

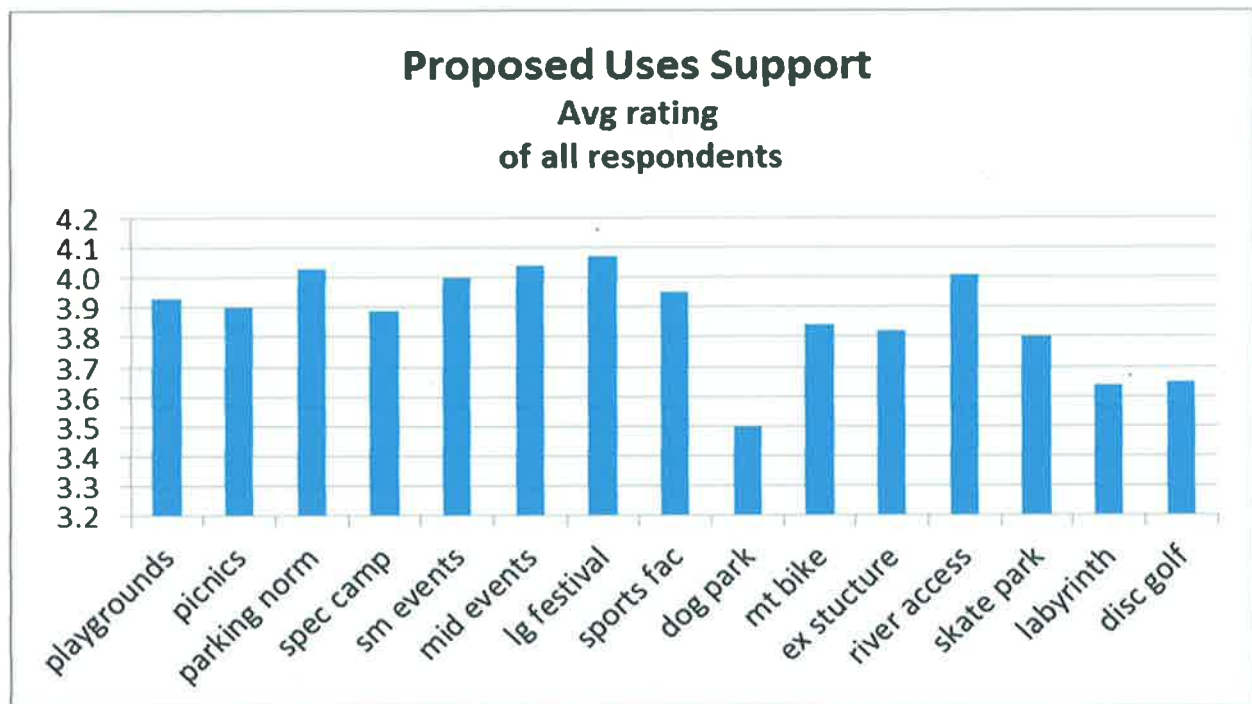


Community Survey 2012

Southern Humboldt Community Park

433 community members completed the survey

In the summer of 2012, the Board of Directors of the Community Park conducted a survey of 433 community members to gauge the continued level of support for various project features at the Community Park. The surveys were conducted at the annual Summer Arts and Music Festival in Benbow. Efforts were made to collect surveys from a broad range age groups and demographics. The survey was one page long and took approximately 5 minutes to complete. The participants were asked to rate their interest in certain activities from 1-4.



1 is low – 4 is high

*Several answers were out of range end.

The results of this survey was consistent with all the previous community input we have received over the past decade and also served as confirmation to our Board that our project planning was reflective of the communities stated desires for the Park.

It is important to note that year after year, the results of the community input remain the same.



Community Park Planning Session II

Summary—The Guiding Principles
May 5, 2009



This scoping session is part of a series of community meetings to assist in the planning process for the future of the Southern Humboldt Community Park. This session focused on “Guiding Principles” for the Park’s. These principles are a critical part of the Park’s Master Plan. They serve as an expression of our values and ideals and provide a foundation for decisions regarding community use and stewardship of the Park.

This session was an active working session in the “World Café” style of group conversation. Each group focused on a different component of the guiding principles. Participants moved from table to table to give input and discuss each of the components over the course of the session.

Five tables were ready with an assigned table host who also served as the recorder for a topic. The table hosts were tasked with exploring specific questions through group process while also encouraging new questions. They were urged to encourage everyone to participate and also to listen to gather knowledge from the group. At the end of each group the table hosts captured the essence of each group’s ideas and relayed them to each of the groups that followed.

Each table was presented with an element from the master plan and group participants were asked specific questions to inspire conversations related to the various Master Plan components. Participants were encouraged to show support for a principle, remove a principle and to suggest an additional guiding principle.

The table hosts reported that there was a general consensus that the Guiding Principles are sound and needed mostly minor revisions. The conversations were lively and a few concepts began to evolve and the discussions moved from table to table with new participants. Each table host has written a report of the discussions, comments and ideas that took place at their table.

Table Hosts Reports:

Natural Resources—Table Host: John Rogers

Question: What are the appropriate elements of a Natural Resource Utilization and Conservation Plan at the Park?

- Ensure careful utilization of park resources for the greatest community benefit.
- Protecting current park resources for their own sake as well as to provide for future community needs.
- Preserve the open space features and scenic beauty
- Protection of prime agricultural soils
- Protect archeological resources
- Prevent large-scale sprawling commercial and residential development
- Protect historic landscapes, resources, and structures.
- Continued restoration and management of upslope forested areas
- Continue to address legacy erosion problems
- Protection and restoration of riparian habitat for endangered fish and wildlife
- Minimize impact of development or construction on park viewshed

Natural Resources Table Summary:

The following Guiding Principles were presented to each of the groups that came to the NR table. It was noted for each group that some of the principles were more general overarching principles and others could be group around more specific topics. It was also noted that while most guiding principles prepared for the NR table were positive statements of desired conditions, two principles were negative proscriptive statements.

In general all the groups were supportive of all the Guiding Principles provided for the NR table. Only the proscriptive principles generated controversy. Discussion primarily focused on refining existing principles.

General:

- Ensure careful utilization of park resources for the greatest community benefit.
- Protecting current park resources for their own sake as well as to provide for future community needs.
- Preserve the open space features and scenic beauty.

Agricultural values:

- Protection of prime agricultural soils

Cultural values:

- Protect archeological resources
- Protect historic landscapes, resources and structures

Restoration:

- Continued restoration and management of upslope forested areas.
- Continue to address legacy erosion problems
- Protection and restoration of riparian habitat for endangered fish and wildlife

Proscriptive or negative:

- Minimize impact of development or construction on park viewshed
- Prevent large-scale sprawling commercial and residential development

Group One

This group focused on issues surrounding agricultural use.

