of steep to moderate slopes (20 – 40 percent), generally rising in elevation towards the north and west. The project site is located on a field that is relatively flat with elevations ranging from approximately 314 feet to 322 feet. According to the Natural Resources Conservation Service (NRCS) the property contains prime agricultural soils classified as

Gschwend-Frenchman Complex (0 to 9 percent slopes).

Analysis:

The youthful and steep topography of the coast range is known for its potential for landslides. Humboldt County in general is at risk for strong ground shaking; this project will not increase that risk. The general area has been designated as having a stability rating of 2, moderate instability, due to the surrounding steep slopes. According to the Humboldt County Web GIS system ([gis.co.humboldt.ca.us](http://gis.co.humboldt.ca.us)), the project site is rated as low instability.

Resource mapping indicates that the closest active seismic feature is a concealed fault that exists approximately 4/10 of a mile southwest of the project site. This fault places the Franciscan rock on the northeast against Upper Cretaceous marine rocks on the southwest. This area is not known to have any active fault zones. The greatest seismic danger probably stems from the location of the San Andreas Fault, or a major branch of it, approximately 16 miles to the west. Since the San Andreas, including this sector, is known to be a dangerously active fault zone, it is reasonable to assume that the project site area will be moderately to strongly shaken, and sustain moderate damage, within the next 100 years. During the three magnitude 6 and 7 earthquakes that occurred in April 1992 near Cape Mendocino, this area was subjected to some fairly high ground accelerations. There is no record or evidence of any major slumps or slope failures at the project site during or following these quakes.

This project involves the collection, storage, and delivery of rainwater. Limited grading and ground disturbance will occur during construction of the improvements proposed to accommodate the project (e.g. anchoring water bladders to the ground, installation of the containment berm, construction of the collection ditch). Building Code requirements relating to soil stability will be adhered to as part of the Building Permit. Given the relatively flat topography of the project site and that the project's Conditions of Approval stipulate employment of Best Management Practices (BMP's) and the standard erosion control measures of §3432.9 of the Framework Plan, the project is not expected to result in significant soil erosion or loss of topsoil during the construction phase or for the life of the project.

Potential erosion and sedimentation impacts in the event that the water bladder should rupture are to be mitigated by the project's inclusion to develop an engineered containment berm around the perimeter of the water bladders. According to the engineer's report dated February 6, 2015,

...the berm will be designed for the control of spills should the bladder burst during non flood conditions. The rear side of the bladders are up against a slope for containment. This berm can be a rounded top 3 foot in height compacted onsite or imported clean soils, with a minimum base of 6', spaced a minimum 5 feet from the edge of the bladders. Alternately, concrete "block" 2'x2'x6' stacked 2 high to a 3 foot height around the full perimeter length, with the bottom block buried 1 foot into grade can be used, also spaced 5 feet from the bladders. (A.M. Baird Engineering & Surveying, Inc. 2015. *Water Bladder Storage – Design and Anchorage*. 02/06/15.)

According the engineer's supplemental letter dated December 21, 2015, the berm will be designed to contain the volume of approximately 5 to 6 water bladders (1,260,000 gallons). During the life of the project, the applicant proposes to inspect the condition of the water bladders quarterly to ensure their integrity, and repair or replace the bladders as needed to minimize the potential for failure of the bladders.

Staff believes with the incorporation of this mitigation measure, i.e., the installation of an engineered berm designed to withstand the rupture of approximately 5 to 6 water bladder (1,260,000 gallons) will reduce potential erosion impacts to less than significant (See MI-9 below). Prior to the on the ground development of the berm the applicant will first be required to obtain a grading/building permit.

The project does not involve the removal of any vegetation outside of the project site that could result in erosion. Surface runoff at the project site will continue to be directed towards natural drainage fea-

tures as currently occurs. The potential to impact the hydrology of the drainage features adjacent to the site is discussed in Section 8 (Hydrology and Water Quality).

The project is not located on an unstable geologic unit and the collection, storage, and delivery of rainwater will not destabilize the site. The project is not located on any expansive soils. The installation of a septic system is not proposed for this project. No residential use is proposed as part of this project. According to the applicant's Plan of Operation, there will be no outside employees. The water delivery trucks will independently owned and operated by third parties. As there are no outside employees existing residential septic facilities will be adequate to deal with sanitary wastes.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to geology and soils.

#### Applicant Proposed Operation Restrictions:

GS-1. Construction activities, including the construction of the berms, will incorporate Best Management Practices and the standard erosion control measures of Section 3432.9 of the Humboldt County Framework Plan. These measures will be incorporated in all building and grading permit applications, and will be implemented at the time of ground disturbance.

GS-2. During the life of the project, the applicant proposes to inspect the condition of the water bladders quarterly to ensure their integrity, and repair or replace the bladders as needed to minimize the potential for failure of the bladders.

#### Mitigation:

**M-9.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

#### Findings:

a) i) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Divisions of Mines and Geology Special Publication 42: **Less than significant impact.**

a) ii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking: **Less than significant impact.**

a) iii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction: **Less than significant impact.**

a) iv) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides: **Less than significant impact.**

b) The project will not result in substantial soil erosion or the loss of topsoil: **Potentially significant unless mitigation incorporated.**

c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse: **Less than significant impact.**

d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property: **Less than significant impact.**

e) The project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water: **No impact.**

**7. GREENHOUSE GAS EMISSIONS.** Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

As a result of revisions to the CEQA Guidelines that became effective in March 2010, lead agencies are obligated to determine whether a project's greenhouse gas (GHG) emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects ([www.ncuaqmd.org](http://www.ncuaqmd.org)). The County of Humboldt completed a draft Climate Action Plan for the General Plan Update in January 2012. The plan contains GHG reduction strategies designed to achieve the goal of limiting greenhouse gas emissions to 1990 emissions levels by 2020. The North Coast Unified Air Quality Management District (NCUAQMD) and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project.

The project parcel (APN 223-061-011) is approximately 34 acres of land that is located directly south of the South Fork Eel River and Connick Creek in the Garberville area of Humboldt County. Sources of GHG emissions due to operation of the project include construction equipment and commercial water delivery truck traffic. Approximately 2,240 truck trips (1,120 in/1,120 out) would be required annually to deliver the 3.36 million gallons of rainwater proposed to be harvested and sold by the project.

Analysis:

Mobile sources of greenhouse gases from this project will include construction equipment and commercial water delivery truck traffic. All construction equipment and commercial water trucks are maintained and upgraded to meet current emissions standards as required by the California Air Resources Board. Since the proposed construction activities will be short-term, they are not anticipated to generate significant greenhouse gas emissions. Due to the small scale of the project, greenhouse gas emissions from commercial water delivery trucks are not expected to be significant especially when in compliance with current emission standards. As noted in the setting, approximately 2,240 truck trips (1,120 in/1,120 out) would be generated by the proposed project. By comparison, the development of 3 single-family residences would generate approximately 28 vehicle trips per day (9.57 trips per residential unit) or approximately 10,220 (5,110 in/5,110 out) vehicle trips per year (ITE, 2008). In addition, vehicle traffic associated with residential development is not required to comply with the same emissions requirements as commercial truck traffic.

The pumps used to move water from the collection ditch to the water bladders or sprinkler system will be electrical, and will primarily use the property owner's existing PG&E connection. In the event of a power outage, a back-up generator system is proposed to be used to continue providing power to the pumps and will be a stationary source of greenhouse gas emissions. Since emissions will only occur from the generator the few times each year that a power outage occurs, it is not expected to generate significant amounts of greenhouse gases.

This project, as proposed, mitigated, and conditioned, is consistent with the following GHG reduction strategies listed in the County of Humboldt Climate Action Plan (Jan. 2012):

- Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles traveled and increase the efficiency of delivery services through adoption and implementation of focused growth principles and policies.

Developing a rainwater delivery operation adjacent to the unincorporated community of Garberville area will reduce vehicle miles traveled and associated greenhouse gas emissions gen-



erated by existing water delivery operations serving agricultural operations in southern Humboldt County.

- *Conserve natural lands for carbon sequestration.*

The rainwater capture and storage system is proposed to occur on an open field that was historically used for agriculture and will not require the removal of any trees or significant vegetation that would sequester carbon on the 34-acre property.

- *Reduce length and frequency of vehicle trips.*

Water deliveries will only occur with 3,000 - 4,000 gallon commercial water trucks in compliance with current emission standards, which will limit the number of vehicle trips and associated greenhouse gas emissions. Water truck deliveries to rural properties in southern Humboldt County currently occurs from sources as far away as the community of Fortuna which is one of the closest locations where non-potable water can be purchased outside of a municipal water district. Locating a water delivery operation in the community of Garberville will provide a closer source of water for nearby agricultural operations. The project will be conditioned to only allow water deliveries in Humboldt County which will limit the distance traveled for delivering water.

- *Promote the revitalization of communities in transition due to the decline of resource-based industries.*

This project will provide a needed resource to rural properties and agricultural operations in southern Humboldt County that will help facilitate economic development and the revitalization of the community of Garberville.

- *Ensure that land use decisions conserve, enhance, and manage water resources on a sustainable basis to assure sufficient clean water for beneficial uses and future generations.*

Rainwater capture is not regulated by the State Water Resource Control Board (SWRCB) or Department of Fish & Wildlife (DFW) and is encouraged as an alternative to surface water and groundwater diversions. Permitted rainwater delivery operations such as the proposed project have the potential to reduce the amount of water illegally diverted from local watersheds.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in significant sources of greenhouse gas emissions.

#### Applicant Proposed Operating Restrictions:

GGE-1. Construction equipment will be maintained and upgraded to meet current emission standards.

GGE-2. Water deliveries will only occur with 3,000 - 4,000 gallon commercial water trucks in compliance with current emission standards, which will limit the number of vehicle trips and associated greenhouse gas emissions.

#### Findings:

a) The project will not generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment: **Less than significant impact.**

b) The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases: **Less than significant impact.**

# 8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are inter-mixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Setting:

The project area currently contains no hazardous materials, nor is the site included on any list of hazardous materials sites including those compiled pursuant to Government Code Section 65962.5. Other than fuels and oils used for construction equipment and water trucks, no hazardous materials or waste will be transported to or from the site, nor utilized or disposed of at the site. This project does not involve the handling or emissions of acutely hazardous materials, substances or waste. No hazardous emissions, hazardous materials, substances, or waste are known to be handled or stored within one-quarter mile of an existing or proposed school. There are no schools located within one-quarter mile of the project site. While there are no private airstrips within the vicinity of the project site, the County owned Garberville airport is located approximately 1/3 mile southwest of the project site. According to the Humboldt County Web GIS system ([gis.co.humboldt.ca.us](http://gis.co.humboldt.ca.us)), the project site is located in both Airport Zone B & Zone C. However, the Garberville airport is a small airstrip that does not serve commercial flights. All activities will be below the existing tree-line elevations. The project area is located off of public routes, with a private entrance or access route. The stand pipe where water trucks will be filled is located off the main path of travel, and this activity is not anticipated to impede adopted emergency response or evacuation. The project site is located in an area subject to substantial risk from wildland fires, as is much of the inland portions of Humboldt county. However, the exposure to wildland fires is no greater at this site than elsewhere in the region.

date: 7/27/2016

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### Analysis:

Hazards from the project are limited as it involves the collection, storage, and delivery of rainwater. No attractive nuisance to encourage trespass exists.

Public safety concerns include both on-site and off-site impacts. This project will not have a significant increase of risk to people on-site due to the following: it is in an isolated location; access is controlled by a locked gate; substantial amounts of fuel will not be stored on-site; and engineered strapping and anchoring have been designed for the water bladders to ensure they withstand flood flows.

Potential impacts off-site include increased truck traffic, wildfire hazard, noise, and dust. Traffic generated by this project, as discussed within this report, will occur intermittently and will not significantly change the current level of traffic. This project is located in a high wildfire hazard area. Though operations require fuel for construction equipment and water trucks, standards of operation minimize any potential impacts from this project. Most activities at the project site will be occurring more than 50 feet from existing vegetation. No fuel is proposed to be stored on-site; fueling will occur off-site or be transported and dispensed from pick-up trucks equipped for such a purpose. The applicant proposes to allow access to the stored rainwater for CDF or local fire departments in the case of an emergency.

Normal activities at the project site may result in increased dust levels due to truck traffic on the unpaved section of the access road. This air pollution will be restricted to the immediate site except in very windy conditions. (Very windy conditions are defined as when wind speeds exceed 15 m.p.h. and result in dust emissions crossing the property line. This threshold comes from Dust Mitigation Plans that have been approved by the NCUAQMD.) Operations will cease during such times. Because of the grade of the access road and size of the site, construction equipment and trucks at the site would not travel at speeds above 15 m.p.h.; this greatly reduces the potential amount of dust generated. The first 500+ feet of the access road is paved and will be effective in preventing dust generation and track-out onto Sprowel Creek Road. Most of the dust associated with the construction equipment use and truck traffic would be trapped by the surrounding tree canopy and vegetation. In order to reduce dust emissions created by use of the unpaved section of the access road, the applicant is proposing to apply Organic Materials Review Institute (OMRI) certified dust suppressants (e.g. Dust-Off) approximately three times per year. Periodic watering of the unpaved section of the access road will also occur during the dry season to reduce dust generation and ensure the dust suppressant remains effective. The closest sensitive receptors are the residences in the vicinity, but because of the limited activity that will occur, the rapid dissipation of the dust and the low density of residences, impacts will be minimal.

The project site is located approximately 1/3 mile from the County owned Garberville Airport. According to the Humboldt County Web GIS system ([gis.co.humboldt.ca.us](http://gis.co.humboldt.ca.us)), the project site is located in both Airport Zone B & Zone C. However, the Garberville airport is a small airstrip that does not serve commercial flights. All activities and elevated structures, i.e., the berm and bladders, will be below the existing tree-line elevations and elevated. No increased risks are associated with this project.

Due to its small size and scope and isolated location, this project will not interfere with any emergency response or evacuation plan. Nor does the project propose increases in residential densities or facilitate such increase. Nor does the project propose to use, store, or transport materials that would adversely impact public health and safety.

The risk of causing a wildfire would not be significant because most project activity will occur away from existing vegetation. Equipment shall be "fire-safe", i.e. operating under a fire safety plan and equipped with spark arrestors. The access road shall be maintained in a state such that it is free of vegetation during times of activity.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in

a significant impact involving hazards and hazardous materials.

Applicant Proposed Operating Restrictions:

HHM-1. Other than fuels and oils used for the construction equipment, operation of the pump, and delivery truck operation, no hazardous materials or waste will be transported to or from the site, nor used or disposed of at the site.

HHM-2. Equipment shall be "fire-safe", i.e. operating under a fire safety plan and equipped with spark arrestors. The access road shall be maintained in a state such that it is free of vegetation during times of activity. Most project activity will occur away from existing vegetation.

HHM-3. No fuel will be stored on-site; fueling will occur off-site or be transported and dispensed from pick-up trucks appropriately equipped for such a purpose.

HHM-4. . In order to reduce dust emissions created by use of the unpaved section of the access road, the applicant will either wet the private access road and/or apply Organic Materials Review Institute (OMRI) certified dust suppressants (e.g. Dust-Off) approximately three times per year during the dry season and/or during peak delivery operations. Periodic watering of the unpaved section of the access road will also occur during the dry season to reduce dust generation and ensure the dust suppressant remains effective. Should the Planning Division receive complaints regarding fugitive dust caused by vehicle trips associated with the operation of the water delivery business, the applicant shall prepare and submit a dust management plan to the Planning Director for consideration and approval, and then implement the approved dust management plan for the life of the project.

HHM-5. When wind speeds exceed 15 m.p.h. and result in dust emissions crossing the property line, truck traffic will cease until wind speeds are less than 15 m.p.h.

Findings:

a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials: **No impact.**

b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment: **No impact.**

c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school: **No impact.**

d) The project will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment: **No impact.**

e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area: **Less than significant impact.**

f) The project will not, for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area: **No impact.**

g) The project will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan: **Less than significant impact.**

h) The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands: **Less than significant impact.**

## 9. HYDROLOGY AND WATER QUALITY. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorpor.	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Setting:

This project is located within the South Fork Eel River Watershed. The South Fork Eel River is the second largest tributary to the Eel River, entering at River Mile 40. The basin is almost equally divided among Mendocino and Humboldt Counties in Northern California and drains an area of 689 square miles. Mean annual precipitation ranges from 60 to 70 inches, most of which falls between October and April.

The project site is located on APN 223-061-011 directly south of the South Fork Eel River and Connick Creek on an existing field that has been historically used for agricultural operations. According to FE-MA Community Panel # 060060 1835 B (Effective Date: July 19, 1982), the 5-acre project site is located within the influence of a 100-year reoccurrence interval (RI) event. The project is not in an area that is at risk from dam failure, seiche, tsunami or mudflow.

This project proposes the collection, storage, and delivery of up to 10.3 acre feet (approximately 3.36 million gallons) of rainwater per year. The proposed rainwater collection and storage system consists of tarpaulin (polyethylene), pumps, piping, water bladders, a containment berm, and a discharge

pipe/truck loading area.

Analysis:

This project proposes to collect a small percentage of the rainwater available in the South Fork Eel River annually on a site that represents a small percentage of the area of the watershed. The project does not involve surface water diversions nor are such diversions allowed for a private water export operation on a Wild & Scenic designated river section. The proposed project is not anticipated to substantially deplete groundwater supplies or affect the production rate of nearby wells because the proposal would collect rainfall that would fall mostly in winter, occurring at the same time when other pervious areas in the watershed allow for recharging of ground water.

The South Fork Eel River is the second largest tributary to the Eel River, entering at River Mile 40. The basin is almost equally divided among Mendocino and Humboldt Counties in Northern California and drains an area of 689 square miles. The area proposed for the collection of rainwater at the project site is 83,000 square feet (approximately 1.9 acres) which is approximately 0.00043 percent of the area of the South Fork Eel River watershed. This application proposes to collect a maximum of 3.36 million gallons of water annually. According to USGS records, the average annual runoff for the South Fork Eel River from 1940 to 2014 was 45.7 inches which equates to an annual average of approximately 547 billion gallons of water over the entire 689 square mile watershed (17.38 million gallons of water per square mile per inch). This project proposes to collect approximately 0.00061% of the average annual water available in the South Fork Eel River Watershed. For the year 2014, according to USGS records the 2014 runoff of water was 15.4 inches which equates to approximately 184 billion gallons of water over the entire 689 square mile watershed (17.38 million gallons of water per square mile per inch). This project proposes to collect approximately 0.0018% of the water that was available in a drought year such as 2014. Therefore, this project proposes to collect a very small percentage of the rainwater available in the South Fork Eel River annually on a site that represents a very small percentage of the area of the watershed. Since no surface water diversions are proposed for the project and the rainwater is proposed to be collected during the wet season when there is sufficient water available, it is not anticipated that the project will substantially deplete groundwater supplies in the South Fork Eel River watershed or affect the production rate of nearby wells. Rainwater capture is not regulated by the State Water Resource Control Board (SWRCB) or Department of Fish & Wildlife (DFW) and is encouraged as an alternative to surface water and groundwater diversions. Permitted water delivery operations such as the proposed project have the potential to reduce the amount of water illegally diverted from local watersheds.

In the short-term this project proposes improvements to the project site to accommodate the proposed operation, i.e., anchoring water bladders to the ground, installation of a containment berm, and construction of the collection ditch. In the long-term this project proposes the collection, storage, and delivery of up to 10.3 acre feet (approximately 3.36 million gallons) of rainwater per year for a period of fifteen years. These activities have a potential to result in polluted runoff or degrade water quality. As discussed above under Biological Resources and Geology and Soils, to mitigate over the project's life potential impacts of water degradation or polluted runoff stemming from rupture of the water bladders, the applicant proposes to develop and install an engineered containment berm consisting of earth and/or concrete blocks that will be installed around the water bladders. The berms have been designed to provide containment and prevent discharge that would degrade water quality or create polluted runoff in the event that approximately 5 to 6 water bladders (1,260,000 gallons) rupture during non-flood conditions (See MI-10 below). During the life of the project, the applicant proposes to inspect the condition of the water bladders quarterly to ensure their integrity, and repair or replace the bladders as needed to minimize the potential for failure of the bladders.

The minor alteration of the ground surface at the project site to install a containment berm around the water bladders and construct the collection ditch is not expected to create any significant erosion that could result in siltation of any stream resource. The potential for sediment introduction from the project site into waters of the State is minimized by employing Best Management Practices (BMPs) and the standard erosion control measures of Section 3432.9 of the Humboldt County Framework Plan dur-

ing the temporary construction phase, and for the life of the project.

During the life of the project there is the potential for capturing more rain water than the storage capacity of the water bladders. This could result in overflow of the pond liner and collection ditch which could result in erosion of the field and a possible discharge of sediment to the South Fork Eel River or Connick Creek. To prevent overflow from occurring when the water bladders are full, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment. In the event that the water bladders are at capacity, the pumps will be manually switched over to the sprinkler system. The sprinkler system could also be used to prevent overflow in the event that a particular rainfall event may exceed the capacity of the pumps to transfer water to the bladders (See M-11 below).

The submersible pumps that are proposed to be used for the project to transfer water from the collection ditch to the water bladders or sprinkler system will be powered by electrical service from Pacific Gas & Electric (PG&E). During the life of the project there is the potential for the pumps to cease working in the event of a power outage. This could result in overflow of the pond liner and collection ditch which could result in erosion of the field and a possible discharge of sediment to the South Fork Eel River or Connick Creek. To prevent overflow from occurring, a back-up generator system is proposed to be used to provide power to the pumps in the event of a power outage. The generator is proposed to be located in a small shed-type structure on the elevated portion of the project parcel outside of the 100- year flood plain. In the event of a power outage the generator will be manually turned on to continue providing power to the pumps (See M-12 below).

The proposed project will not result in an increase in runoff because it generally does not involve the creation of permanent impermeable surfaces. Although the installation of the tarpaulin (polyethylene) and water bladders will create impermeable surfaces during the life of the project. Surface runoff will continue to infiltrate into the ground adjacent to the water storage area or be directed toward natural drainage features at the site as currently occurs. As discussed above, the permit term is for fifteen years, and the applicant has submitted a reclamation plan documenting the land's favorable restoration potential and a plan and method to restore the land.

There are two (2) existing residences on the subject parcel. The project does not involve the development of additional residential uses. Nor does the project result in the potential for existing residences to be flooded in the event that the water bladders rupture because the existing residences are located on the elevated portion of the site well above the elevation of the water bladder storage area. As for the potential flooding of residences constructed in the future, this is addressed by the conveyance of subdivision rights to the County, and the project's conditions of approval including the requirement that a proposal to develop a secondary dwelling unit be required to site the residential structure at a higher elevation than the water bladder storage areas as well as comply with the County's floodplain management regulations.

The project site is not a part of an existing or planned storm water drainage system and the proposed project will not result in an increase in runoff because it generally does not involve the creation of any permanent impermeable surfaces except for the tarpaulin (polyethylene) and water bladders that will be placed in the field and are designed to store rainwater. Surface runoff will infiltrate into the ground adjacent to the water storage area or be directed toward natural drainage features at the site as currently occurs. The potential for sediment introduction from the project site into waters of the State is minimized through Best Management Practices (BMPs) during temporary construction and long-term operation of the project. An engineered containment berm is proposed to be installed around the water bladders which will be designed to provide containment in the event that approximately 5 to 6 bladders (1,260,000 gallons) rupture during non-flood conditions (See M-10 below).

According to FEMA Community Panel # 060060 1835 B (Effective Date: July 19, 1982), the 5-acre project site is located within the influence of a 100-year RI event. Flood elevations and topography at the project site indicate that the 5-acre project area will be in a "backwater" condition and not subject to



significant hydrodynamic forces. Nonetheless because the project area is located in the mapped 100-year flood plain all elements of the project, i.e., containment berms regardless of construction material, water bladders, tarpaulin, etc., must comply with the Humboldt County Flood Damage Prevention regulations, HCC Section 335-1 et seq. These regulations specify standards requiring engineered strapping and anchoring to minimize the exposure of people and property to flooding hazards. The design of the containment berms, regardless of materials of construction, must also demonstrate conformance to these regulations as well. Engineered strapping and anchoring have been designed for the water bladders to ensure they withstand flood flows. The rain catchment system, which will consist of a 24 mm thick pond liner (i.e. tarpaulin), has been designed to be held down by concrete blocks (approximately 750 pounds each) in a grid pattern which will ensure it remains in place during flood conditions (See MI-13 below). Because the project site is not subject to significant hydrodynamic forces and the proposed equipment is minimal in size and has been designed to withstand flood flows, it is not anticipated that the water bladders or tarpaulin will significantly impede or redirect flood flows.

No levee or dam construction is associated with the proposed project. No dams, lakes, reservoirs, or other water impoundments occur upstream or downstream of the proposed operation. Previously, a dam was constructed seasonally to form Benbow Lake upstream but this has not occurred since approximately 2009. The project is not in an area that is at risk from dam failure, seiche, tsunami or mudflow. Nor is the project located within an area that would be subject to inundation by standing ocean waves as it is miles from the ocean and not subject to tidal influence.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to hydrology and water quality.

#### Applicant Proposed Operation Restrictions:

HWQ-1. The Conditional Use Permit for Seasonal Water Solutions CUP-15-004 will expire fifteen (15) years from the effective date.

HWQ-2. Construction activities, including the construction of the berms, will incorporate Best Management Practices and the standard erosion control measures of Section 3432.9 of the Humboldt County Framework Plan. These measures will be incorporated in all building and grading permit applications, and will be implemented at the time of ground disturbance.

HWQ-3. A future application to develop a secondary dwelling unit will be required to site the residential structure at a higher elevation than the water bladder storage areas as well as comply with the County's floodplain management regulations.

HWQ-4. All elements of the project, i.e., containment berms regardless of construction material, water bladders, tarpaulin, concrete blocks that are to anchor the tarpaulin, etc., must comply with the Humboldt County Flood Damage Prevention regulations, HCC Section 335-1 et seq.

HWQ-5. During the life of the project, the applicant proposes to inspect the condition of the water bladders quarterly to ensure their integrity, and repair or replace the bladders as needed to minimize the potential for failure of the bladders.

#### Mitigation:

**M-10.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

**M-11.** To prevent overflow of the pond liner and collection ditch from occurring when the water bladders are at capacity or during a heavy rainfall event, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment.

**M-12.** To prevent overflow of the pond liner and collection ditch from occurring in the event of a power outage, a back-up generator system is proposed to be used to continue providing power to

the pumps. The generator is proposed to be located in a small shed-type structure on the elevated portion of the project parcel outside of the 100- year flood plain.

**M-13.** Engineered strapping and anchoring have been designed for the water bladders to ensure they withstand flood flows. The rain catchment system (i.e. tarpaulin) has been designed to be held down by concrete blocks (approximately 750 pounds each) in a grid pattern which will ensure it remains in place during flood conditions.

#### Findings:

- a) The project will not violate any water quality standards or waste discharge requirements: **Potentially significant unless mitigation incorporated.**
- b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted): **Less than significant impact.**
- c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site: **Less than significant impact.**
- d) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site: **Less than significant impact.**
- e) The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff: **Less than significant impact.**
- f) The project will not otherwise substantially degrade water quality: **Potentially significant unless mitigation incorporated.**
- g) The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map: **No impact.**
- h) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows: **Potentially significant unless mitigation incorporated.**
- i) The project will not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam: **No impact.**
- j) The project will not result in inundation by seiche, tsunami, or mudflow: **No impact.**

#### **10. LAND USE AND PLANNING.** Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting:

The project parcel (APN 223-061-011) is approximately 34 acres of land that is located directly south of the South Fork Eel River and Connick Creek in the Garberville area of Humboldt County. The existing access drive, known as Buttermilk Lane, is off of Sprowel Creek Road (Co. Rd. No. C6B095). This project proposes the collection, storage, and delivery of up to 10.3 acre feet (approximately 3.36 million gallons) of rainwater per year on an existing field. The proposed rainwater collection system consists of

pond liner (polyethylene), pumps, piping, water bladders, a containment berm, and a discharge pipe/truck loading area.

This section of river is also adjacent to the town of Garberville, population approximately 4,200, with nearby development along or near the shorelines of the river. Other development along this stretch of river (within 2 miles of the project site) include the Garberville Airport, houses, gravel operations, a sewage treatment plant/ponds, Highway 101 and other roads, bridges, and construction yards. Further, the Randall Sand & Gravel and Quarry operations have been active intermittently for the last several decades, so regular users of this area are accustomed to commercial and industrial activities.

The project site is located within the Community Planning Area for Garberville, Redway, Alderpoint and Benbow (GRAB). The GRAB Community plan was adopted on June 30, 1987. The project site is zoned Agricultural General (AG-B-5(5)) and the area where the project will occur contains prime agricultural soils classified as Gschwend-Frenchman Complex (0 to 9 percent slopes). No Williamson Act contract exists for the parcel containing the project site; the closest land subject to Williamson Act contract are roughly a half mile away on the east side of Highway 101. The Garberville Airport is located approximately ¼ mile southwest of the project site and there is a small 8-lot subdivision directly southeast of the project site known as Rivercrest.

#### Analysis:

The project is located in a relatively sparsely developed rural setting. No new access routes are proposed so it is not anticipated to physically divide an established community. The proposed project is not within or in the vicinity of an area regulated by an approved habitat conservation plan or natural community plan, so it will not result in potential conflicts with a habitat conservation plan or natural community conservation plan.

APN 223-061-011 is zoned Agricultural General (AG-B-5(5)) which allows 5 acre minimum parcel sizes and one dwelling unit per 5 acres. The parcel is designated Agricultural Rural (AR) under the Garberville/Benbow/Redway/Alderpoint Community Plan (GRBAP). This land use designation specifies a density range of 1 dwelling unit per 5 to 20 acres. The AR land use designation is characterized as being outside urban/rural community centers, few public services required, with timber or agricultural land allowing intensive management opportunities. The specified primary and compatible uses of the AR land use designation include agriculture and timber harvesting under intensive management, single family residences, cottage industries, educational and religious activities and recreational uses. The area where the project will occur contains prime agricultural soils classified as Gschwend-Frenchman Complex (0 to 9 percent slopes) by the Natural Resources Conservation Service (NRCS). Although, the project site is zoned Agriculture General (AG) and contains prime agricultural soils, it has not been in agricultural production for several years.