One additional guiding principle emerged:

- Natural resource planning should include all available data sources and analysis

Additional comments:

NW side is prime agricultural area

South end difficult to farm

Use poor soils for parking

Use prime soils for agriculture

Facilitate/protect use of park recreational resources

Group Two

This group also focused on agriculture use policy along with discussion of potential site development for residential and other uses.

Additional guiding principles:

- Management of prime agricultural soils should recognize habitat values as well as agricultural production
- Any development should leave the park in its original condition (as it found it) after it's useful life

Modified principle:

- Prevent large-scale sprawling commercial and residential development

Additional comments:

Protection of prime agricultural soils does not equal plowed fields.

It was noted that restoration will impact agricultural soils and potentially raise water tables as eroded gullies are restored to higher level stream beds creating the potential for additional wetland areas, at least seasonally, within the park.

The guiding principle "prevent any residential development" was proposed. There was much discussion, but a consensus of support did not emerge.

Group Three

This group focused more on experiential aspects of park use. There was much discussion of how to incorporate the spiritual value of natural, scenic and open spaces as a guiding principle.

The groups reiterated support for slightly modified versions of two principles:

- Preserve the open space features and scenic beauty.
- Ensure careful utilization use of park resources for the greatest community benefit.

After subsequent email exchanges with two of the group's members a recommended guiding principle emerged that I believe is consistent with the intent and concerns of the group:

- Enable opportunities for park visitors to experience spiritual renewal in a natural, undeveloped setting.

Group Four

This group noted that implementation of park goals and objectives will require resources and oversight of park activities and recommended this additional guiding principle:

- Ensure that adequate funding and staffing are available to implement the above guidelines

Group Five

This group focused on the long-term sustainability and ecological integrity associated with any improvements implemented at the park.

Possible Guiding Principle based on the conversation:

- Any "permanent" improvements shall be designed to be self-sustaining and self-maintaining and to protect the long-term sustainability and ecological integrity of the park.

(Rio Anderson and Dave Hope gave specific input regarding the phrasing of the above principle and may be willing to review and refine the above phrasing.)

Additional comments:

Don't fight the landscape!

Do it right the first time!

Additional recommendations:

Work toward the development of an overall stewardship plan for the entire park.

Set up conservation easement(s) to protect park resources in perpetuity.

Community Benefit –Table Host: Dennis Huber

Question: How can the park provide the most benefit for the community?

- Ensure the use of this park by the community in perpetuity
- Create access for the community through a series of interpretive trails and picnic areas, linking to a regional trail system
- Support community use for active recreation areas such as a soccer, baseball, or football fields
- Support community use for event
- Reserve areas for future community needs

Community Benefit Table Summary:

Question # 1:—Ensure the use of this property by the community in perpetuity.

Participant Comments:

- Define Perpetuity
- How is it guaranteed?
- Review Golden Gate Park mission statement

Question #2:—Create access for the community through a series of interpretive trails and picnic areas, linking to a regional trail system

Participant Comments:

- General agreement
- Devil is in the details
- Town Square connect top priority
- Contemplative area needed
- All advocacy groups need to meet established criteria

Question # 3:--Support community use for active recreation areas such as soccer, baseball, or football fields

Participant Comments:

- Flexibility needed for placement
- Reserve area for marginal croplands such as olives
- Economic benefits
- Maintenance costs analyzed
- Only non-agriculture areas
- Pool
- Aesthetics important
- Top priority in planning
- Financial concerns
- Good governance
- Would prefer a membership non-profit better-let voting determine
- Allocation of water important
- Community involvement in decision
- Other locations already serving needs
- Large carbon footprint to travel outside our community for this type of recreation
- Keep in balance with agriculture needs
- Bring in folks who understand requirements
- Lower priority

Question # 4:--Reserve areas for future needs

Participant Comments:

- Good planning is needed
- Master plan needed
- Long-term ecological planning
- Yes

Question #5:-- Support community use for events such as the Summer Arts Fair

Participant Comments:

- Capacity study
- Located properly
- Scale important
- Small events preferred--350 persons
- Non-profits only
- No tax money used
- Summer Arts OK
- Only generated by and for local community
- Flexibility needed
- Loud, late concerts No!
- How is enforcement handled?
- Method for community input needed

Agriculture – Table Host: John and Lisa Finley

Question: What is the best role for the Park in agriculture in Southern Humboldt?

- Promote a higher level of agricultural production than under past management
- Protect the prime agricultural soils
- Promote more *intensive* rather than *extensive* agricultural production
- Encourage dry farming and water conservation
- Encourage organic farming
- Encourage economically viable farming operations by providing basic infrastructure needs and administration
- Facilitate cost-sharing between multiple farming user groups

Agriculture Table Summary:

The major response was that the guiding principles for agriculture at the park are sound. There seemed to be a general desire to clarify certain definitions.

- **Promote a higher level of agricultural production than under past management.**

“Past management” is too broad a term, in that while the park is more agriculturally productive than under Tooby ownership, it is less productive than under Woods management. A number of participants shared a vision of vibrant diverse agriculture on the land. Orchards, vineyards, and grazing were mentioned as wishes.

- **Protect the prime agricultural soils.**

This general notion is supported by consensus. One participant brought up the point that prime soil is currently in use for species habitat. It was pointed out that preserving habitat is also a way of preserving prime soils. Another participant brought up that even some of the lesser grade soils at the park (Hookton) still have agricultural value, (Hookton can, for example, produce 2 or 3 tons of hay/acre annually) and should also be protected from development and parking.

It was generally agreed that if the land is protected as open space, and if creative parking alternatives could be found, that the agricultural integrity of the land is protected.

- **Promote more intensive, rather than extensive agricultural production.**

In each group this statement was identified as being confusing and ambiguous. This is also where we came into the discussion of how to integrate multiple uses of the park facility, while suffering no net loss of agricultural potential.

- **Encourage dry farming and water conservation.**

Again, this was agreed upon in principle. Participants discussed the desire for installing orchards, and others questioned whether we have the water to do so.

- **Encourage economically viable farming operations by providing basic infrastructure needs and administration.**

- **Facilitate cost sharing between multiple farming groups.**

There is an awareness that the park is in possession of considerable agricultural resources that could be managed to bring income to the park. How that could be implemented was discussed. Moderators shared their understanding of how this can work.

(Addendum)

One question that needs a public answer, is the issue of how the rezoning of the land into Public Recreation will affect the future of agriculture at the park. Some claimed it is the "end" of agriculture, while board member Tim Metz said it would have no effect at all.

The community would be well served by a clear statement from the board on this matter, once all the information is in and an answer can be presented.

Economic Sustainability and Fundraising – Table Host: Yashi Hoffman

Question: How can we best ensure economic sustainability for the Park and Park advocate groups?