Rainwater delivery operations are not expressly listed as either a principal or conditional use in the AG zone. Section 314-136 Humboldt County Code (HCC) defines Agricultural General as "farming, dairying, pasturage, timber production, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter". Agricultural Operation, also defined in the HCC: "...shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity...and any commercial operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market." (Section 314-136 HCC). The AG zoning district does identify the rental and sales of irrigation equipment and storage as a conditionally permitted use. The rental and sale of irrigation equipment along with associated storage is a business that provides services and products that directly supports agricultural operations although not selling a product or service that is directly derived from animals, food or fiber grown on-site. Additionally, the enumerated use rental and sales of irrigation equipment includes the storage of this equipment that by its nature has a large footprint. The proposal to collect, store, sale, and deliver rainwater that will be non-potable shares similar characteristics to the enumerated irrigation equip-

ment use; the proposed project also offers a product and service that directly supports agricultural endeavors in the community while the product sold is not derived from a crop or animals raised on site. Also similar is that it too has a large storage footprint. As the water sold will be non-potable, the use of the water will have limited application with the most likely customers being those engaged in agricultural operations, using the water for irrigation. There are few industrial enterprises in the Garberville-Redway area, the most urbanized portions of the southern Humboldt region. Given that the harvested, stored, and sold rainwater has limited application because it is non-potable and the fact that water is an essential component for a wide range of agricultural crops supports that the project would be considered an agriculture related use. Permitted water delivery operations such as the proposed project have the potential to reduce the amount of water illegally diverted from local watersheds.

As discussed above, the project as proposed and mitigated will not result in a permanent conversion of farmland since it is proposed to reclaim the site for future agricultural use once the operation ceases or the permit term expires. The soil restoration potential for the Gschwend-Frenchman Complex Soil Series found on the project site is rated high by NRCS. For further discussion see Section 2 (Agriculture & Forestry Resources) herein.

On January 26, 2016, the Humboldt County Board of Supervisors adopted Ordinance 2544, known as the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and codified as Section 314-55.4 et seq. HCC. The CMMLUO regulates the commercial cultivation, processing, manufacturing and distribution of cannabis for medical purposes. Even though the use of trucked water to irrigate cannabis has been a common practice of cultivators prior to the adoption of the CMMLUO, pursuant to Section 314-55.4.11 (m) HCC, new commercial medical cannabis operations are prohibited from using trucked water, except for in the event of an emergency as defined in cited section. The activity proposed and regulated by the Conditional Use Permit does not include or extend to owning and/or operating water delivery trucks. The applicant's point of sale is at the standpipe; his customers are anticipated to be:

- truck operators whose business operation is selling and delivering water directly to customers;
- to businesses in need of water, e.g., construction companies;
- to individuals who will self-haul the purchased water.

While it is speculative that the Seasonal Water Solutions project will conflict directly with the CMMLUO because the applicant's business does not encompass to owning or operating the water delivery trucks, the project may indirectly conflict with the adopted CMMLUO as a fair argument can be made that some portion of the regulated product would be used as irrigation water for cannabis operations subject to the CMMLUO, including illegal cultivation. The applicant is agreeable to incorporating record keeping and reporting mitigation measures to avoid a potentially significant impact. The proposed record keeping and reporting mitigation measures are 1) identification of the commercial water truck operator/business; 2) identification of the delivery location by either Assessor's parcel number or situs address; and 3) weekly reporting to the Planning and Building Department. These record keeping and reporting measures will permit the Planning Division at the time of the annual inspection to verify compliance of the "end user" of the non-potable water supplied by the project with the water truck delivery and use allowance under HCC section 55.4.11 (m).

Except for an emergency as defined, only existing operators may be allowed to use trucked water as part of their provisional clearance or permit. Section 314-55.4.11 (a) HCC provides for provisional permitting of existing commercial cannabis operators who apply and actively seek land use clearances and permits in accordance with Section 314-55.4 HCC et seq.<sup>1</sup> Functionally, provisional permitting allows existing operators to continue to cultivate commercial medical cannabis while bringing their operations into compliance with the CMMLUO by entering into a compliance agreement to abate and cure existing violations. (The provisional permit period shall not exceed two years from the date of is-

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<sup>1</sup> Existing cultivation sites are defined as documented outdoor or mixed-light commercial cannabis cultivation in existence prior to January 1, 2016, pursuant to Section 314-55.4.8.2.2 HCC.

suance of the provisional clearance or permit.) The common practices of illegal surface water diversions and impoundments to obtain irrigation water have adversely impacted watersheds as documented in the Final MND certified for the CMMLUO Ordinance (SCH No. 2015102005), and the CMMLUO requires existing operators to abate, remediate, and permit these illegal diversions. However at the same time, the CMMLUO obligates the County to issue provisional clearances or permits for qualifying operations and applications. Given there are estimated to be between 10,000 to 15,000 cultivation operations in Humboldt county, there are likely existing operations where the provisional use of trucked water for irrigation that is obtained through collection of rainwater would be a less environmentally damaging interim practice to an operation's continuing use of the existing unpermitted water sources, especially in the forbearance period of May 15<sup>th</sup> through October 31<sup>st</sup>. In the case where an existing operator can document (e.g., submittal of receipts or invoices) the prior use of trucked water for irrigation, the provisional permit may allow for the use of trucked water during the two year provisional permit period during the development of additional off-season water storage or other measures as trucked water was a prior irrigation practice of the operation. Applications for existing cultivation operations proposing the interim use of the trucked water during the provisional permit period shall be evaluated on a case-by-case basis.

The proposed project is not within or in the vicinity of an area regulated by an approved or proposed habitat conservation plan or natural community plan.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to land use in the Garberville area.

**Applicant Proposed Operating Restrictions:**

LU-1. The hours of operation proposed will be from 8:00 a.m. – 5:00 p.m. Monday through Sunday. These limits reduce the amount of time activities can be observed.

LU-2. The project has been limited in size and location to non-timber harvested lands.

**Mitigation:**

**M-14.** The operator will adhere to the following record keeping and reporting standards: 1) identification of the commercial water truck operator/business; 2) identification of the delivery location by either Assessor's parcel number or situs address; and 3) weekly reporting to the Planning and Building Department.

**Findings:**

a) The project will not physically divide an established community: **No impact.**

b) The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect: **Potentially significant unless mitigation incorporated.**

c) The project will not conflict with any applicable habitat conservation plan or natural community conservation plan: **No impact.**

## 11. MINERAL RESOURCES. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The mineral resources available at the project site and adjacent properties are not unique to the area. The project will have no effect on future mining opportunities in this area.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not delineated as a locally important mineral resource recovery site within the Humboldt County General Plan.

### Setting:

The South Fork Eel River contains sand and gravel resources that are mined annually and several quarries exist in the Garberville area. Since 1915, the area north and south of the Moody Bridge has been the major gravel producing area for Southern Humboldt County. Gravel from this section of the South Fork Eel River site was used to construct Highway 101 from Dean Creek to Garberville and from Garberville to Benbow. The Humboldt County Public Works Department has mined and used material from nearby mining sites in the past.

### Analysis:

The mineral resources available in the South Fork Eel River and Garberville area will not be impacted by the location of the project at the project site. The mineral resources are not unique to the area and are found throughout this geologic formation. The project site is not delineated as a locally important mineral resource recovery site within the Humboldt County General Plan and will not adversely affect other mineral resources in the County.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to mineral resources within the County.

### Findings:

a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state: **No impact.**

b) The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan: **No impact.**

## 12. NOISE. Would the project result in:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

date: 7/27/2016

levels in the project vicinity above levels existing without the project?

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Setting:

The project parcel, APN 223-061-011, is approximately 34 acres of land that is located directly adjacent to the South Fork Eel River and Connick Creek in the Garberville area of Humboldt County. The existing access drive, known as Buttermilk Lane, is off of Sprowel Creek Road (Co. Rd. No. C6B095). Ambient noise levels in the vicinity of the project site are elevated due to the proximity of the site to Sprowel Creek Road, Highway 101, Garberville Airport, nearby agricultural and ranching operations and the adjacent Randall Sand & Gravel mining operations.

Analysis:

The noise standards in the Humboldt County General Plan, Framework Plan are based on EPA recommendations. Section 3240 of the General Plan states: *"The Environmental Protection Agency identifies 45 Ldn indoors and 55 Ldn outdoors as the maximum level below which no effects on public health and welfare occur. Ldn is the Day-Night Noise Level. Ldn is the average sound level in decibels, excluding frequencies beyond the range of the human ear, during a 24-hour period with a 10dB weighting applied to nighttime sound levels. A standard construction wood frame house reduces noise transmission by 15dB. Since interior noise levels for residences are not to exceed 45dB, the maximum acceptable exterior noise level for residences is 60dB without any additional insulation being required. Of course, this would vary depending on the land use designation, adjacent uses, distance to noise source, and intervening topography, vegetation, and other buffers."* Since Ldn is a daily average, allowable noise levels can increase in relation to shorter periods of time. As stated in Section 3240, *"Fences, landscaping, and noise insulation can be used to mitigate the hazards of excessive noise levels."*

As noted above, the existing County noise standard utilizes an averaging mechanism (dBA Ldn) applicable to activities that generate sound sources averaged over a 24-hour period of time. This type of measurement is commonly used for measuring highway noise or industrial operations. A ten-decibel addition is added to noise levels occurring at nighttime – between 10:00 p.m. and 7:00 a.m. Utilizing a typical standard of 45 dBA Ldn interior noise level allows for a maximum of 60 dBA Ldn for 'normally acceptable' exterior levels.

Project-related sounds will be limited to daytime operations, generally Monday through Sunday from 8:00 a.m. to 5:00 p.m. The project is proposed to occur year round but will occur primarily between April and October of each year. Long periods of inactivity will occur between November and March when no project related sounds would be generated.

Noise sources that will be generated by this project will include temporary construction (e.g. construction of the containment berm and collection ditch), delivery truck traffic, and the back-up generator. Due to the size of the parcel (approximately 34 acres) containing the 5-acre project site, temporary construction noise will be minimal beyond the boundaries of the site. Noise generated by long-term operation of the project would be similar to noise levels currently occurring from truck traffic on Sprowel Creek Road. The noise from the back-up generator will only occur the few times of the year that a power outage occurs and will be buffered by locating the generator inside a shed-type structure.

There will be some localized groundborne vibrations associated with the temporary construction activi-



ty (e.g. construction of the containment berm and collection ditch) but they are expected to be less than significant. The project does not propose any activities that would generate groundborne noise levels.

The nearest airport is located in Garberville, which is approximately 1/3 mile southwest of the project site. According to the Humboldt County Web GIS system (gis.co.humboldt.ca.us), the project site is located in both Airport Zone B and Zone C. However, the Garberville airport is a small airstrip that does not serve commercial flights. The proposed project does not propose the construction of any housing and the contract haulers that will deliver water will only be at the site for a short period of time while filling the water trucks. The proposed project is not located within the vicinity of a private airstrip.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to noise levels within and surrounding the project site.

#### Applicant Proposed Operating Restrictions:

NO-1. Project-related sounds will be limited to daytime operations, generally Monday through Sunday from 8:00 a.m. to 5:00 p.m. Long periods of inactivity will occur between November and March when no project related sounds would be generated.

NO-2. Applicant shall ensure that noise generated by the operations shall not exceed 60 dBA Ldn at the exterior of adjacent residential uses.

NO-3. To buffer noise levels generated by use of the back-up generator during power outages, the generator will be located in a shed-type structure on the elevated portion of the site.

#### Findings:

a) The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies: **Less than significant impact.**

b) The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels: **Less than significant impact.**

c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project: **Less than significant impact.**

d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project: **Less than significant impact.**

e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels: **Less than significant impact.**

f) The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels: **No impact.**

### **13. POPULATION AND HOUSING.** Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis:

The proposed project will not produce any significant growth inducing impacts as it does not entail residential development or employment opportunities of a scale to generate a new influx or relocation of individuals to the area or surrounding communities. Growth inducing impacts are generally caused by projects that have a direct or indirect affect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. No services or utilities are being required to be extended to the site. As the water sold will be non-potable it will not induce population growth in the area either directly or indirectly. The proposed project will not displace people or existing housing.

#### Findings:

a) The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure):

**Less than significant impact.**

b) The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere: **No impact.**

c) The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere: **No impact.**

#### **14. PUBLIC SERVICES.**

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting:

The subject parcel is approximately 34 acres of land that is located directly adjacent to the South Fork Eel River and Connick Creek lying southwest of the unincorporated area of Garberville in Humboldt County. The existing access drive, known as Buttermilk Lane, is off of Sprowel Creek Road (Co. Rd. No. C6B095). This project proposes the collection, storage, and delivery of up to 10.3 acre feet (approximately 3.36 million gallons) of rainwater per year. The proposed rainwater collection system consists of pond liner grade tarpaulin (polyethylene), pumps, piping, water bladders, a containment berm, and a discharge pipe/truck loading area.

#### Analysis:

No additional facilities will be constructed and no existing facilities will be extended to the extent that they would be adversely impacted. The project does not entail the development of residential, commercial, or industrial structures that would lead, directly or indirectly, to an increased demand for public services or infrastructure. Existing public and private facilities and services are adequate to serve the project site and proposed project. The applicant proposes to allow access to the stored water for Calfire or local fire departments in the case of an emergency.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in

a significant impact to public services in the Garberville area.

Findings:

a) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the public services for fire protection: **Less than significant impact.**

b) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the public services for police protection: **No impact.**

c) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the public services schools: **No impact.**

d) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the public services for parks: **No impact.**

e) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the public services for other public facilities: **No impact.**

## 15. RECREATION.

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project does not entail residential development, nor is the project site host recreational opportunities in its existing condition. No recreational facilities or development necessitating the need for recreational facilities are being proposed.

Findings:

a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated: **Less than significant impact.**

b) The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment: **Less than significant impact.**

**16. TRANSPORTATION/TRAFFIC.** Would the project:

Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Current traffic on Sprowel Creek Road (Co. # C6B095) is low compared to existing road improvements. Considering that Sprowel Creek Road is capable of handling considerably more vehicles per day, no significant impact from additional traffic generated by this project would be expected.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Traffic levels associated with the project are well within the capacity of Sprowel Creek Road.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Not applicable to the proposed project.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No new roads are proposed for construction at the site and the current access road intersects Sprowel Creek Road at an area with good, unobstructed viewing distances.

e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Emergency access can be obtained through the project site access road (Buttermilk Lane).

f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No foreseeable impacts to any such policies, plans or programs supporting alternative transportation can be reasonably perceived as a result of the project.

Setting:

The project parcel (APN 223-061-011) is approximately 34 acres of land that is located directly adjacent to the South Fork Eel River and Connick Creek in the Garberville area of Humboldt County. The project site is accessed from Sprowel Creek Road (Co. Rd. No. C6B095) which is a two-lane roadway that is generally 20-24 feet in width. Sprowel Creek Road is identified as a Rural Major Collector and provides access to rural residential, agricultural, commercial, public facility, and industrial uses in the Garberville area.

The existing access drive to the project site is off Sprowel Creek Road and is in good condition. The access drive is known as Buttermilk Lane and is currently utilized to access a single-family residence and associated accessory buildings. Buttermilk Lane connects with Sprowel Creek Road approximately 500 feet southeast of the project parcel. The access road entrance off Sprowel Creek Road is paved more than 50 feet in length and 24 feet wide which exceed the County Public Works requirement for paved

aprons. Water will be transported along this access road for distribution in the Southern Humboldt area.

#### Analysis:

Truck traffic generated by the project will occur most intensely between July and October of each year. With the maximum of 10.3 acre-feet (approximately 3.36 million gallons) transported each year, approximately 2,240 truck trips (1,120 in/1,120 out) would be required annually (approximately 3.36 million gallons per year/3,000 gallons per truck load = 1,120 truckloads per year). When this number of truck trips is averaged over a 6-month period (e.g. May – October), the average number of truck trips per day will be 12 (6 in/6 out). During periods of peak use (worst case scenario), maximum truck traffic could be 4 truck trips per hour (2 in/2 out). This would result in a maximum of 36 truck trips per day (18 in/18 out) from 8:00 a.m. – 5:00 p.m. during the peak of the season.

Sprowel Creek Road is classified as a Rural Major Collector by the California Department of Transportation (See attached map 2E43) and identified as a "Regionally Significant Roadway" in the County General Plan. Sprowel Creek Road is a two lane roadway that is generally 20-24 feet in width. As defined in the CalTrans Highway Design Manual, "Collector Road--A route that serves travel of primarily intracounty rather than statewide importance in rural areas or a route that serves both land access and traffic circulation within a residential neighborhood, as well as commercial and industrial area in urban and suburban areas." Humboldt County Public Works Department requires that roads used for surface mining related truck traffic must meet Category 4 road standards in being at least 18 feet in width when 2-way traffic is expected. As discussed above, Sprowel Creek Road meets these standards. As described in the Traffic Impact Study that was completed by Whitlock & Weinberger Transportation, Inc. (W-Trans) for the Southern Humboldt Community Park project (2013, Pgs. 4-5), Sprowel Creek Road has below average collision rates compared to other similar facilities statewide.

Traffic counts were taken in August 2008 by the County Public Works Department which measured an Average Daily Traffic (ADT) of 1,085 vehicles at Tooby Park (post mile 1.05) and an ADT of 578 vehicles at Old Briceland Road (post mile 2.10), which are the two closest locations to the project site. Additional traffic counts were taken in October 2015 on Old Briceland Road which measured an ADT of 92 at post mile 5.45 and an ADT of 272 at post mile 7.34. The highest traffic counts obtained in August 2008 were found directly adjacent to the community of Garberville at the Sprowel Creek Road overpass at Highway 101 (mile 0.13) with an ADT of 3,630, and at Riverview Lane (mile 0.20) with an ADT of 1,418. Most of the traffic counted at the Highway 101 overpass is associated with vehicles entering and exiting the highway. This is evidenced by the substantial decrease in ADT between the Highway 101 overpass and Riverview Lane which is 0.07 miles further down Sprowel Creek Road. The proposed operation will utilize the overpass to access Highway 101 south bound and travel through this section of Sprowel Creek Road to access Redwood Drive and ultimately Highway 101 northbound.

Table 1 of the County of San Diego Public Road Standards (2010) lists a minor collector with no median as being at a Level of Service (LOS) of B when the ADT is <4,100 and a LOS of A when the ADT is <1,900. Table 3-1 (Street & Highway Classification System) of the City of Eureka General Plan Transportation & Circulation Element lists the design capacity for collectors as up to 12,000 Average Daily Volume (ADV) and the capacity for local streets as up to 5,000 ADV. Since the Humboldt County General Plan does not contain any specific thresholds for roadway capacity, a threshold of 5,000 vehicles per day was used to evaluate potential impacts on Sprowel Creek Road based on the road designation (Rural Major Collector), design (two lane roadway with 20-24 foot width), and existing traffic volumes (1,100 – 1,400 ADT).

Recent projects that have been approved along this section of Sprowel Creek Road since the August 2008 County traffic counts includes the Randall Sand & Gravel soil operation which was estimated to generate approximately 80 truck/vehicle trips per day. Future projects that are proposed along this section of Sprowel Creek Road include the Southern Humboldt Community Park project which is estimated to add 925 daily vehicle trips per day. When combined, these project result in an average daily traffic (ADT) of 2,380 on Sprowel Creek Road. As described above, the worst case scenario for traffic

generated by the proposed project would be 36 truck trips per day, which would result in an ADT of 2,416 when combined with recently approved and future proposed projects on this section of Sprowel Creek Road. The amount of truck traffic proposed by the project would be a minor contribution to traffic on Sprowel Creek Road considering the designation (Rural Major Collector), existing volumes (1,100 – 1,400 ADT), and the threshold of 5,000 vehicle trips per day. Considering that Sprowel Creek Road is capable of handling more vehicles per day, no significant impact from the minor amount of additional traffic generated by this project would be expected.

In their May 14, 2015 comments, the Humboldt County Department Public Works (HCDPW) did not raise any concerns about traffic impacts or the capacity of Sprowel Creek Road to provide service for the project. In response to comments from the Department of California Highway Patrol, Garberville Area, dated November 23, 2015, Humboldt County Department Public Works provided further input, dated April 20, 2016. The Humboldt County Department of Public Works advised the Planning Division that the Sprowel Creek Road is classified as collector based on the existing level of improvement. This portion of the Sprowel Creek Road is "... developed as basic rural category 4 road without shoulders". In the town of Garberville the road does contain urban level improvements such as sidewalks. In 2008 traffic counts were taken at nearby River View Lane, which is located approximately 1,500 feet from project site. The 2008 traffic count indicate a weekday ADT (average daily trips) of 1,600 vehicles, which placed the traffic levels about midway in the range for the Major Collector functional classification. This means that pre-project ADT levels are not close to the end of the range. The existing traffic conditions, i.e., ADTs, on Sprowel Creek Road at this location do not trigger the need to construct road because existing ADTs do not exceed the capacity of the road. This remains the case even when even when additional traffic generated by the project, a maximum of 36 truck trips per day (18 in/18 out). The road is developed as a collector road, and it is suitable for average traffic levels before and after the project per the Department of HCDPW. According to the April 20, 2016 HCDPW comments, even with the proposed expansion of the nearby Tooby Park, which is also accessed via Sprowel Creek Road, the road improvements are not triggered because the access road has sufficient capacity and levels of service.

Per the HCDPW's April 20, 2016 comments, a review of collision data for "Sprowel Creek Road between US 101 and the subject property identifies 24 report collisions over the last 12 years; of which 3 collisions involved other vehicles. Collision data do not distinguish between commercial and non-commercial vehicles". Below is a summary of the collision history from the Southern Humboldt Community Park Draft Environmental Impact Report, dated April 2016 (page 4.16-4):

- Sprowel Creek Road, between Riverview Lane and Tooby Memorial Playground: 2 collisions reported during the period July 1, 2006 through June 30, 2011. Collision rate = 0.60 collision per million vehicles (c/mvm), which is below the statewide average of 1.00 c/mvm. Source: California Highway Patrol Statewide Integrated Traffic Records System (SWITRS) reports
- Sprowel Creek Road intersection with US 101 southbound ramps: 0 collisions reported during the period 2006 through 2011. Collision rate = 0.00 collision c/mvm. Source: Whitlock & Weinberger Transportation, Inc., 2014
- Sprowel Creek Road intersection with Redwood Drive: 4 collisions reported during the period 2006 through 2011. Collision rate = 0.38 collision c/mvm. Source: Whitlock & Weinberger Transportation, Inc., 2014

Per draft EIR, the intersections experienced below-average collision rates.

This project will not cause an increase in air traffic patterns, since air travel will not be a means of transportation used for any aspect of this project.

No new hazards or incompatible uses will be created as a result of the proposed project. Stopping sight distance is adequate at the entrance/exit to the project site. Emergency access can be obtained through the project site access road (Buttermilk Lane).

No foreseeable impacts to any policies, plans or programs supporting alternative transportation can

be reasonably perceived as a result of the project.

The proposed project will therefore not impact the items listed in this section and the necessary findings can be made. Based on the project description and its location, the proposed project will not result in a significant impact to transportation/traffic on the access route to and from the project site.

Applicant Proposed Operating Restrictions:

TT-1. The area between the gate and Sprowel Creek Road is paved well over 50 feet back to avoid track out and reduce impacts to the edge of the County roadway.

Findings:

- a) The project will not conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit: **Less than significant impact.**
- b) The project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways: **Less than significant impact.**
- c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks: **No impact.**
- d) The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment): **Less than significant impact.**
- e) The project will not result in inadequate emergency access: **Less than significant impact.**
- f) The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities: **Less than significant impact.**

**17. UTILITIES AND SERVICE SYSTEMS.** Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project will involve the collection, storage, and delivery of rainwater which does not involve the treatment of wastewater.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No new water or wastewater treatment facilities are proposed to be constructed as part of the project.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No new storm water facilities or expansion of existing facilities are proposed or needed for the project.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project will involve the collection, storage, and delivery of rainwater and will not significantly im-



fact available water in the South Fork Eel River as discussed herein. This project proposes the on-site collection of a small percentage of the rainwater available in the South Fork Eel River annually on an area that represents a small percentage of the land area of the watershed. Rainwater capture is not regulated by the State Water Resource Control Board (SWRCB) or Department of Fish & Wildlife (DFW) and is encouraged as an alternative to surface water and groundwater diversions. Permitted water delivery operations such as the proposed project have the potential to reduce the amount of water illegally diverted from local watersheds.

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ☐ ☐ ☐ ☒

Not applicable to the current project.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☐ ☒

No solid waste will be generated by the proposed project.

- g) Comply with federal, state, and local statutes and regulations related to solid waste? ☐ ☐ ☐ ☒

No solid waste will be generated by the proposed project.

#### Findings:

- a) The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board: **No impact.**
- b) The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects: **Less than significant impact.**
- c) The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects: **No impact.**
- d) The project will not have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed): **Less than significant impact.**
- e) The project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments: **No impact.**
- f) The project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs: **No impact.**
- g) The project will not violate any federal, state, and local statutes and regulations related to solid waste: **No impact.**

### **18): Mandatory Findings of Significance**

#### Discussion:

The project information provided for each of the topics above has been reviewed for all actions associated with it; during both temporary construction and long-term operation. Based on the project description and its location, the proposed project will not result in any significant impacts with the incorporated operating restrictions, mitigation measures, as well as those standards and requirements of other regulating resource agencies.

#### Findings:

- a) The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of

California history or prehistory, potential to achieve short-term, to the disadvantage of long-term, environmental goals; impacts which are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The project will involve the diversion, storage, and delivery of rainwater. The 5-acre project site is located on areas previously disturbed by agricultural operations, within County Jurisdiction and not located in an area where significant degradation to biological communities would occur. As proposed and mitigated, the project will not negatively impact sensitive communities or species or historical or prehistoric resources adjacent to the site. Permitted water delivery operations such as the proposed project have the potential to reduce the amount of water illegally diverted from local watersheds and minimize resulting impacts to biological resources. See further discussion under sections 4. Biological Resources and 5. Cultural resources in this document.

b) The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

Many of the items reviewed in this initial study do not apply and no impact would result. Possible cumulative impacts of the project in conjunction with other nearby development include temporary conversion of agricultural land, dust generation, increased noise levels, and increased truck traffic. These are discussed under sections 2 – Agriculture & Forestry Resources, 3 – Air Quality, 11 – Noise, and 15 – Transportation/Traffic in this document. Based upon the project as proposed and mitigated, comments from reviewing agencies, and the project's conformance with applicable regulations, there is no evidence to indicate that the proposed project will have impacts that are individually limited but cumulatively significant.

c) The project is not of a type nor located in an area that will cause substantial adverse effects on human beings.

Due to the project description and proposed mitigation measures, the proposed project will not result in any significant impacts. The project has been designed to limit hours of operation, minimize erosion and dust generation, prevent discharges into "State Waters", protect vegetation and wildlife, etc. The proposed project (i.e. availability of bulk water) will benefit the agricultural community and the human environment of the Southern Humboldt Area.

## **19. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM**

The Department found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of Mitigation that addresses and mitigates potentially significant adverse impacts to a level of non-significance follows.

### Mitigation:

**M-1.** Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will implement the reclamation plan as described in the Reclamation Plan dated October 20, 2015 prepared by Streamline Planning Consultants, and restore the approximately 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production

**M-2.** A conveyance of the subdivision rights for the portion of the parcel defined as the Remainder parcel of the Pancoast Parcel Map Subdivision, Case No. Case No. PMS-06-27; File No. 223-061-011, to the County will occur to mitigate the temporary conversion of the 5-acres of agricultural land that will be used for the project.

**M-3.** Prior to project-related activities, a qualified biologist shall conduct a focused survey for protected wildlife species within 100 feet of the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected wildlife species are observed, the qualified biologist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected wildlife species exist within 100 feet of the proposed 5-acre project site, no further surveys will be necessary for the duration of the permit term.

**M-4.** Prior to project-related activities, a qualified botanist shall conduct a focused survey for protected plant species within the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected plant species are observed, the qualified botanist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected plant species exist within the 5-acre project site, no further surveys will be necessary for the duration of the permit term.

**M-5.** To ensure entrapment of wildlife including amphibian and reptile species does not occur in the collection ditch, jute netting will be fastened along the northern edge of the ditch to provide a roughened surface that will facilitate the movement of wildlife out of the ditch.

**M-6.** To prevent impacts to wildlife species including amphibians and reptiles during the term of the project, pumps will be used for the operation that contain screens meeting the CDFW fish screening criteria ([http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin\\_ScreenCriteria.asp](http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp)).

**M-7.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

**MI-8.** If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the Humboldt County Coroner and the Tribal Historic Preservation Officers (THPOs) of Bear River, Wiyot, Rohnerville Rancheria and Blue lake Rancheria shall be notified immediately. Should known or suspected Native American skeletal remains or burials be inadvertently discovered or if the remains are determined by the Coroner to be Native American in origin then the provisions of section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

**M-9.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the

percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

**M-10.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

**M-11.** To prevent overflow of the pond liner and collection ditch from occurring when the water bladders are at capacity or during a heavy rainfall event, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment.

**M-12.** To prevent overflow of the pond liner and collection ditch from occurring in the event of a power outage, a back-up generator system is proposed to be used to continue providing power to the pumps. The generator is proposed to be located in a small shed-type structure on the elevated portion of the project parcel outside of the 100- year flood plain.

**M-13.** Engineered strapping and anchoring have been designed for the water bladders to ensure they withstand flood flows. The rain catchment system (i.e. tarpaulin) has been designed to be held down by concrete blocks (approximately 750 pounds each) in a grid pattern which will ensure it remains in place during flood conditions.

**M-14.** The operator will adhere to the following record keeping and reporting standards: 1) identification of the commercial water truck operator/business; 2) identification of the delivery location by either Assessor's parcel number or situs address; and 3) weekly reporting to the Planning and Building Department.

A Mitigation and Monitoring Report is attached.

## **20. EARLIER ANALYSES.**

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

1. Humboldt County General Plan & EIR
2. Humboldt County Zoning Ordinance
3. Adopted Negative Declaration for the Pancoast Parcel Map Subdivision (Case No. PMS-06-27; File No. 223-061-011) approved September 6, 2007 by the Humboldt County Planning Commission: State Clearinghouse No. 2007062070
4. Adopted Mitigated Negative Declaration for the Medical Marijuana Land Use Ordinance – Phase IV – Commercial Cultivation of Cannabis for Medical Use (Case No. OR-15-003) certified by the Humboldt County Board of Supervisors on January 26, 2016: State Clearinghouse No. 2015102005.
5. Southern Humboldt Community Park Draft Environmental Impact Report (Case No. GPA-10-002): State Clearinghouse No. 2010092037.

All of the above documents are available from review at the Humboldt County Department of Planning & Building, 3015 H Street, Eureka, CA 95501.

The following documents in Section 21, available at the Planning and Building Department, have adequately analyzed one or more effects of the project. Earlier analysis has been used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)).

b) Impacts Adequately Addressed. Some of the effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed in Section 21, pursuant to applicable legal standards.

c) Mitigation Measures. It was not necessary to include mitigation measures, which were incorporated or refined from the document(s) described above (20. a) to reduce effects that are "Less than Significant with Mitigation Incorporated,"

## **21. SOURCE/REFERENCE LIST**

The following documents were used in the preparation of this Initial Study. The documents are available for review at the Humboldt County Planning Department during regular business hours.