- Develop long-range plan for economic stability for the park
- Promote community values, health and economic development of the immediate area and region by providing additional safe, attractive and convenient recreational opportunities
- Encourage the entrepreneurial spirit of advocate groups where it is consistent with our goals
- Support continued operation of long-established, locally owned gravel operation providing valuable resources for the community
- Use careful, ecologically sound housing units to enable the park to create an endowment that supports park operations in perpetuity.
- Support housing that may include, but is not necessarily limited to, intergenerational housing and eldercare to help to meet community needs

Economic Sustainability and Fundraising Table Summary:

Revenue Sources-This list of possible revenue sources was collected from the various groups (In no particular order)

- Bequests from wills.
- Green burial sites
- Hayfield cultivation
- Park memberships
- Special district supported by a tax assessment
- Olive trees
- RV campground at Tooby park
- Ecotourism

- Canoe and bicycle rentals
- Walk-in campground facilities
- Food vendors
- Permaculture demonstration gardens
- Partnerships with local organizations
- Tourism promotion through advertising
- Youth programs from out of the area
- Support for advocacy groups to present their plans
- Sell the gravel operation and use cash to payoff debt

Housing

There was widespread support for housing at the park as a means of long-term income. There were two expressed oppositions to any housing. The concerns for housing were centered on location, environmental compatibility, use, containment of runaway growth and visibility. Intergenerational housing and eldercare were welcomed with concerns about the level of care and the hospital's capabilities.

Concerts

Initially, there was a wide mix of opinion on concerts expressed but as discussion continued and issues regarding size, decibel levels, frequency, end time, parking and traffic was addressed, support grows to over 75% in favor.

Gravel

Majority position is not comfortable with gravel pit association with the park. Some do not agree with its inclusion with the guiding principle, many do not know the details of the relationship of the gravel pit to the park and want clarification. Many feel a gravel extraction business is incompatible with the parks overarching goals.

Cash Donations

Solicit funding from the local alternative green economy. Appeal to this vast revenue source as a way to give back to their community. A few insisted that a full public accounting of funds to date was necessary and indicated their reluctance to pay for interest on the loan. One suggestion was for a targeted donation option. This would be a donation that would have a % (set by the board) to go toward debt retirement and operational cost and the remaining % to go the advocacy group of the donors choice (i.e. stream restoration or John and Lisa's community farm).

Community Participation—Table Host: Peter Ryce

Question: In what ways can the park, the community, and individuals benefit from increased community participation? What would you like to do to help?

Community Participation Summary

Community Input

When advocates for Park use come forth with proposals they should be put on the website and the public should be allowed to comment on the proposals before they are approved. Have a better explanation of the advocate process.

When a project reaches a certain level of development have a public poll on its impacts, usefulness and relevancy before continuing its development

Need a mechanism to ensure public input is heard and action is taken. Where is the carry through?

When new master plan is developed there needs to be public input, comment period and processes before it is submitted.

Governance

Have Board members responsible for particular areas and let the public know who they are so they can contact that Board member with their concerns. Keep it all cohesive. There should be a clear process for board evolution.

The Park has evolved beyond its 'start-up' phase and a new model for governance may be warranted.

Current Board is doing great. They have done an incredible amount of work. Their governance works well.

The Park should be a membership organization in order to give the public a sense of inclusion or ownership. However, membership can bog an organization down. At least board meetings should be open. There should be public and fiscal accountability at all times. If the Park creates a membership and charges dues it will help seek 'inclusion' and gives a voice to the people.

Have a 'site' committee (like a planning commission) to oversee and assist in Park planning.

Communication

Have this type of 'World Café' three times per year so that there can be public discussion and conversation on issues affecting the Park. However, the information gets lost because there is no lasting value that gets 'implemented.'

More and better communication between the Board and the public is needed. Use the Website. Have an advisory committee, use the radio, have newsletters, more outreach.

Have a Facebook page. Tell what services are available, what sites, at what cost? Park needs higher profile. Show the Park as a county/regional facility. Make presentations to the Board of Supervisors, Chamber of Commerce, service groups, local businesses, etc.

Keep local neighbors well informed, they are a resource and supporters. Use e-mail. Keep them in the loop.

Additional Comments

1) Organize energy for volunteer efforts. Appoint a community member to do this. 2) Have a booster club. 3) Look to older (or other) Parks for models of organization, governance and

planning, i.e. Bidwell in Chico, Ashland Community Park 4) Train docents give tours, i.e. restoration, farming, fauna, flora, etc. 5) Income could be produced by selling advertising on the website.



Support for Southern Humboldt Community Park

Summarized in Chart

CATEGORY	STATISTIC*
Individual/family Donors with names 2000-2016	Over 650 approx. 25% represent 2 people = 812 individuals
Direct Appeals and spontaneous donations 2000-2016	\$1,023,000
Fundraisers in the community and local business sponsorships 2008-2016	\$201,000
Businesses who have been Sponsors or contributors 2000-2016	Over 120
Anonymous donations collected at the Park (2012-2016)	\$6,790
Volunteer hours Estimated 2000-2016	2,500-3000 hrs. annually = 43,200 hours total
Letters of Support	Over 680 collected by SHCP Scores more mailed directly to Supervisors and Commissioners
Petitions Supporting Overall Project Supporting Events Supporting Sports Fields	408 signatures 181 signatures 52 signatures
Facebook Likes	1,157
	*numbers have been rounded down

Carol Van Sant
P.O. Box 825
Redway, CA 95560

December 10, 2016

Planning Commission
Humboldt County
825 5th St. room 111
Eureka, CA

Dear Planning Commissioner:

I have been a board member of the Southern Humboldt Community Park (SHCP), a non-profit 501(3c), for over eight years. When I joined, the SHCP board had just started the General Plan Amendment (GPA) application process, which required a full Environmental Impact Review (EIR) under the California Environmental Quality Act (CEQA). The Board has been working continuously to become a legal Park throughout my tenure and even before. The SHCP board has worked with four different Humboldt County District II Supervisors during this effort, and three Humboldt County Planning Department Directors. It has been an arduous, very lengthy, very costly undertaking. It is with great relief and high expectations that we bring our project before you on January 5, 2017.

As a SHCP board member, I write to you to highlight the outpouring of community support the Park has had since its visionary inception in 2000 to this very day. (Summarized on attached chart)

A good measure of support can be based on **community financial support**. The community had to raise **\$650,000 dollars, to buy** this beautiful historic 430 acre property, and the community has had a huge role in **sustaining** it during these long years of process to become a County certified Park & Farm. In addition the Park Board has depended primarily on the community to raise more **than \$350,000 to pay for the EIR**.