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## HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT

### MITIGATION MONITORING REPORT

#### For The Seasonal Water Solutions Rainwater Capture and Delivery Operation Conditional Use Permit

APN 223-061-011; Case Nos.: CUP-15-004; Apps No. 9635

**Project:** A Conditional Use Permit to conduct a business engaged in the collection, storage, delivery, and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The business is proposed to operate on an approximately 5-acre open field portion of a 34-acre parcel which is currently developed with two existing single-family residences, a detached garage, a barn, and a studio. To supply water for the business, the project proposes to collect rainwater by covering approximately 83,000 square feet of ground with black pond liner (polyethylene) tarpaulin, which will be weighted down with large concrete blocks (approximately 750 pounds each) in a grid pattern and used as an impervious surface to facilitate capture of runoff during rainfall events. Captured water will be directed into a collection ditch and pumped into a series of large water bladders, which will be located on mostly level terrain and anchored to comply with the County flood regulations. There are currently seven (7) bladders on the parcel. Each is capable of storing approximately 210,000 gallons of water, and were placed on the property without the benefit of County review. The project ultimately proposes installation and use of up to sixteen (16) bladders for water storage, each capable of storing approximately 210,000 gallons of water, that when filled are approximately eight (8) feet in height, and are tan earth-tone in color. Each bladder will be strapped to and anchored to the ground, and surrounded by an engineered containment berm, approximately three (3) feet in height, designed to contain unintentional water release in the event of a rupture or leak. The berm has been designed to contain the volume of approximately 5 to 6 water bladders (1,260,000 gallons). To prevent overflow of the pond liner and collection ditch from occurring when the water bladders are full, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment. The submersible pumps that are proposed to be used for the project to transfer water from the collection ditch to the water bladders or sprinkler system will be powered by electrical service from Pacific Gas & Electric (PG&E). To prevent overflow of the pond liner and collection ditch when the pumps cease to work in the event of a power outage, a back-up generator will be installed on the elevated portion of the site to continue providing power to the pumps. Water will be delivered using private water trucks that are independently owned and operated. Delivery of bulk water sold from the site will occur year-round, though primarily during the summer months, and will operate Monday through Sunday (7 days per week). The water delivery activity will generate on average 12 truck trips per day (6 in/6 out). During periods of peak use (worst case scenario), maximum truck traffic could be four truck trips per hour (2 in/2 out), resulting in a maximum of 36 truck trips per day (18 in/18 out) during peak season. The approval term for the Conditional Use Permit is a maximum of fifteen (15) years; the applicant is agreeable to the 15 year permit approval timeframe. Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will restore the approximately 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production.

**Project Location:** The project site is located in Humboldt County, in the Garberville area, 200 feet west of the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road, and further described as APN 223-061-011. SW ¼ of the SW ¼ of Section 24, Township 04 South, Range 03 East.

**Application Number:** 9635      **Case Numbers:** CUP 15-004

**Assessor Parcel Number:** 223-061-011

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met.

date: 7/27/2016

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For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

## Mitigation Measures

**M-1.** Once the operation ceases or the permit term expires, whichever event occurs first, the applicant will implement the reclamation plan as described in the Reclamation Plan dated October 20, 2015 prepared by Streamline Planning Consultants, and restore the approximately 5 acres of agricultural land to a pre-project condition and provide land suitable for grazing or hay production.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Once the operation ceases or the permit term expires, whichever event occurs first.	Once		HCP&BD**		

**M-2.** A conveyance of the subdivision rights for the portion of the parcel defined as the Remainder parcel of the Pancoast Parcel Map Subdivision, Case No. Case No. PMS-06-27; File No. 223-061-011, to the County will occur to mitigate the temporary conversion of the 5-acres of agricultural land that will be used for the project.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD**		

**M-3.** Prior to project-related activities, a qualified biologist shall conduct a focused survey for protected wildlife species within 100 feet of the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected wildlife species are observed, the qualified biologist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected wildlife species exist within 100 feet of the proposed 5-acre project site, no further surveys will be necessary for the duration of the permit term.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD** and CDFW*		

**M-4.** Prior to project-related activities, a qualified botanist shall conduct a focused survey for protected plant species within the proposed 5-acre project site. The results of the survey shall be submitted to CDFW for review and approval. If protected plant species are observed, the qualified botanist shall design appropriate project activity buffer widths and operational restrictions. Project-related activities shall only

commence when CDFW has approved the report in writing and the buffer widths and operational restrictions are applied. If the survey determines that no protected plant species exist within the 5-acre project site, no further surveys will be necessary for the duration of the permit term.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD** and CDFW*		

**M-5.** To ensure entrapment of wildlife including amphibian and reptile species does not occur in the collection ditch, jute netting will be fastened along the northern edge of the ditch to provide a roughened surface that will facilitate the movement of wildlife out of the ditch.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the building permit final inspection.	Once		HCP&BD** and CDFW*		

**M-6.** To prevent impacts to wildlife species including amphibians and reptiles during the term of the project, pumps will be used for the operation that contain screens meeting the CDFW fish screening criteria ([http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin\\_ScreenCriteria.asp](http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp)).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the building permit final inspection.	Once		HCP&BD** and CDFW*		

**M-7, MI-9, MI-10.** An engineered containment berm will be installed around the perimeter of all water bladder storage areas. To ensure that the project does not cause sedimentation or thermal pollution in event of the failure of the water bladders, the containment berm will be designed to: 1) withstand and tolerate the rupture of approximately 5 to 6 water bladders (1,260,000 gallons); 2) allow for the percolation of water into the ground; 3) at soil saturation allow for the controlled release of stored water.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to the building permit final inspection.	Once		HCP&BD**		

**MI-8.** If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities,

all work shall be suspended immediately and the Humboldt County Coroner and the Tribal Historic Preservation Officers (THPOs) of Bear River, Wiyot, Rohnerville Rancheria and Blue lake Rancheria shall be notified immediately. Should known or suspected Native American skeletal remains or burials be inadvertently discovered or if the remains are determined by the Coroner to be Native American in origin then the provisions of section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

**M-11.** To prevent overflow of the pond liner and collection ditch from occurring when the water bladders are at capacity or during a heavy rainfall event, the rainwater collection and storage system will include a sprinkler system that will evenly distribute the water over the portion of the open field that will not be covered by the proposed equipment.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**M-12.** To prevent overflow of the pond liner and collection ditch from occurring in the event of a power outage, a back-up generator system is proposed to be used to continue providing power to the pumps. The generator is proposed to be located in a small shed-type structure on the elevated portion of the project parcel outside of the 100- year flood plain.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**M-13.** Engineered strapping and anchoring have been designed for the water bladders to ensure they withstand flood flows. The rain catchment system (i.e. tarpaulin) has been designed to be held down by concrete blocks (approximately 750 pounds each) in a grid pattern which will ensure it remains in place during flood conditions.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

**M-14.** The operator will adhere to the following record keeping and reporting standards: 1) identification of the commercial water truck operator/business; 2) identification of the delivery location by either Assessor's parcel number or situs address; and 3) weekly reporting to the Planning and Building Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Weekly	Ongoing for Life of Project		HCP&BD**			

\* CDFW = California Department of Fish & Wildlife

\*\* HCP&BD = Humboldt County Planning and Building Department

## **Response to Comments Received on the Revised Initial Study-Mitigated Negative Declaration (State Clearinghouse No. 2007062070)**

### **Commenter: Ed Voice**

#### **Email Received 8/30/2016**

I wanted to talk about your response to my question # 6 below and you are correct, except that number of 925 is only for "Project level 1, 2 and 3", while "Project Level 4" would increase traffic in the project area, including Sprowel Creek Road.

And:

"between 725 and 750 vehicles per hour could be attracted to the site while still maintaining acceptable traffic operations"

"The attendance would fluctuate over the course of the day, and the total number of attendees on the site at any one time would be less than the one-day total"

Using these totals and the reason above, could increase traffic by 8 times per day, putting your number at 6000 per 8 hour day for "Project Level 1, 2 & 3". Which would max out the road according to you...

Here's the problem, the Park project is not limited in attendees or vehicles per event, its from hour to hour and they use the word "fluctuate" over the course of the day. So what does that mean? It means you don't know the total amount of vehicular traffic on Sprowel Creek Road on a daily basis for up to 800 visitors a day or per event, because that could change to "725 to 750 vehicles per hour" !

Now that is what is stated in the Southern Humboldt Community Park GPA/DEIR/CUP, between 4-16-14 and 4-16-27. You need to stop cherry picking...

#### **Staff Response:**

On November 23, 2015, the California Highway Patrol, Garberville Area, provided comments on the Initial Study and Draft Mitigated Negative Declaration (IS-MND) that was circulated beginning October 30, 2015. In response to those comments, Planning staff incorporated some of the discussion and analysis contained in the Transportation/Traffic section of the Southern Humboldt Community Park Draft Environmental Impact Report (State Clearinghouse Number 2010092037), dated April 2016. The information from this report that was incorporated into the Seasonal Water Solution's Revised IS-MND concerns the description of the physicality of Sprowel Creek Road, collision data, etc. Additionally, in response to the mentioned CHP comments, the Land Use Division of the Department of Public Works provided comments dated April 20, 2016. The Land Use Division of the Department of Public Works stated that Sprowel Creek has adequate capacity to service the Seasonal Water Solutions project. Even when factoring in additional traffic projected for the Southern Humboldt Community Park project, no improvements to Sprowel Creek Road would be necessary for the park project due to proposed mitigation by the park.<sup>2</sup> Case law and CEQA require that there be a nexus between the project's effect on the environmental and the mitigation to reduce those impacts (*Nollan et ux. v. California Coastal Commission*, 483 U.S. 825(1987)). As discussed in the Revised IS-MND, the project will generate a maximum of 36 truck trips per day (18 in/18 out) during the peak season. Should the traffic levels generated by this project exceed the capacity of

<sup>2</sup> Mr. Voice's reference to Project Level 4 of the Southern Humboldt Community Park project contains two event scenarios. This project also includes Project Levels 1, 2, and 3. Project Levels 1 and 2 are changes to traffic conditions by changing the zoning and land use designation to public facilities and public recreation. Project Level 3 encompasses impacts resulting from the development of new community facilities, such as sports fields, visitor amenities. Project Level 4 events are special events with attendance levels of 800 people daily upwards to 5,000 people, the most intensive use contemplated. The Southern Humboldt Community Park draft Environmental Impact Report is still in the public review and comment period. Should that project continue in the permit process, it will come before the Planning Commission for review and certification. The draft EIR can be found at <http://humboldt.gov.org/DocumentCenter/View/54894>.

the road system, then there would be a nexus between the project and the impact. However, there is no nexus between the traffic generated by the Seasonal Water Solutions and the potential traffic impacts generated by future special events at Southern Humboldt Community Park. In other words, the Seasonal Water Solutions will not directly or indirectly impact attendance levels or the traffic levels associated with these events. Consequently, there is no nexus, and the Seasonal Water Solutions is not responsible for mitigating these impacts.

#### **Email Received 8/27/2016**

Did you know, according to a government study, one 40-ton truck does as much damage to the road as 9,600 cars? So lets do the math:

3000 gallons of water at 8.4 lbs per gallons weights = 25,200 lbs or = 12.6 ton (2000 lbs = 1 ton)

The weight of a Class 6 to Class 7 Truck used to haul 3000 gallons of water (gross vehicle weight rating GVWR) ranges from 26,000 lbs to 33,000 lbs or = 13 ton to 16.5 ton.

So without to much guess work, the weight of those 3000 gallon water delivery trucks loaded would be approx 29 ton. So if my math is correct (approximately), a 3000 gallon water delivery truck does as much damage to the road as 6960 cars (one way) Empty at 16-ton, a 3000 gallon water delivery truck does as much damage to the road as 3840 cars (one way). So only one 3000 gallon water delivery truck round trip = 10,800 cars worth of wear and tear, road damage to Sprowel Creek road and beyond..

Now think about that, its amazing, right? No, it gets worse ...

Now, you are saying they will make 1120 fully loaded 3000 gallon water delivery truck trips one way per year with the project at full capacity, which would be equivalent to 7,795,200 cars and coming back empty equivalent to 4,300,800 cars. Total = 12,096,000 cars worth of wear and tear, road damage for every 1120 water delivery truck round trips..

Now, just to put some perspective into this, if you had 5000 cars per day using Sprowel Creek road from Riverview Ln to the airport, 365 days a years, that would be 1,825,000 cars a year, vs 12,096,000 cars worth of wear and tear, road damage in one year with 1120 round trips from 3000 gallon water delivery trucks.

Now, this is just the water trucks, not counting the existing County trucks and equipment that stockpile materials at the airport, Randall Sand & Gravel trucks, their Cement trucks and the Bulk Soils operation delivery trucks. Plus the extra added bus and car traffic with the proposed Community Park project. All on this little rural 18 foot wide country road.

Now, if you want the weight for a fully loaded 8 and 10 yard cement trucks (like what Randall uses) its 40 ton, which is the maximum weight allowed . But yet, they go up and down Sprowel Creek road almost every day. And people always complain how poor of a road it is. Well I wonder why...

Average passage car/light truck GVWR (noncommercial vehicle)

Vehicle Class	Curb Weight in Pounds	Curb Weight in Kilograms
Compact car	2,979 pounds	1,354 kilograms
Midsize car	3,497 pounds	1,590 kilograms
Large car	4,366 pounds	1,985 kilograms
Compact truck or SUV	3,470 pounds	1,577 kilograms



Vehicle Class	Curb Weight in Pounds	Curb Weight in Kilograms
Midsize truck or SUV	4,259 pounds	1,936 kilograms
Large truck or SUV	5,411 pounds	2,460 kilograms

**Staff Response:**

While heavy vehicles can speed up the deterioration of roadways, heavy vehicles are permitted to use roadways. The extent of the Department of Public Works review for vehicles traveling over County roads is limited to the physical restrictions of the existing infrastructure, e.g., bridges that are low or have limited weight capacity, to ensure the integrity of the infrastructure. Beyond this limited scope, vehicles with excessive weight, width, height, or length are regulated under the California Vehicle Code, which is enforced by the California Highway Patrol and local law enforcement agencies, e.g., the sheriff. Moreover, the purview of CEQA is environmental impacts triggered by a project, specifically those enumerated in Appendix G and F of the CEQA Guidelines. These do not include or extend to potential roadway impacts caused by one class of vehicle over another. Furthermore, there is no legal mechanism to charge or collect a surcharge for heavy vehicles on a project by project basis.

**Email Received 8/26/2016**

And as for the comment from Mr. Bronkall, I guess he never read the report I just sent you from his department that had concerns about increased traffic on that section of Sprowel Creek for the Park Project.

**Staff Response:**

The report attached by Mr. Voice was a Land Use Division Interoffice Memorandum, dated January 28, 2015, from Robert Bronkall to Michael Richardson regarding the Southern Humboldt Community Park EIR.

**Email Received 8/24/2016**

As to my question # 4, please see attachment [January 28, 2015 Land Use Division Memorandum on the Southern Humboldt Community Park EIR, from Robert Bronkall to Michael Richardson]. As it states and is related to traffic on Sprowel Creek Road in Garberville with a completely different pending project (Southern Humboldt Community Park DEIR), please note on page one, third paragraph:

"In General from Riverview Lane to the subject property, Sprowel Creek road is a paved County maintained road that is approximately 18 feet wide without pedestrian facilities, bike lanes or shoulders."

So again, I would like to reiterate my question #4. [from his 8/6/2016 email]

**Staff Response:**

Again, this is verbatim of the referenced draft EIR, page 4.16-2. Also see attached memorandum from Land Use Division dated April 20, 2016 specific to the Seasonal Water Solutions project, which describes Sprowel Creek Road as basic rural category 4 road without shoulders. It is not uncommon for width of rural roads to vary slightly due to physical limitations, e.g., rocks, large trees, existing structures, etc.