The commission and supervisors need to understand that because of our ambiguous legal status for over 15 years, we have not been "shovel ready", using the jargon of the grant world, for significant state or federal grants available for Parks. We learned this the hard way. In 2009 SHCP was a finalist in Prop 50 "River Parkway" grant competition. **If successful that one grant would have brought over \$500,000** to the Park and community for habitat restoration along the South Fork Eel River, trail development and ADA restrooms. Although the Planning Department vouched we would have our rezone within six months of the grant due date, we were disqualified for not being "shovel ready". **In the intervening 8 years The Park, and our Southern Humboldt community by extension, have lost out on similar opportunities.**

Even though greatly handicapped, we have sustained ourselves, though barely. There is a lot of deferred maintenance crying for attention. The community has had a large role in keeping the Park afloat through individual and family donations, local business support, attendance and spending at Park fundraising events, and donating many hours of volunteer time to the Park and Farm. The Southern Humboldt community has been heroic. **Each year our records show increasing support for the Park through donations, spending at fundraisers, business sponsorships and hours volunteered.**

According to SHCP records (2000-2013) **more than 650 individuals or family units have contributed** directly to the Park in response to the initial effort and consequent Board appeals. Since 2000, The Park has raised, through direct appeals and other donations over **one million dollars!** More than 85 community members have contributed over \$4000 and more than 125 individuals or families have contributed \$2000 or more. Also since 2012 Park users have donated through two collection boxes at the Park. Each year the boxes collect more than \$2700.

In addition, the SHCP board has had incredible community response to Fundraising events. For six years The Walk in the Park, a family event with between 150 to 300 in attendance, depending on the weather, raised enough money to revive Tooby playground and picnic area. A beautiful redwood fence now encloses the younger child play area, old play structures have been revitalized and new ones installed. New picnic tables have been added.

Seven years ago the Park started an annual fundraising event called Fall Splendor held at the Mateel Community Center. In So Hum it has become a favorite costumed event of the year. This year over 400 attended and more than 100 volunteers assisted. **That means over 500 people gave of their time and/or money to the Park for this event.** Park supporters come ready to spend on the food, drink and auctions and fill the donation jars. **In 2015 our fundraising cleared over \$40,000 for the Park.** The books have yet to close, but it is projected that 2016 will top that.

Our local and regional businesses step up each year to support the park through the annual Business Sponsorship drive. Businesses also contribute or give us in-kind assistance for auctions or park needs. Since inception over 100 businesses have donated to the Park, many of them give annually. The 2016-17 Sponsorship drive has been the most successful ever with over **\$21000** raised in cash or in-kind donations from our business community.

The economic support of the Southern Humboldt Community has doggedly kept the Park open during these lean years when the Park has not been fully operational, has been struggling to pay the cost of the EIR, and has not been eligible for grants due to our quasi legal status with the County. **The amount raised through donations and fundraising is an amazing feat for a small rural community, and attests to the strength of support for this vision.**

Many volunteers help sustain the Park. For Fall Splendor alone over 100 people volunteer. During the course of the year several work parties are called and we can usually count on 20-30 to show with shovels, work gloves or maybe an excavator, depending on the job. Our community farm has a regular crew of about 20 volunteers that help with the gardening February-October. Volunteers help maintain the trails, the disc golf course and the labyrinth which was installed by Redwood Rural Health Center. For over 13 years one heroic volunteer mowed and trimmed Tooby Park and other trails. There are many members in the sports community who cannot wait to volunteer their time to create and maintain the sports area. The Park has had 17 different community members serve on the Board of Trustees. Terms are three years and a member is limited to three terms. Over-all we estimate that the Southern Humboldt Community Park and Farm benefits from **over 2500- 3000 volunteer hours each year.**

We have many signatures on petitions and letters of support for this project. Our district two supervisor, Estelle Fennel, says that she and the other supervisors have received in the mail scores of letters of support. In addition we have collected through the years (always thinking that we were only a few months away from the day we would present our project) over **580 letters of support** and more than **640 signatures on petitions**. You have a CD in your packet that shows these letters and petitions. Plus we know many others have written to you directly and mailed the letter themselves. And we cannot forget our viral friends. As of today there are **1149** likes on the Southern Humboldt Community Park's Facebook page!

The Southern Humboldt Community Park has become a vibrant outdoor center for the Southern Humboldt Community with support coming from a great many community members in many different ways. The Park has advocates and users from all age groups and all socio-economic groups in our community. The Park Board and the Community are looking forward to a new era when we will have some public facilities zoning so that we can become a fully operational and sustainable Park under the environmental safeguards of CEQA.

Thank you very much for your time and your consideration of our project, and your commitment to public service.

Respectfully submitted,
Carol Van Sant
Member of the Southern Humboldt Community Park Board

Michael Richardson
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

June 13, 2016

Subject: Southern Humboldt Community Park Draft EIR

Dear Mr. Richardson,

I am pleased to submit comments pertaining to the Southern Humboldt Community Park Draft EIR. I am an Assistant Cooperative Extension Specialist on the faculty of the Department of Environmental Science, Policy, and Management at the University of California - Berkeley. I hold a PhD from the same department. My area of expertise is water management, with a focus on river hydrology and ecology. I have worked on California water management issues since 2000, both in environmental consulting and at the university. I am well-qualified to comment on the technical aspects of the EIR, particularly those pertaining to water quality and water supply, and water use and availability.

I can attest to the high-quality of the Draft EIR and commend the authors for their efforts in providing a thorough and honest assessment of the environmental impacts of the project and appropriate mitigation measures. I am particularly impressed by the attention given to potential impacts to the South Fork Eel River and consideration of measures to mitigate such impacts, including local water storage, selective planting of drought-tolerant turfgrass, and efficient irrigation system design. The development of an Adaptive Management Plan for guiding water use decisions at the park is a logical and robust approach for responding to natural variation in water availability and for avoiding significant environmental impacts during times of water scarcity. The proposed mitigation measure to increase water storage capacity would also be effective for reducing dry-season impacts to the river. This strategy has been successfully implemented in Sonoma County, where increased winter water storage has provided adequate supplies to irrigate ball fields in the summer at Westminster Woods in the Dutchbill Creek watershed.

Overall, the Draft EIR is of the highest quality relative to those developed for similar projects. Thank you for your consideration of these comments.

Best Regards,



Theodore Grantham, PhD
Berkeley, California
Phone: 510-664-4664
Email: tgrantham@berkeley.edu

Cc: Humboldt County Planning Department, Humboldt County Board of Supervisors



December 15, 2016

Dear Planning Commissioners,

This letter is a response to the letter written to you by Kristin Vogel and published in The Independent on November 29, 2016. **There are many incorrect assertions in Ms. Vogel's letter, several which need to be corrected.** We believe it is important that both the Planning Commission and the public have the correct facts about this process, the history of the Park and the obligations the Park must meet under the mandate of CEQA.

Southern Humboldt Community Park (SHCP) will come before you on January 5th with a completed application for a General Plan Amendment (GPA) which includes a full Environmental Impact Report (EIR) according to the high standards (the highest in the world we were told by one California planner) of the California Environmental Quality Act (CEQA). The county has required this process because it is necessary to rezone a portion, less than 30%, of the land from Agriculture Exclusive to Public Facilities in order to have public spaces, and to change the land use designation to Public Recreation to allow the public to legally traverse the acreage that will still be in Ag Exclusive zoning.