**Email Received 8/6/2016**

1. Do you know the average water truck tank size (300, 500, 1000 gallons etc) that will be hauling the water to and from this project site, delivering the estimated 3,360,000 gallons of non-potable water each year?

2. And will anyone be able to come down to this location and buy or fill up their own private tank with water, in their own vehicle?

3. How much wear and tear to the road is there with large commercial trucks on Sprowel Creek Road vs passenger or non-commercial light pickup truck vehicles?

4. Who are you quoting that states Sprowel Creek Road is 20-24 ft wide between Riverview Ln and the airport, besides the bridge, I would say its more 20 than 24?

5. Who are you quoting that states Sprowel Creek Road between Riverview Ln and the airport has a threshold of 5,000 vehicle trips per day? And is that threshold of 5,000 vehicle trips per day for Sprowel Creek Road one way or round trip?

6. How can you say the Southern Humboldt Community Park project will only generate or is only estimated to add 925 daily vehicle trips per day, when they are asking to have a two day music festival with up to 5000 attendees, vendors, staff and entertainers; 5 music events/concerts public assemblies (that are not limited in duration) with up to 2500 attendees, vendors, staff and entertainers; unlimited amount of sports tournaments, league games and practice 24/7 365; unlimited amount of camping 24/7 365; unlimited amount of events under 800 people 24/7 365. There is no cap of the number of events they can have on the same day for up to 800 people, i.e. they could have a wedding and reception on the same day they have a soccer tournament on the same weekend they have a fundraiser. So there is no way you can say its only 925 daily vehicles a day. On top of the bus's they say they want to use for large events. And they also say for the large events, "The attendance would fluctuate over the course of the day and the total number of attendees on the site at any one time would be less than the 1-day total", I'll let you figure out what ever that means?

7. Do you know the current amount of commercial traffic generated by Randall Sand & Gravel @ 214 West River Ln?

**Staff Response:**

1. See page 41 of the draft Revised IS-MND: which states 3,000 gallons per truck load.
2. The water to be sold will be non-potable.
3. As discussed above, while heavier vehicles can speed up the deterioration of a roadway over time. The purview of CEQA however, is environmental impacts triggered by a project, specifically those enumerated in Appendix G and F. These do not include or extend to potential roadway surface impacts caused by one class of vehicle over another.
4. This is verbatim of the referenced draft EIR, page 4.16-2. Also see attached memorandum from Land Use Division dated April 20, 2016 specific to the Seasonal Water Solutions project.
5. Page 41 of the Revised IS-MND:  
*Since the Humboldt County General Plan does not contain any specific thresholds for roadway capacity, a threshold of 5,000 vehicles per day was used to evaluate potential impacts on Sprowel Creek Road based on the road designation (Rural Major Collector), design (two lane roadway with 20-24 foot width), and existing traffic volumes (1,100 – 1,400 ADT).*

Source: Page 4.16-7 of the draft EIR for the Southern Humboldt Community Park. In draft EIR, *threshold* means threshold of significance.

6. See the last paragraph on page 4.16-14 of the draft EIR for the South Humboldt Community Park: the park project is expected to generate an average of 925 trips per day.
7. Any traffic generated by this operation would accounted for in the average daily trips (ADTs) referenced in the Revised IS-MND.

**Comments received on Initial Study-Draft Mitigated Negative Declaration circulated October 30, 2015 to November 30, 2015**

1. Letter from Curt Babcock, Habitat Conservation Manager, California Department of Fish and Wildlife, dated November 24, 2015.
2. Letter from B.M. Fabri, Lieutenant Commander of the California Highway Patrol, dated November 23, 2015



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 – Northern  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



November 24, 2015

Michelle Nielsen, Planner  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
[mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us)

**Subject: Seasonal Water Solutions Initial Study and Draft Mitigated Negative Declaration, SCH # 2007062070**

Dear Ms. Nielsen:

On November 2, 2015, the California Department of Fish and Wildlife (CDFW) received from the Humboldt County Planning and Building Department (Lead Agency) an Initial Study and Draft Mitigated Negative Declaration (IS/DMND) for the Seasonal Water Solutions Conditional Use Permit (SCH # 2007062070, 'Project'). The Project site is located on the South Fork Eel River in the Garberville area, at the property known as 1575 Sprowel Creek Road (APN 223-061-011). The Project as described consists of a Conditional Use Permit for a business operation to collect, store, and deliver non-potable water to residents of southern Humboldt County. The water will be collected via rainwater catchment with an approximately two acre area of ground covered by black polyethylene pond liner. Captured water will be conveyed to and stored in up to 16 210,000 gallon water bladders, seven of which are already present on-site. The bladders will be strapped to the ground and contained within a three foot earthen berm. The entire Project footprint is approximately 5 acres, most of which will be covered in impervious surfaces, and the Project will have the capacity to store approximately 10.3 acre-feet of water. The Project has a maximum approval term of 15 years after which the area will be restored to pre-Project conditions.

We offer the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code § 21000 *et seq.*).

**Ecological Significance of the South Fork Eel River**

The South Fork Eel River is a regionally-important fish-bearing river that currently supports three listed salmonid species: Coho salmon (*Oncorhynchus kisutch*), a State- and federally threatened species; and Chinook salmon (*O. tshawytscha*) and steelhead trout (*O. mykiss*), both federally threatened species. CDFW has designated coho salmon in the South Fork Eel River as a key population to maintain or improve as part of the *Recovery Strategy of California Coho Salmon* (DFG 2004). Coho salmon populations have undergone at least a 70% decline in abundance since the 1960s, and are currently at 6 to 15% of their abundance during the 1940s. Furthermore, pursuant to

the Clean Water Act Section 303(d), the North Coast Regional Water Quality Control Board has identified the Eel River and its tributaries as impaired due to temperature and sedimentation/siltation. Additionally, Connick Creek, a tributary to the South Fork Eel River that supports coho salmon, flows through the northwestern corner of the Project area. Several State Species of Special Concern (SSC) including the foothill yellow-legged frog (*Rana boylei*), northern red-legged frog (*R. aurora*), and western pond turtle (*Actinemys marmorata*) likely also occur in the Project area.

#### **Prior regulatory actions at the project site**

CDFW staff, including Environmental Scientists and Wildlife Officers, inspected the Project site on August 22, 2014. During the site visit, they documented multiple ongoing violations of Fish and Game Code (FGC) including much of the existing infrastructure for which the Project proponent is currently seeking permits. CDFW staff also documented substantial riparian vegetation removal, channel alteration using heavy equipment within the South Fork Eel River high flow channel, and water diversion during the low flow period in a historic drought.

As proposed, the Project includes no mechanism for monitoring the applicant's water system to ensure that water stored in the bladders is captured solely by rainwater catchment. Given the history of unauthorized surface water diversions and riparian vegetation removal, the proximity of the operation to the South Fork Eel River, and the existing diversion infrastructure, the County should implement an effective monitoring plan to ensure that bladders are not filled by surface water from either Connick Creek or the South Fork Eel River.

#### **Development in floodplains**

Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood and flooding is a natural and recurring event in river systems such as the South Fork Eel River. CDFW strongly supports the conservation and restoration of floodplain habitats. CDFW is especially concerned with maintaining the floodplain and riparian habitat along the South Fork Eel River because of the significant biological values the South Fork Eel River has for numerous commercially important fish species and State and federally-listed or otherwise sensitive species.

Major floods are a recurring theme in California's landscape. The lower South Fork Eel River floods on a regular basis. The US Geologic Survey (USGS) has 74 years of peak stream flow data for the South Fork Eel River at the Miranda gage located approximately 10 miles downstream from the Project site. The USGS data show that the South Fork Eel River exceeded its flood stage (33 feet) during seven of 74 years on record. Over this 74 year period, three years experienced a "Moderate Flood Stage," defined by NOAA as a flood stage height of 38 feet or greater, and in two of 74 years experienced a "Major Flood Stage," gage height of 42 feet or greater. Given these data, it is reasonably foreseeable that a major flood event could occur at the Project site within the 15 year permit timeframe.

State policies and land use plans recognize the ecological importance of floodplain protection for improving river system health, maintaining biodiversity, and recovering declining fish and wildlife populations (Riparian Habitat Joint Venture 2004, CDFW 2014). The 2015 California State Wildlife Action Plan includes a number of conservation goals and objectives focusing on floodplain restoration and increasing floodplain connectivity (CDFW 2015).

Consequently, CDFW recommends that local agencies permit only vital public infrastructure in floodplains. Given their biological importance and propensity to flood, CDFW believes ideal land uses for floodplains are parks, picnic areas, boat ramps, agriculture, open space, and, especially, lands dedicated to the maintenance and enhancement of riparian wildlife habitat. Public facilities built in floodplains should be able to withstand flood events without significant damage or release of deleterious materials or debris. To best protect California's riverine and riparian habitats, CDFW believes it is wise public policy to maintain and restore floodplain functions and to prevent, whenever practicable, the development of residential and commercial structures in floodplains that are not already protected by existing levee systems.

#### **Lack of scoping**

The DMND states that:

*"Other than salmonids, review of the County's Sensitive Habitat information indicates that no threatened, rare or endangered species or sensitive nesting areas occur within the vicinity of the Project site. Review of the California Natural Diversity Database (CNDDDB) shows that no rare, threatened, or endangered species or species of special concern have been observed on the Project site or the surrounding area."*

This is not an adequate level of scoping. Standard scoping methods are explained in the CNDDDB Data Use Guidelines v4.2, (available: <https://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>):

*"The CNDDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. **There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map** (emphasis added). That does not mean that there are no special status species present. By looking at what has been documented on your quad of interest and on the eight surrounding quads, you can estimate what might be found in similar habitats to those within your area of interest. The next step is to conduct surveys to document what is present and submit the information on special status species to the CNDDDB."*

In order to prevent potentially significant impacts to sensitive plant and wildlife species, CDFW recommends generating a scoping list with the method described above, and

conducting protocol-level surveys for rare plants, wildlife, and special status natural communities based on the scoping list generated. Since this scoping method was not implemented for the Project area, potentially significant impacts to sensitive plants, wildlife, or habitats that may occur on site were not considered.

One impact that is likely to occur is the entrapment of amphibian and reptile Species of Special Concern, including the foothill yellow-legged frog, northern red-legged frog, and/or the western pond turtle, in the black plastic lined ditch and rainwater collection area. This impact should be considered in the MND, and appropriate measures implemented as needed to prevent entrapment and entrainment of amphibians and other wildlife by the project.

#### **Establishment and protection of appropriate buffer areas**

The *Recovery Strategy for California Coho Salmon* (CDFG 2004) recommends buffer areas that are protected from vegetation removal be implemented on the the South Fork Eel River. A range-wide task of the Recovery Strategy is to "Evaluate the adequacy of riparian buffers and development setbacks where needed for protecting riparian and wetland habitat on county, city and private land adjacent to coho salmon streams." CDFW finds that the ongoing riparian disturbance and degradation at the site, in addition to this Project's proposed development of the floodplain, is inconsistent with the Recovery Strategy. This should have been considered within the CEQA checklist (Appendix G (4)(f)), particularly because ongoing riparian disturbance continues at the project site.

Because they support important habitat for sensitive species at multiple life stages, CDFW recommends that both Connick Creek and the South Fork Eel River warrant minimum buffer distances of 100 feet and no Project-related activity or disturbance within the buffers. Further, ongoing riparian disturbance as observed during the November 18, 2015 site visit should not occur. CDFW recommends clearly delineating the area that will serve as a no-disturbance buffer order to prevent further disturbance and degradation.

#### **Lack of information and specificity within the environmental document**

The Project description in the DMND differs from several Project elements described during the November 18, 2015, site visit. The DMND also lacks details that are important when considering potential Project impacts.

- Basic area calculations using the figure provided in the DMND for the Project as proposed (16 bladders in the configuration displayed in the plot plan) indicate that a failure of all bladders would overtop the berm as proposed, and this could cause potentially significant impacts to surrounding habitat. The Project engineer indicated that final calculations would account for the somewhat unlikely scenario of failure of all water bladders, but this information is not included in the DMND for consideration.



- The life span of water bladders is unknown and not discussed in the DMND or the supporting materials, although during the site visit the Project proponent indicated that the life span is 10 to 12 years. Given that the permit term will be 15 years, the final MND should evaluate the expected life span of the bladders in the environment in which they will be installed, including their ability to withstand large fluctuations in temperature as well as exposure to UV light. This information should be considered in conjunction with the berm specifications mentioned above, given that the bladders will likely degrade at approximately the same rate and may fail at approximately the same time if their lifespan is shorter than the duration of the project.
- The MND should include a description of how and where the captured rainwater flow will be directed once all the bladders are full. The DMND did not provide this information; however, during the site visit the Project engineer indicated that a sprinkler system would be implemented when the system reached capacity, in order to redistribute water back onto the ground. More information should be provided about the system, how it would operate, where the water would be directed, and what plans are in place for potential power failure. Will there be onsite monitoring of the system at all times or other flow management systems? If water was allowed to collect in the collection ditch, would it eventually overtop and flow towards the river, or potentially erode the earthen berm? These scenarios should be considered to prevent potentially significant environmental impacts.

### **Summary of Comments and Recommendations**

1. Due to prior unauthorized diversions at the site, and the continued presence of associated diversion infrastructure, the County should implement monitoring of the applicant's water system as a condition of approval for the permit in order to ensure that water stored in the bladders is obtained solely by rainwater catchment and not from surface water diversions.
2. The DMND does not provide adequate scoping and thus does not provide an analysis of potential impacts to listed and sensitive species. In particular, CDFW is concerned that the black plastic water collection ditch and reservoir may function as a trap for Species of Special Concern such as the foothill yellow-legged frog, northern red-legged frog, and western pond turtle, and that amphibians may become entrained by the pump. Because of the lack of scoping, the DMND does not consider this impact, and no avoidance, minimization, or mitigation measures are proposed.
3. A 100-foot riparian buffer area should be maintained for both Connick Creek and the South Fork Eel River. If reduced buffer areas are proposed, appropriate compensatory mitigation areas should be identified. Wildlife friendly fencing should be utilized to exclude livestock from riparian areas.

Michelle Nielsen  
November 24, 2015  
Page 6

4. The DMND lacks detail on final sizing and configuration of the Project infrastructure, including the proposed containment berm. This makes it difficult to evaluate potentially significant impacts. Final site plans and details should include berm specifications as well as the justifications behind these specifications.
5. The DMND should provide details regarding how the system will be configured to handle more rainfall than the bladders can accommodate, as well as emergency plans for dealing with a power failure—if rainwater is not actively pumped into the bladders, would runoff overtop the bank and cause erosion and/or sediment delivery to adjacent surface water? The DMND should detail how these potential impacts will be avoided or mitigated.

We appreciate the opportunity to comment on this Project. Please contact Environmental Scientist Jennifer Olson at 707-445-5387 or [jennifer.olson@wildlife.ca.gov](mailto:jennifer.olson@wildlife.ca.gov) if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Curt Babcock', with a large, stylized loop at the end.