1. When the funds were raised in the community to buy the Park land, visionary and founder Stephen Dazey gave people a sheet of **potential civic uses** for community benefit. It included trails, a site for a new hospital or high school, venues for events, playgrounds, a farm, sports fields, plus other dreams. Those who gave generously knew that they were preserving a beautiful piece of property for the community use, and that it would not be broken into 5 to 20 acre privately owned ranchettes. Exactly how the land would evolve into a combined space that has a Park for the community use, farm, and habitat preservation was circumspect. But many possibilities were presented, and **there is nothing in the present application that is different from the original intent.**
2. In regards to comments about events that occurred on the property many years ago, upon learning that events were not allowed, the Park immediately ceased having events. An interim agreement was given to the Park by the Director of Planning. We found out that even everyday activities like public trails were not allowed. At that time both our Board and the Planning Department acknowledged that there were miscommunications and confusion between the two parties about what types of activities were allowable under the existing zoning. **No music concerts have been held on the property since that time in 2008.** The Park Board immediately realized the loud concert had been a violation of respect to the neighbors and published a public apology in the newspapers. Board members personally apologized to many neighbors, including a personal apology to Ms. Vogel. The Board took responsibility for the mistake and promised the community that they had learned from it. It was after this concert that the Humboldt Planning Department received the complaints that Ms. Vogel collected.
3. In 2009, the County Planning Department decided **that in order to exist as a Park SHCP must rezone the property** which requires a General Plan Amendment (GPA) **and a full Environmental Impact Report**, in line with the California Environmental Quality Act (CEQA). Under the AE existing zoning, even public trail use and the Tooby Playground is not allowed. These activities are only allowed at this time because of the interim agreement that the Park has with the Planning Department.
4. **Ms. Vogel is incorrect when she states that the public has not been involved in planning for the Park.** This process - lengthy, thorough, detailed and costly - has taken seventeen years. The Park Board has held many well-advertised public planning events: meetings, workshops, a charrette, a world cafe workshop. The

information gathered and tallied from these meetings was the basis for the Project Description. Since the County's noticed Public Scoping session of the project in September 2009, the Park has kept the public abreast of the progress of the application and any new information acquired about Park land through the EIR studies via newspaper articles, KMUD talk shows, an annual booth at the Summer Arts Fair and annual public meetings, several of which offered guided walks.

It is odd that Ms. Vogel states otherwise since she has attended several meetings, including the one held in July 2016 where she talked to several board members and had her questions answered.

5. Our responsibility as Board members is to ensure that the neighbor's concerns are adequately addressed while also providing a place for the larger community's desire for an outdoor venue and other recreational features. The mitigations measures included in the EIR were designed to avoid noise, traffic snarls, wetland and wildlife habitat disturbance, and over-use of river water. The EIR that accompanies the Park's GPA requires over 100 mitigations or protections.
6. It is true that Ms. Vogel collected 600 signatures in a petition that stated the oppositions to amplified music at the Park and the entire rezone project. **If the signators clearly understood that the Southern Humboldt Community Park could not exist without some acreage being rezoned and the land-use designation change, how many would have signed?** If those signators clearly understood that if the Park project is not approved, this land would not be protected by the new zoning and the stringent environmental regulations CEQA ensures, would they have signed? The majority of her petition signatures were collected long before the EIR was complete, and it does not state in the petition that rezoning was required if the public was to be able to use the land for any type of gathering or a public playground. If those signing clearly understood that mid-size events were to be limited in number, ~~and~~ that amplified music would be under strict control, including the decibel level, how many would still sign?

All SHCP board members, current and past, have worked diligently to create a Park that balances the needs and desires of different segments of the community for recreational and cultural uses, while simultaneously restoring and encouraging healthy wildlife habitat, closely monitoring water conservation, and building a productive organic agricultural program that encourages community involvement.

Our guiding principle is the mission statement of the organization:

We exist because...

We believe the inherent beauty and value of the natural landscape is tied to our cultural history and weaves vitality and meaning into the fabric of our daily lives. We have acquired 430 acres of meadow, forest and historic ranch structures alongside the Eel River to establish a regional park. Our goal is to create opportunities for recreation, culture, agriculture, education and celebration and to ensure the enjoyment of this rich, diverse land for generations to come and to conserve the Park's scenic, historic and natural resources.

Please, call or e-mail us if you have any questions or concerns: 707-923-2928 or kathryn@sohumpark.org.
Thank you for your attention and service to our County,

The SHCP Board & staff

Dennis Huber, Eric Kirk, Carol Van Sant, Ross Huber, Jesse Hill, Elissa Martin, Matthew Banning

Members of the Board of Trustees

Kathryn Lobato, Executive Director

From: [Cinnamon Paula](#)
To: [Planning Clerk](#)
Subject: Support Rezoning of Southern Humboldt Community Park
Date: Thursday, January 05, 2017 4:43:15 PM
Attachments: [DearHumboldtCountyPlanningCommission.pdf](#)

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Cinnamon O'Neill Paula

<http://www.southernhumboldtkids.com/>

<http://www.facebook.com/SouthernHumboldtKids?fref=ts>

Dear Humboldt County Planning Commission,

Please approve the rezoning proposal for the Southern Humboldt Community Park. We are a growing community who really enjoys our outdoor recreation in many ways. The Park currently serves as a great place for people to walk their dogs, bicycle, run, walk, garden, be in nature, and more. It is wonderful to have. But it could be so much more for our community. The idea of having more fields for team sports is amazing and greatly needed for all ages of Southern Humboldt.

For years our youth sports have struggled to share the available field spaces in Southern Humboldt. Starting August 1st and finishing up around the beginning of November youth soccer and youth football and cheer struggle to have enough space for all their teams to practice on and provide home games. It has always been a delicate balancing of schedules between 2 leagues. This represents kids in our community ages 4-14, as well as their families and fans. Then you add in adults who would like to be able to enjoy a friendly game of soccer and it puts the field at pretty much maximum capacity 7 days a week until the rains come..

Skip forward a few months to February or March. On dry days you will see community members of all ages getting out to the ball fields to start warming up for the spring season. Southern Humboldt Little League runs March through the end of June. We average 20-25 teams each year for kids ages 4-12 and their families. Most years we have an opportunity to host tournaments for Little League District 26, bringing other Humboldt county families to our area (hotels, restaurants, stores, etc.) one weekend at a time. We have turned down this opportunity several times because of lacking facilities in Southern Humboldt.

The girls softball teams that play with Humboldt Fastpitch had 5 teams last year! That is double what they had the previous years. Proof that team sports in Southern Humboldt continue to grow and are wanted in the community. These teams are ages 5-14. They have struggled for years with field space to practice on. They are either filling in slim gaps between Little League Schedules or High School teams to get some practice time. These girls and their families would also like a place to host home games and tournaments.

In June, our local Women's Softball League gets going with their games. I believe they have a dozen or so teams that give women of all ages an opportunity to get outside and play ball. Women's softball represents many diverse groups and ages of women in our community. There are moms who pack their kids all over Northern California during the school year so that the kids of this community can play sports, and come summer they just want their own time to play ball! There are young women fresh out of high school that miss school sports and enjoy the opportunity to get out and play. There are multiple generations on some teams! This ever growing group of women (and their families and fans!) have outgrown sharing the Little League field with kids and deserve a better field to use.

Which leads us to the men who play ball in the summer! There is, just like all the other leagues, an ever growing group of men who want to play ball in the spring, summer, and fall, but are forced to travel elsewhere to do so. Not to mention, there is a desire to have co-ed adult softball opportunities in Southern Humboldt. The restriction is field space, plain and simple. Every person in Southern Humboldt either participates in or has family or friends who participates in the aforementioned leagues. That is no exaggeration. Our outdoor athletic leagues and teams are busting at the seams and continuing to grow. Please approve the rezoning proposal for the Southern Humboldt Community Park.

These are just a few ways that I see our community using a rezoned Community Park. It would better serve and benefit so many, while still keeping the great things already going on there. Thank you for your time.

Sincerely,

Cinnamon Paula
PO Box 2088
Redway, Ca 95560

From: Casandra Taliaferro <casandra@mateel.org>
Sent: Thursday, January 05, 2017 2:08 PM
To: Planning Clerk
Subject: Support of So Hum Park Zoning Change

Humboldt County Board of Supervisors:
825 Fifth Street, Room 111
Eureka, CA 95501

Dear Supervisors:

Re: SUPPORT FOR PUBLIC RECREATION ZONING FOR

THE SOUTHERN HUMBOLDT COMMUNITY PARK

I originally wrote and sent this letter almost a decade ago, and hopefully will be the last time I need to submit it in support of the parks rezoning.

The Southern Humboldt Community Park is a gem, as proved by the hundreds of community members that attended the park meetings held in 2009 at the Mateel Community Center and the Park Barn and hopefully again tonight at the public hearing.

I personally have spent hundreds of hours at the park not only recreationally; walking the trails, swimming in the river and picking blackberries but also socially; painting kids faces on Easter and volunteering for Walk for the Park.

Sentimentally the park will always be in my memory, dancing at the first wedding held in wedding grove, celebrating my 10 year high school reunion at Tooby Park, laughing at my nephew's baby shower at the playground and mourning during my father's memorial that was held in the Barn.

The park is also economically important as my last three jobs have related directly to the park. I spent hours deep in the gullies surrounded by poison oak building brush dams to stabilize the gullies as a Watershed Restoration Bio-Engineer. This was a grant funded project which I was

fortunate to work with Nicks Interns, a program teaching youth life/work skills, sharing bio-engineering techniques and passing on the importance of stream restoration. I was employed as a wedding coordinator for a wedding in Wedding Grove. Currently, I'm a seasonal employee of the Mateel Community Center helping with Festival Operations. We have been looking forward to co-promoting events with the park for over a decade.

My family has personally invested thousands of dollars the park purchase, park improvements, donations of tools, as well as hundreds of man hours in donated time and labor. We were one of the first families that invested in the original Community Supported Agriculture (CSA). And now support the farm stand at the Farmers Market.

We would like to invest in infrastructure and the vision to build a legacy for our children and grandchildren. Since the first inception of this letter, I've had two children and my experience with the park has only grown, we go to the playground frequently, the river, the trails, the birthday parties and easter egg hunts. I look forward to the actualization of the vision this community has created for this very special piece of land.

Arcata has the Community Forest, Fortuna has Rohnert Park, Blue Lake has Perigot Park, Eureka has the Sequoia Park, please let Garberville maintain and polish the gem that is the Southern Humboldt Community Park.

I FULLY SUPPORT A REZONING TO PUBLIC RECREATION.

With respect and gratitude,

Casandra, Shanon, Trey and Paige Taliaferro

From: [Crystal Salomon](#)
To: [Planning Clerk](#)
Subject: SoHum Community Park rezone
Date: Thursday, January 05, 2017 1:05:02 PM

I'm writing this letter to ask for the Planning Department to consider rezoning and any other actions required for SoHum to be able to use our current Community Park land for other community uses such as sports fields, including soccer and softball/baseball. I have been coaching Sports in SoHum for 10 years and I have traveled all along the west coast to travel tournaments with my daughter. I have seen beautiful parks with less acreage then our Park that have multi uses. They have softball complexes, nature trails, bird watching, real restrooms, and more. These parks can be very successful. Our park now is only useful for nature enthusiasts and agriculture. So most the youth in our area do not visit the park. Instead they travel with there parents up north to be able to play sports, or there sports league try to facilitate games and practices at the local schools which is very inadequate and doesn't allow them to fully grow in the sport, because many times a team will only be allowed to practice once a week. Also our area has many adults sports leagues. They are also in major need of having facilities. Let's come into the modern century of a multi use park like many town and cities have done across the country. Many people helped pay for this park because we were promised more than just a trail, and fields for crops. Please help change history in our community by trying to understand our needs and our vision. Help our youth have something to do down here, help our town come out of the backwoods idea of keeping people away and non modernization. Those ideas will only force people to move out of this area, and force hardship on kids, parents and coaches who are trying to physically recreate, stay healthy, and stay on a path of a healthy drug free lifestyle. Imagine if you lived down here and there was no Hiller Park, Bartow Park, or Newburgh Park? What would your family do for recreation, where would your sons Soccer team play?

Sincerely
Crystal Salomon
707 932-1144

From: [Shelby Messenger](#)
To: [Planning Clerk](#)
Subject: Rezoning for the Southern Humboldt Community Park
Date: Thursday, January 05, 2017 12:57:45 PM

To whom it may concern:

I cannot attend the meeting tonight, but I wanted to voice my support in the proposed rezoning for the Southern Humboldt Community Park. Our community and our youth in particular desperately need another place to congregate and to participate in organized activities. The one ball field in our town is overused and the sports programs suffer as a result. I support the vision of the Community Park and hope that rezoning will be approved!

Thank you,
Shelby Messenger
Ettersburg

From: [Hayes, Kathy](#)
To: [Lippre, Suzanne](#)
Subject: FW: Voice Planning Commission Comments, Southern Humboldt Community Park Project # 6111
Date: Thursday, January 05, 2017 7:55:05 AM
Attachments: [Public Comments to Planning Commission Re SHCP \(exs\).pdf](#)

Suzanne: I believe he should have sent this information to you. Thanks

Kathy Hayes
Administrative Support Manager/Clerk of the Board
County of Humboldt
707-476-2396
khayes@co.humboldt.ca.us

From: evoice@mchsi.com [mailto:evoice@mchsi.com]
Sent: Wednesday, January 04, 2017 10:34 PM
To: Hayes, Kathy
Subject: Voice Planning Commission Comments, Southern Humboldt Community Park Project # 6111

Here are my SHCP Planning Commission Comments for tomorrow...