**Curt Babcock**  
Habitat Conservation Program Manager

cc: Jane Arnold, Curt Babcock, Laurie Harnsberger, Gordon Leppig, David Manthorne, Jennifer Olson, and Michael van Hattem, California Department of Fish and Wildlife

[Jane.Arnold@wildlife.ca.gov](mailto:Jane.Arnold@wildlife.ca.gov), [Curt.Babcock@wildlife.ca.gov](mailto:Curt.Babcock@wildlife.ca.gov),  
[Laurie.Harnsberger@wildlife.ca.gov](mailto:Laurie.Harnsberger@wildlife.ca.gov), [Gordon.Leppig@wildlife.ca.gov](mailto:Gordon.Leppig@wildlife.ca.gov),  
[David.Manthorne@wildlife.ca.gov](mailto:David.Manthorne@wildlife.ca.gov), [Jennifer.Olson@wildlife.ca.gov](mailto:Jennifer.Olson@wildlife.ca.gov),  
[Michael.vanHattem@wildlife.ca.gov](mailto:Michael.vanHattem@wildlife.ca.gov)

Stormer Feiler and Diana Henriouille, North Coast Regional Water Quality Control Board

[Stormer.feiler@waterboards.ca.gov](mailto:Stormer.feiler@waterboards.ca.gov), [Diana.henriouille@waterboards.ca.gov](mailto:Diana.henriouille@waterboards.ca.gov)

Mark Matranga and Taro Murano, State Water Resources Control Board

[Mark.Matranga@waterboards.ca.gov](mailto:Mark.Matranga@waterboards.ca.gov), [tmurano@waterboards.ca.gov](mailto:tmurano@waterboards.ca.gov)

## References

- California Department of Fish and Game, 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission. Sacramento, CA.
- Riparian Habitat Joint Venture, 2004. Version 2.0. The riparian bird conservation plan: a strategy for reversing the decline of riparian associated birds in California. California Partners in Flight. <http://www.prbo.org/calpif/pdfs/riparian.v-2.pdf>. Sacramento, CA.
- California Department of Fish and Wildlife, Northern Region, 2014. Development, Land Use, and Climate Change Impacts on Wetland and Riparian Habitats – A Summary of Scientifically Supported Conservation Strategies, Mitigation Measures, and Best Management Practices. Eureka, CA.
- California Department of Fish and Wildlife, 2015. California State Wildlife Action Plan. California Department of Fish and Wildlife, Sacramento, CA.

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

Garberville Area  
P.O.Box 515  
Garberville, CA 95542  
(707) 923-2155 (Office)  
(707) 923-2159 (Fax)  
(800) 735-2929 (TT/TDD)  
(800) 735-2922 (Voice)



November 23, 2015

File No.: 126.15808

Mrs. Michelle Nielsen  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95503

Dear Mrs. Nielsen:

I recently received a copy of the *Initial Study and Draft Mitigated Negative Declaration*, for a project plan submitted by Mr. Jesse Jefferies. A portion of the study is "Transportation/Traffic" which is of interest to the California Highway Patrol (CHP), Garberville Area.

This proposed project will significantly impact traffic on Sprowel Creek Road, which is a county maintained roadway which was not designed for commercial vehicle traffic. Our concerns are related to the amount of commercial vehicles which will use this roadway. The design of the current roadway is narrow, lacks shoulders, has blind turns, and changing grades. Further, the roadway width is not adequate to accommodate vehicle traffic, bicycle, and pedestrian traffic. The increase in the amount of commercial vehicle traffic on county roads in Southern Humboldt is concerning and has led to an increase in incidents involving commercial vehicles.

For the above listed reasons, the CHP is adamantly opposed to the project submitted by Mr. Jefferies. CHP is concerned about the increase in commercial traffic on Sprowel Creek Road. The plan identifies a minimal amount of commercial vehicles on the roadway on a daily basis; however, I do not believe that Mr. Jefferies can effectively predict the amount of commercial traffic on the roadway due to his business. If I can be of further assistance, please feel free to contact me at the Garberville Area office, at (707) 923-2155.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. M. FABBRI".

B. M. FABBRI, Lieutenant  
Commander  
Garberville Area

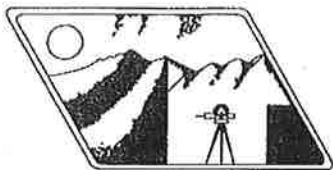


*Safety, Service, and Security*

*An Internationally Accredited Agency*

**Response to Comments received on Initial Study-Draft Mitigated Negative Declaration circulated October 30, 2015 to November 30, 2015**

1. Letter from Matt Pearson, Senior Staff Engineer, AM Baird Engineering, dated December 21, 2015.
2. Memorandum from Robert W Bronkall, Deputy Director, Land Use Division of the Department of Public Works, dated April 20, 2016.



# A.M. BAIRD

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • ambaird@suddenlinkmail.com  
(707) 725-5182 • Fax (707) 725-5581

## CONSULTING – LAND DEVELOPMENT – DESIGN – SURVEYING

December 21, 2015

Michelle Nielsen, Planner, Humboldt County Planning & Build. Dept  
Gary Reese, Streamside Planning Consultants

Water Bladder Storage: Jessie Jeffries Building APP# 37064  
APN: 223-061-011 1575 Sprowel Creek Road, Garberville,

Let this communication address the following concerns for the water collection and storage, specifically items 4 and 5 of the "Summary of comments and Recommendations" section of the November 24, 2015, *Initial Study and Draft Mitigated Negative Declaration* comments, SCH# 2007062070.

***Item 4. Paraphrased: 'lack of detail of final size and configuration of infrastructure, including containment berm and justifications for the size of the berm'***

The containment berm is currently designed in the submitted plans as 3 feet in height domed to a 6 foot base. Alternately, stacked concrete blocks ("eco-blocks", typically 2'x2'x6") can be used for a perimeter containment system. It would seem that the concrete blocks would be preferred after concerns which have been raised related to the type of fill that would be used on what is considered prime agricultural lands.

It is also worthy of note that there have been many comments and our office would concur, that the berms are not necessarily needed and were provided only at request during the review process. A simultaneous multi-bladder failure is not likely enough to be considered a reasonable required mitigation measure, and would require significant construction activities and structures in what could be considered prime riverside ag land.

If containment is still considered necessary by involved parties, then the existing grade upon which the bladders sit when encircled by a 3' high berm will account for approximately 5 to 6 storage bladder bags of volume (approximately 1,340,000 gallons), as would a stackable block wall containment method. This office attests that the bladders, as mentioned by others, are of sufficient strength that rupture and leaks are extremely rare, and that requests that the berm be sized to contain all bladders with the assumption they rupture all at once, are considered unrealistic. It is my understanding that even with hazardous waste containments, the required volume of containment is only 1.5 times the largest individual tank. The likelihood of one bladder experiencing a catastrophic failure, yet along simultaneous bladder failures cannot be easily quantified with "proof", but instead is based on a common sense approach to conclude – "extremely unlikely". The only conceivable environment where a simultaneous failure of the bladders could happen is during extreme flooding events with high velocity and large floating debris. Such failure would not be considered detrimental.

***Item 5. Paraphrased: 'how to mitigate overflow volume when capacity of the bladders or the pumping capacity of re-watering sprinklers is exceeded'***

It is proposed that during heavy rainfall, or when the bladders are full, that the system be designed to "rewater" the ground onsite with sprinklers. An appropriately sized pump, storage chamber and sprinkler system for a calculated design storm with battery backup generator (placed out of the floodplain) can accommodate overflows, including those during a power outage. Similarly, the collection trench will be sized to route this design flow into the pumping chamber, with jute netting on the west side of the ditch to ensure wildlife does not get trapped in the ditch.

### SUMMARY:

This office is of the opinion that the containment system is not warranted, but if it still required, the berm or concrete block wall as proposed is sufficient. Of the two containment options, it would seem that the block wall is preferred or soils of the same type of the property can be used for a soil berm. Overflow capacity can be handled by appropriately designed and sized collection ditch, pump and sprinkler re-watering configuration with storage tanks/chambers as necessary.

Matt Pearson  
Senior Staff Engineer



ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

LAND USE DIVISION MEMORANDUM

TO: *Michelle Nielsen* Steve Lazar, Senior Planner, Planning & Building Department  
FROM: Robert W. Bronkall, Deputy Director *RB*  
DATE: 04/20/2016  
RE: SEASONAL WATER SOLUTIONS, APN 223-061-011, CUP 15-004

The Department previously commented on this project on 05/14/2015. Since that time, the California Highway Patrol (CHP) commented on this project on 11/23/2015. CHP is concerned that the roadway is not designed for commercial vehicle traffic; that the design of the current roadway is narrow, lacks shoulders, has blind turns, and changing grades; that the roadway width is not adequate to accommodate vehicle traffic, bicycle and pedestrian traffic; and that increases in commercial vehicle traffic has led towards an increase in incidents involving commercial vehicles on County roads in southern Humboldt County.

The project site is located off of Sprowel Creek Road (County Road No. C6B095) and is approximately 1.2 miles from Sprowel Creek exit from U.S. 101. This portion of Sprowel Creek Road is developed as a paved road with a painted centerline stripe. The roadway is developed as a basic rural category 4 road without shoulders. However, in Garberville the road does contain urban level improvements such as sidewalks. Traffic Counts near River View Lane (Near U.S. 101) indicate a weekday ADT of 1,600 vehicles in 2008 which placed the road about midway in the range for the Major Collector functional classification.



Above: Sprowel Creek Road





*Above: Sprowel Creek Road south of the U.S. 101 off ramp*

This portion of Sprowel Creek Road is transitioning from a rural condition to a suburban condition. Tooby Park is located off of Sprowel Creek Road at the Eel River. This park draws visitors from Garberville and is approximately 1 mile from downtown Garberville. The park is proposing to expand and is in the planning process. The park expansion will also add additional traffic to Sprowel Creek Road. The Department provided comments on the proposed expansion of the Park on 11/24/2010. For the park project, the Department recommended that the applicant assess what the maximum level of use could be before improvements to Sprowel Creek Road are necessary. The park indicated that due the distance from the park to Garberville and that the road is steep, that non-vehicular access is not likely to occur and that no improvements to Sprowel Creek Road would be necessary for the park project due to proposed mitigation by the park.

Collision data for the Sprowel Creek Road between U.S. 101 and the subject property identify 24 reported collisions over the last 12 years; of which 3 collisions involved other vehicles. Collision data does not distinguish between commercial and non-commercial vehicles.

At this time the Department does not have any planned projects to improve Sprowel Creek Road. A project to add shoulders from U.S. 101 to the Garberville Airport is being considered for inclusion in the next update of the five year capital improvement plan. Providing shoulders to the road would transition the road from a rural road to a suburban road. Shoulders would provide a location outside of the vehicular travel lanes for bicycles and pedestrians; and also provide a location where disabled vehicles can park somewhat out of the travel lane in locations where there are no turn-outs.

**// END //**

## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

<b>Referral Agency</b>		<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Approval	On file with Planning
Land Use Division	✓	Does not affect any facilities maintained by PW	On file with Planning
Division Environmental Health	✓	Approval	On file with Planning
Calfire	✓	Conditional Approval	On file with Planning
Department of Fish & Wildlife		No Response	
County Counsel		No Response	
NWIC		No Response	
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
RWQCB		No Response	
Humboldt County Farm Bureau	✓	Consistency with zoning and bonding for debris removal.	Attached
Garberville Community Services District	✓	Denial	Attached
Garberville Fire Protection District	✓	Location not within district boundary	On file with Planning
Army Corps of Engineers	✓	No jurisdictional wetlands and no permit needed.	On file with Planning
US Fish and Wildlife Service		No response	
National Marines Fisheries Service		No response	
State Water Resources Control Board-Division of Water Rights		No response	



## Humboldt County Farm Bureau

5601 So. Broadway, Eureka, CA 95503

Serving Agriculture Since 1913

May 13, 2015

Steven Lazar  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Case # CUP15-004  
Seasonal Water Solutions – Jesse Jeffries

Dear Mr. Lazar:

The Humboldt County Farm Bureau has reviewed the above application and has the following comments.

The Farm Bureau's initial concern with this commercial water storage, sales and distribution operation is that the project is inconsistent with the zoning and land use designation of the property. We believe this property is important productive agriculture land and the county should consider that when processing this request.

We assume that many of the specific conditions surrounding this project will be addressed during the permitting process through California Department of Fish and Wildlife Service as well as the Regional and State Water Boards.

In addition to the permitting process through the Regulatory Agencies, the County should consider requiring a Bond for debris removal so the land could be returned to future agricultural production if the business is abandoned.

Thank you for allowing us to make comments on the project.

Sincerely,  
*Katherine Ziemer*  
Katherine Ziemer



5/24

APR 20 2015

**HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**



**4/16/2015**

**PROJECT REFERRAL TO: Garberville Community Services District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, United States Fish And Wildlife Service, United States Army Corps of Engineers, Code Enforcement Unit - County of Humboldt, Farm Bureau, Garberville Community Services District, Garberville Fire Protection District, State Wtr Rsrcs Cntrl Brd | Division of Water Rights-Coastal Streams Unit /Attn: Matt McCarthy

---

**Applicant Name** Seasonal Water Solutions **Key Parcel Number** 223-061-011-000

**Application (APPS#)** 9635 **Assigned Planner** Steven Lazar (707) 268-3741 **Case Number(s)** CUP15-004

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Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

**Return Response No Later Than 5/1/2015**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

---

**We have reviewed the above application and recommend the following (please check one):**

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of Items attached.

☒ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: Public agencies are under strict Regulatory guidelines of Reporting requirements. Private Individuals are not & should not be allowed Diversion rights from S. Fork EEL River.

**DATE:** 5/21/15

**PRINT NAME:** Ralph Emerson

## **Attachment 6**

### **Public Comments Received**

Two sets of public comments are provided: those received in response to the October 6, 2016 Planning Commission hearing notice; and those provided between when the application was filed in February 2015 and the initial December 3, 2015 public hearing notice.

#### **Comments received in response to the October 6, 2016 Public Hearing Notice**

1. Four letters from anonymous individuals received by the Planning Division on September 2016 (date stamps partially illegible).

#### **Comments received between application submittal on February 13, 2015 and the notice for the December 3, 2015 Planning Commission Public Hearing:**

1. Email, dated June 1, 2015, from Chestine Anderson.
2. Emails dated November 5, 2015. Name is been redacted at the request of commenter.
3. Three letters from anonymous individuals received by the Planning Division on November 20, 2015, November 25, 2015, and November 2015 (date stamp partially illegible).
4. Letter from John LaBoyteaux received via email on December 29, 2015



## OPEN LETTER TO THE HUMOLDT COUNTY PLANNING COMMISSION

RE: Application No. 9635, Case # CUP-15-004

### Observations & Questions:

- Why in the world would you consider a Conditional Use Permit for a period of **15 YEARS?** That is the most absurd thing I have ever heard. Why not for **ONE YEAR**, to see how it works out?
- The proposal is for 36 truck trips per day, 7 days a week. Has the county considered the road maintenance and upkeep of such traffic? Is the county prepared to cover the time and expense of adding this kind of traffic to Sprowl Creek Road? Our roads are some of the worst roads in the state (because of funding) and you want to add this kind of traffic for the next 15 years?
- Mr. Jeffries wants to have 16 bladders holding 210,000 gallons each. That is 3,360,000 gallons of water - 3.3 million gallons! If he did not take any water out, it would take Over 9,000 gallons of water every single day for an entire year to fill these bladders. He says he wants to do this with a catchment system. Is this logical? He says he won't drain the Eel River, just use his catchment system. Considering the weather pattern in the past 15 years, does this make sense at all? Obviously NOT.
- The land he is using is in the flood plain. Have you considered the ramifications of these 210,000 gallon containers breaking loose from their anchors? There is no way the proposed "Berms" could hold up to extended flooding. They would crumble like sand. Just look back to the 1955 and 1964 floods.
- The Planning Commission intends to adopt a **Mitigated Negative Declaration of Environmental Impact** for this project. Really? How can you, with a good conscience, adopt such a declaration?