Thank you,
Ed Voice



SAXTON & ASSOCIATES
WATER QUALITY AND TOXICS ENFORCEMENT

January 4, 2017

Humboldt County Planning Commission
Attn: Suzanne Lippre, Sr. Office Asst.
Planning Building and Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Re: *Public Comments Regarding Southern Humboldt Community Park's Project for a General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit and Certification of the Final Environmental Impact Report*

Members of the Humboldt County Planning Commission:

I am writing on behalf of the Ed Voice Family regarding the Southern Humboldt Community Park ("SHCP") Project, scheduled for a public hearing before the Planning Commission on January 5, 2017. The Ed Voice Family supports the park and believes it is a vital part of the community that should be fostered. However, the scale of the proposed Project is unsustainable and should be reduced to better suit the park and the community it serves.

Specifically, the Voice Family asks that the Project exclude medium and large events. This modification would substantially lessen the harmful environmental impacts of the Project. In particular, the Voice Family requests that the Planning Commission to:

- (1) deny the Conditional Use Permit so medium and large events are not permitted at SHCP;
- (2) modify the Plan of Operations and Conditions of Approval accordingly (see below, "Specific Actions Requested of the Planning Commission", pp. 7-8);
- (3) maintain the Agricultural Exclusive zoning designation of 87 acres currently proposed to be changed to Public Facilities; and
- (4) modify the Special Permit to restrict the one-lane bridge to foot traffic.

This request is made on the grounds that the record lacks substantial evidence to make the necessary findings to approve the Project if medium and large events are allowed. Most significantly, the EIR failed to analyze a Project Alternative that excluded medium and large events, even though this is a feasible alternative that would substantially lessen the Project's environmental impacts. In addition, the record lacks evidence to support a General Plan amendment, which requires a showing that the Project reflects a change in the community's values. The only evidence submitted on this issue are the letters of support from the community (attached to the Staff Report). However, these letters make no mention of medium or large

events, but pertain solely to less-intensive modifications to the park (sports fields, trail improvements, public gatherings, etc.) Conversely, the community letters in the Final EIR, which do address medium and large events, strongly and overwhelmingly oppose such events because of the substantial impacts on water demand, river protection, endangered species and habitat, traffic and noise. (Final EIR, pp. 41-136.)

If the Project is modified to exclude medium and large events, park improvements would still include the addition of recreational sports fields, public assembly and events, playgrounds, picnic areas, trail improvements, educational activities, camp activities and agricultural projects. In addition, SHCP could still accommodate 800 visitors a day during peak season and hold events for up to 800 attendees. A modified Project, which excludes medium and large events, preserves the fundamental changes proposed for the park, is supported by the record, has community backing and complies with the law.

DISCUSSION OF REQUESTED ACTIONS

Below is a discussion of the legally required standards and findings that must be supported in the record by substantial evidence before the Planning Commission can approve the Project and make the respective recommendations to the Board of Supervisors.

It is important to note that even if medium and large events are excluded, the Project will still have significant environmental impacts. It is crucial that strict adherence to all compliance and mitigation measures be followed on a continuous basis, including the Plan of Operations, the Adaptive Management Plan, Mitigation Monitoring and Reporting Plan and any conditions placed on the various permits that will be needed. Moreover, it is vital that these provisions be reviewed and updated on a periodic basis.

Legal Standards and Sufficiency of Record to Support Findings

In order to approve the Project, the Planning Commission must certify that the Environmental Impact Report (“EIR”) complies with California Environmental Quality Act (Public Resources Code, §21000, *et. seq.*) (“CEQA”) and determine that there is substantial evidence in the record to make the necessary findings to support a General Plan amendment, Zoning Ordinance amendment and approval of a Conditional Use Permit and a Special Permit. (Garberville, Redway, Benbow, Alderpoint Community Plan (“General Plan”), §1452.2; Framework Plan, §4400; Zoning Ordinance, §312-50, §312-17.1 (CUP).)

CEQA

Pursuant to CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects” of the project. (Public Resources Code §21002.) In order to be legally sufficient, an EIR must describe and analyze a range of reasonable alternatives to the project that: (1) are potentially feasible; (2) would “feasibly attain most of the basic objectives of the project;” and (3) would avoid or substantially lessen any of the project’s significant effects. (CEQA Guidelines, §15126.6(a).) The purpose of this analysis is to determine whether there is a feasible way to achieve the basic objectives of the project, while avoiding impacts. (Public

Resources Code, §21002.1.)

The EIR is legally insufficient because it failed to analyze the Project without medium and large events, even though such an alternative is feasible, would satisfy the objectives of the Project and would significantly lessen environmental impacts. Moreover, because this alternative is both feasible and substantially lessens the environmental impact, the Planning Commission cannot approve the project as currently proposed in compliance with CEQA.

Findings to Support General Plan and Zoning Ordinance Amendments and CUP

Amendments to the General Plan require substantial evidence that the amendment reflects a change in community values or that the proposed amendment maintains *established* uses otherwise consistent with a comprehensive view of the plan. (General Plan, §1452.2.) Since the proposed Project does not reflect *established* uses, the record must support a finding that community values have changed. In addition, the record must show that the Project is in the public interest. (*Ibid.*) Under the Framework Plan, parks and recreation areas must reflect public needs and minimize environmental impacts. (Framework Plan, §4400.) Furthermore, the Zoning Ordinance amendment and the Conditional Use Permit each require a finding that the Project is consistent with the General Plan and, therefore, are contingent on approval of the General Plan amendment and a finding that the Project reflects changed community values and is in the public interest. (Zoning Ordinance, §312-50, §312-17.1 (CUP).)

However, the only evidence submitted by the Planning Department to establish a change in community values are the community support letters attached to the Staff Report. However, none of those letters (many are form letters drafted by SHCP) address medium or large events. The letters express general support for smaller scale park uses (trails, sports fields, community agricultural uses, educational and nature events, etc.), but are silent on large scale changes. However, community responses to the Draft EIR do address medium and large events and are overwhelmingly opposed to them due to the substantial impacts on water demand, river health, endangered species, traffic and noise. (Final EIR, pp. 41-136.) The community wants the park to be used for “aquatic life, wild life and wild life habitat, and low-impact public use.” (Final EIR, p. 76; 41-136.) Not concerts. (Final EIR, pp. 41, 44, 48, 52-64, 74-76, 84, 86, 90, 93-95, 103, 107-120, 126-127, 131-134.)