- The road in to this site is a one way road. When he was running his illegal operation before, there were 2-3 trucks at a time waiting their turn to get into the site. The people in the cul-de-sac where they were waiting, could not use their yards because of the noise, the dust, and the diesel exhaust fumes. This would go on from 4 a.m. to 11 p.m. And you are wanting to do this SEVEN DAYS A WEEK? And you say No Negative Environmental Impact?
- Mr. Jefferies says he wants to do this through his impossible "catchment system"? Then why does he have that very large industrial pump in the Eel River? Last time he was doing this he said he got the water from a well on his property. That is a lie. We have no water in our rivers and streams now... what will 3.3 million less gallons do to our river and our fish ? What will The Planning Commission tell Redway when they do not have any water? Have you considered the environmental impact of that?
- I beg of you to reconsider this ludicrous proposal, especially for a 15 year period.

A CONCERNED CITIZEN



Open letter to the Humboldt County Planning Commission concerning your "Public Notice of the Humboldt County Planning Commission Notice of Hearing and INTENT TO ADOPT A MITIGATED *NEGATIVE DECLARATION*".

You have got to be kidding me!

I don't know where to start...



- We have some of the worst roads in Humboldt County. How can you even consider permitting 36 Truck Trips a day, 24 hours a day, 7 days a week up Sprowl Creek Road? The county does not have money to repair our roads now. Have you (Planners) really discussed this with the County Roads people? Where would the money come from to support this?
- 16 water bags that hold 210,000 gallons of water each = 3,360,000 gallons. First of all, I thought it is against the law for us to collect rainwater – even off our roof into a barrel. Second, if you have 16 of these 210,000 gallon water bags in that small field, there sure isn't room for an 83,000 square foot catchment system. Next, let's consider where all this rain could come from. I guess you have not considered the amount of rainfall we have had in Southern Humboldt on average over the past 10 years. Have you thought about, and can you guarantee these bags can be anchored down to withstand a 1955 or 1964 flood? If one or several of these ever broke loose, I hate to think of the damage downstream.
- You KNOW when Jessie Jeffries was filling those bags last year; all of the water was coming from the Eel River. You know he has a big industrial sized pump in the river and has piping to fill the bags. I guarantee you that he will be using that to fill his bags. Will you make him remove the pump from the river and destroy the pipe? When you are considering your "Mitigated *NEGATIVE* Impact, consider the impact of 3.4 Million gallons of water out of the Eel River. Consider how you will explain to the city of Redway when they have NO WATER! Redway, Phillippsville, Miranda, Weott, etc. Have you considered that the water actually Stopped Flowing on the surface at Fernbridge last year. We are in a drought. Why would you let one citizen capture 3.4 Million gallons of water and sell it at a profit? You say in your notice that he wants to sell this water for "Agricultural Use (e.g. irrigation). Come ON! Has the POT industry completely taken over our County Government?
- Have you discussed the environmental impact of taking all this water with Fish & Game? They don't like pot growers diverting water from our streams. What do you think 3.4 million gallons will do to the fish and wildlife?

- What about those houses in the Cul-De-Sac at the entrance to the property? That is a single lane road and last time he was selling water from there, the trucks were held up by the county road near all those houses. Running their engines, making noise, diesel fumes and dust. 24 hours a day, 7 days a week? You've got to be kidding me. There should be a new road cut in to access the site.
- Why in the world would you consider issuing a permit for 15 YEARS? Maybe a six month permit or maybe a one year permit to see how this works out.
- Why in the world does he have no consequences for all the damage he has done to the Streamside Management Area? Anyone else doing that kind of damage to the environment would be fined thousands of dollars. And why is he Exempt from any environmental review? Why is he not held accountable?

In summary, Considering all the things I have discussed, I don't see how you could even consider adopting a Mitigated Negative Declaration. You will notice that most of us do not sign these letters because we are afraid of reprisals from Jessie Jeffries. It is not Who sends in these testimonies, it's the fact that you have them in front of you to consider. Please consider what I and the others have said. I believe this is a big mistake!

Thank You.

A Concerned Citizen



## OPEN LETTER TO THE HUMOLDT COUNTY PLANNING COMMISSION

RE: Application No. 9635, Case # CUP-15-004

### Observations & Questions:

- Why in the world would you consider a Conditional Use Permit for a period of **15 YEARS?** That is the most absurd thing I have ever heard. Why not for ONE YEAR, to see how it works out?
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- Mr. Jeffries wants to have 16 bladders holding 210,000 gallons each. That is 3,360,000 gallons of water - 3.3 million gallons! If he did not take any water out, it would take Over 9,000 gallons of water every single day for an entire year to fill these bladders. He says he wants to do this with a catchment system. Is this logical? He says he won't drain the Eel River, just use his catchment system. Considering the weather pattern in the past 15 years, does this make sense at all? Obviously NOT.
- The land he is using is in the flood plain. Have you considered the ramifications of these 210,000 gallon containers breaking loose from their anchors? There is no way the proposed "Berms" could hold up to extended flooding. They would crumble like sand. Just look back to the 1955 and 1964 floods.
- The Planning Commission intends to adopt a **Mitigated Negative Declaration of Environmental Impact** for this project. Really? How can you, with a good conscience, adopt such a declaration?

- The road in to this site is a one way road. When he was running his illegal operation before, there were 2-3 trucks at a time waiting their turn to get into the site. The people in the cul-de-sac where they were waiting, could not use their yards because of the noise, the dust, and the diesel exhaust fumes. This would go on from 4 a.m. to 11 p.m. And you are wanting to do this SEVEN DAYS A WEEK? And you say No Negative Environmental Impact?
- Mr. Jefferies says he wants to do this through his impossible "catchment system"? Then why does he have that very large industrial pump in the Eel River? Last time he was doing this he said he got the water from a well on his property. That is a lie. We have no water in our rivers and streams now... what will 3.3 million less gallons do to our river and our fish ? What will The Planning Commission tell Redway when they do not have any water? Have you considered the environmental impact of that?
- I beg of you to reconsider this ludicrous proposal, especially for a 15 year period.

A CONCERNED CITIZEN

to the Humboldt County Planning Commission

Re: Application No 9635 # Cup 15-004

The property at 1575 Spawel Cr. Rd is a one way road to go in + out of this property.

It would be great if he cut another two way road to go in + out of.

Then the truck could use the County Road. it could be done

With trucks working 2 days a week that is over 1,000 trucks a month.

If a truck is coming out of the property a truck coming in has to wait next to the houses in the cul de sac, to smell the diesel, hear the noise & the back brakes Plus the dust.

When he had the trucks going in + out last year with out permits they ran from 3 AM to 11 PM.

They are saying truck now with run 8 to 5 - who will enforce this ???

No one Mr. Jeffries does what he wants to do.

He locked his gate last year so

not just once but many times.  
He was taking the water from  
the Eel River - my question is  
who is going to check to see  
if this is not going to happen again??  
When he was asked why he said  
I don't care if the eel River  
goes dry.

He does want he wants to do  
who will enforce this ???  
15 year ~~why~~ not 6 months or 1 year  
to see if he is doing what he says  
(which he want)

I like to come home & enjoy my  
front & back yard with peace  
not thousands of truck coming  
& going 24 day a week all hours  
of the night & day - Please think  
about this I'm sure none of  
you would like this with the  
small the diesel fumes idust & the  
noise either. Think about us please

I beg you to reconsider this  
the 16 bladders he has that  
would be 3.3 million gallons of  
water that would be 9,000 gallons  
of water every single day for  
1 year to fill the bladders

I don't think this will happen  
with our weather pattern.

So will the water also be  
coming out of the Red River  
like before?? Who will enforce  
this?

It would be nice if the  
planning Commission would all  
come down & look at the site  
coming in & out with the dust.  
Eyes are better to see than  
just what is on paper  
Just a thought

A very concerned citizen



## Lazar, Steve

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**From:** Chestine Anderson <bandon48@gmail.com>  
**Sent:** Friday, May 22, 2015 7:49 PM  
**To:** Lazar, Steve  
**Subject:** CUP 15-004

**Follow Up Flag:** Follow up  
**Due By:** Monday, June 01, 2015 4:00 PM  
**Flag Status:** Flagged

Dear Mr. Lazar,

I feel very strongly that the project, CUP 15-004, proposed by Jesse Jeffries/Seasonal Water Solutions will be unhealthy for the south fork of the Eel River. 83,000 square feet of ground that would be soaking up water and restoring the ground hydrology will instead be gathering up water that will be sent off to irrigate crops in other watersheds. "Rainfall events" are the only means of restoring water to the Eel River and its tributaries. They need to fulfill that purpose and not be used for profit. Mr. Jeffries' project is not "reasonable and beneficial use" of a public resource.

Sincerely,  
Chestine Anderson  
95 Old Somerville Creek Road  
Garberville, CA 95542  
923-1385

## Public Comments Received

Emails dated November 5, 2015. The commenter's name and email address have been redacted at the commenter's request.

Email #1:

Thanks so much for the time and energy. Please look on the map, in-between the proposal property and Randal's is Rivercrest Dr. Seven house's in a culdisac. Blurred out.... And covered by a 700' #. And Randal's yard is extremely larger and spans both sides of the sprowl creek bridge on the inside turn. Maybe the planning dept can find an up to date picture (of there own not submitted by said applicant) of the entire area and its surroundings. Given the applicant's history I strongly urge the department to look harder and deeper into every aspect of the entire operation. Thank you Michelle for your time and consideration.

Email #2:

Hello again... I was reading the environmental impact report and once again with all due respect, it just seems like no ones ever been down here and looked around. Over a thousand truck loads a year and no one thinks that's going to be an impact? We already have just as many if not more occurring now on the daily from Randal's. Not only air pollution but air quality, dust, mud, road degregation, safety of other drivers, etc. I called Randal sand and gravel and the Randal's dirt lot up the road (approx quarter mile) both have up to fifty bigrig trucks a day in and out of each lot Including heavy equipment. Peak gravel season is winter and peak soil season is summer "were always busy busy." I strongly urge all party's involved with the impact report to do there homework or even better please come down to the site area and see the busy scene that's going on here around the area. Regarding the aesthetics (fugly) it's clearly visible to all who look coming and going from town from numerous locations on sprowl creek road. Nothing would make a piece of property and its surroundings more ugly and eye turning than sixteen huge gray water bladders. And you "can" see it from US 101. And there are hundreds and hundreds of people who live out this road, its not just "a road to the river" as some pute it in the report. And if it is "prime" ag land then it will never be that again, only "used to be" prime. It just doesn't seem right. 8.34 pounds per gallon is what water weighs. One bladder will weigh 1,751,400 pounds at 210,000 gallons. Times that by sixteen bladders and you get 28,022,400 million pounds. I find it hard to believe that the soft flood plane could or would hold such weight. Plus i don't believe that any one could ever fix such a problem. On top of the fact it's already in a flood plane I dont see it being safe at all on any level. I can't tell you how much I appreciate you and your openness for me to voice my concerns. I only hope that you and others look into these conditions and concerns. I realize that I'm complaining to, and about you at the same time and I would like to apologize for this.



About Application 9635  
CASE NUMBER CUP-15-004

I THINK A 1 YEAR PERMIT  
TO SEE HOW IT WORKS.

WHEN IT WAS GOING BEFORE  
TRUCKS WENT TILL 11:00 PM  
AND STARTED AT 4:00 AM,  
ITS IS A ONE LANE IN AND  
OUT, THERE WAS 3 OR SO TRUCK  
PARK ALONG COUNTY ROADS  
WAITING TO GET IN, WHEN  
YOU WOULD DRIVE BY ALL  
YOU COULD SMELL WAS DIESEL.

I KNOW THIS GUY HE  
WILL USE THE WATER  
LINE GOING TO RIVER WHEN  
HE NEEDS IT. NOT LIKE HE  
TOLD THE TRUTH THE FIRST TIME  
ALSO 5 DAYS A WEEK IS GOOD  
FROM 8:00 AM TO 6:00 PM

Application 9635

Parcel number 223061011



My concerns are if this was done before with no permit & taking water out of the river, who is to say it won't be done the same way again - the pump & lines are still in the river?

The trucks came in at 430 AM & at night till 10pm - who is going to make sure this is not going on - & a permit for 15 years, what lets try a permit for 2 months & see what happens.

The dust and noise from the Jack Brakes when the Trucks come off Sprawl Cr. Bridge they put the Brakes on to turn to the one way road to Jessies then again at the gate when the water truck have to wait for another truck to come out. we get to hear the trucks; why don't they put a road from his dad's property to his? It said 36 Trucks a day 252 Trucks per week & Over a thousand a month

Who is going to make sure  
that it won't be more? 2 days  
a week? Why 2 days a week -  
Try 4-



## OPEN LETTER TO THE HUMOLDT COUNTY PLANNING COMMISSION

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A CONCERNED CITIZEN

Comments received from John LaBoyteaux on December 19, 2015 via email

Michelle,

Here follow some additional comments on the Initial Study and Draft Mitigated Negative Declaration for Seasonal Water Solutions. Please send me a copy of the revised document when that is ready and please let me know you have received this message.

This is an unusual and unique property in Southern Humboldt because it contains prime agricultural soils and has historic agricultural use as the Pancoast Dairy. This would be an attractive property for an agricultural producer if it were available for lease. The proximity to town provides an accessible market. Other farmers are working these high quality soils immediately across the river. Ironically with the new medical marijuana ordinance properties of this type with good soils and good water will be in great demand. A person could grow medical marijuana on the prime agricultural soils of this property and use riparian water rather than having to collect rainwater and truck water into the hills. If recreational marijuana is legalized in 2016, and becomes more competitive, growers will be looking for locations with the best soils and dependable water.

I think it would be good to include in this document the NRCS definitions of prime farmland for informational purposes. There is one later reference to returning the property to historic agricultural uses of pasture and grazing ..... however these soils are far more capable than the historic uses indicate.

I have several comments about the engineered berm.

1. These bladders were developed to military specifications and are very tough. I think the possibility of a complete rupture of a bladder is very remote. The county should develop information about the design specifications and bursting strength of the bladders. I know the military uses them also for storage of diesel fuel or jet fuel.

I have a friend who has been using these bladders for potable water storage for five years. I have seen deer walking on top of full bladders and my friend says he can walk on top of them without problems. He did say mice will chew on the folded edge of the bladder when not full as mice will do the same on drip tape ..... apparently they sense a source of water, which can result in some leaks. This soil is well drained and can absorb leakage. I can provide contact information if you would like to talk to my friend who was, until recent retirement, a county employee in Lake County in a technical capacity.

I understand the concern of the Department of Fish & Game about the sudden release of warm water into the river. However, I make the points above, because I believe, as a practical matter, the berm is not necessary.

2. In the Geology and Soils section, page 18, A.M. Baird Engineering refers to the possibility of using "imported clean soils" to build the berm. If the imported soils are not of the Gschwend-Frenchman Complex soil type, or something very similar, the use of these imported soils could conflict or negate the soil restoration potential rated high by NRCS. This determination by NRCS refers only to the potential for restoration of the native Gschwend-Frenchman soils, not a soil mixture of unknown proportions. These are Ferndale soils in the old soil survey.



3. The impact of the entire structure, including full bladders and the berm needs to be considered with relation to the flood prism of the river. Consider also that if the berm is overtopped by floodwaters, the enclosed area will fill up like a big pond or lake which may cause some hazard of delayed release.

I do support the proposed mitigations, the limited term permit, the required bond to remove these structures, and especially the transfer of development rights which would keep these prime farmlands in a unit which would be attractive for commercial agriculture in the future. As I mentioned above, lands like these will be in even greater demand in years to come.

John LaBoyteaux