Furthermore, the record does not support a finding that the Project is in the public interest. The only reason given that the Project is in the public interest is based on the erroneous contention that the Project reflects changes in community values. (Staff Report, p. 29; General Plan, §1452.2.) Since the record cannot support a finding that the Project (with the medium and large events included) reflects changed community values, it cannot support a finding that the Project is in the public interest and, therefore, the record does not provide substantial evidence to support a General Plan amendment. Since the Zoning Ordinance amendment and Conditional Use Permit are contingent on a finding that they are consistent with the General Plan, these approvals are also not supported by the record.

Modifying the Project to exclude medium and large events would substantially reduce environmental impacts, as discussed below. Moreover, the record would support the modified Project and it would be in compliance with the respective laws at issue.

Environmental Impacts

The Project, even without medium and large events, will cause significant negative environmental impacts. Some of these, such as the supply of potable water, have not yet been adequately addressed. However, the additional burdens caused by medium and large events are unsustainable and they should be excluded from the Project in order to substantially reduce the environmental impacts.

Potable Water

Whether or not medium and large events are excluded from the Project, a serious and timely issue is the erroneous claim that on-site water (unnamed spring and upland well, Sources #2 and #4, respectively) is potable and meets water quality standards. (*See, e.g.*, Final EIR, p. 68; DEIR, p. 4.17-2, Plan of Operation, Staff Report, etc.) Since SHCP does not intend to be annexed under the Garberville Sanitation District (“GSD”),¹ it must ensure that its on-site water is safe before providing it to the public.

The State Water Board, Division of Drinking Water addressed this issue in two substantive letters dated September 20, 2016 and January 3, 2017. [*See* letter dated September 20, 2016 to Planning Department commenting on Draft EIR (attached to Staff Report, pp. 76-77) and letter dated January 3, 2017 to Saxton & Associates responding to questions about Final EIR (attached hereto as Exhibit A).]

Most significantly, the State Water Board, DDW states that references to on-site “potable” water sources are “presumptive, and it should not be assumed that any of the existing water sources on the property meet the regulatory criteria for use by a *public water system* as is.” (Sept. 20, 2016 letter, p. 77 of Staff Report.) In order to determine if on-site water is potable, significant analysis of the spring source and the design/development of the spring must be conducted by a licensed civil engineer with drinking water experience. (January 3, 2017 letter, Ex. A, p. 2.) Moreover, “a permit to operate a public water system **must be applied for and obtained** from [the State Water Board, Division of Drinking Water] **before water can be served** [to the public].” (January 3, 2017 letter, Ex. A, p. 2 (emphasis added).) SHCP cannot wait until they hold their first medium event before complying with drinking water standards, as is currently the plan pursuant to the Plan of Operation, Conditions of Approval and the Staff Report. SHCP’s current plan could be harmful to public health and could expose SHCP to liability.²

¹ See FEIR, p. 36 (Response to Humboldt Focal Agency Formation Commission re: annexation to the GSD); FEIR, p. 38 (Response to GSD re: annexation of park); FEIR, pp. 65-66, 68, 69, 72 (Response to Saxton/Voice Comments, C6-1, C6-2 (“The commenter states that spring water is not potable...”), C6-6, C6-11, C6-21, respectively.

² SHCP reported to the California Department of Public Health in 2013 that it was concerned the unnamed spring was contaminated by bacteria from animal waste and other sources, that prior testing had likely shown high levels of iron and manganese, and water from the tap at Tooby Park came out brown and needed to run for an hour before it cleared. (*See*, SHCP’s Application for Pre-Planning Funding to the California Department of Public Health, Safe Drinking Water State Revolving Fund, November 2013, attached hereto as Exhibit B, p. 4, sections (a) and (b).)

Furthermore, SHCP's single water quality test conducted in February of 2016 does not establish that the Unnamed Spring is potable, contrary to SHCP's contentions that it does, as expressed in the Final EIR. (Test result is attached hereto as Exhibit C; discussion of the test results as alleged evidence that the spring is potable is at FEIR, p. 68 (Response to Saxton/Voice Comments C6-6).) The State Water Board, DDW made clear that this single test does not establish potability of the Spring and "additional testing is required". (January 3, 2017 letter, Ex. A, p. 1.) "The spring source will need to be investigated by a licensed civil engineer with drinking water experience and the design/development of the spring will need to be completed by a licensed civil engineer with drinking water experience. If it is determined that the spring is under the direct influence of surface water, then a surface water treatment system will need to be designed by a licensed civil engineer with drinking water experience, and the system will need to be constructed before a permit can be issued by [the State Water Board, Division of Drinking Water]." (*Id.*, p. 2.)

Regardless of the clear statements by the State Water Board, DDW, however, the Final EIR, Staff Report, Conditions of Approval and Plan of Operation still contend that on-site water is potable and that compliance with drinking water standards are not required, if at all, until SHCP holds a medium size event. This issue must be addressed, and the Conditions of Approval and Plan of Operation must be amended accordingly.

Lastly, the EIR, Staff Report and Plan of Operation all state that the source of water for the restrooms will be the Infiltration gallery (Source #1, South Fork Eel River). However, water used for handwashing must be potable and the South Fork Eel River is not a potable water source. Thus, the EIR, Conditions of Approval, Plan of Operations and Staff Report must be modified accordingly.

Water Use – Spring and Upland Well

The Spring and Upland Well is expected to supply potable water (see discussion above) for the Park Headquarters and office buildings, cooking areas, Tooby Park, and the Sports Fields. The demand for daily use alone is significant, as it must supply potable water for up to 800 people a day in peak season (May through October) and for unlimited events of up to 800 attendees. Water diversion is limited by the Lake or Streambed Alteration Agreement (LSAA) with the Department of Fish and Wildlife (2,000 gallons/day or 10% of streamflow from November 1 to July 1) and storage is limited to a 55,000 gallon tank. To meet daily usage needs and to protect the stream, fish and wildlife, the Department of Fish and Wildlife expect SHCP to improve water conservation measures, make water storage capacity improvements and enact future forbearance periods. (Final EIR, pp. 9-10, 12.) This still needs to be done.

Water demand needed for daily usage will only be sustainable if substantive measures are enacted to conserve, store and restrict water usage. The additional water needed to support medium (five events for 800-2,500 people each) and large events (one 2-day event for up to 5,000 people/day) is unsustainable, particularly because these events occur in summer months when diversion from the Spring is prohibited. The Project should be modified to exclude medium and large events in order to substantially reduce harmful environmental impacts.

Water Use – South Fork Eel River

The Project calls for the extraction of large quantities of water from the South Fork Eel River to irrigate sports fields and agricultural crops and to supply water for restrooms (note discussion above, however, in that handwashing in restrooms must be from a potable water source and the South Fork Eel River is not potable).

The South Fork Eel River is a Wild and Scenic River under both Federal and State Acts and is a regionally-important fish-bearing stream that currently supports three listed salmonid species under state and federal Endangered Species Acts (coho, chinook and steelhead). The Department of Fish and Wildlife and Pacific Watershed Associates, who prepared the water impact report for the EIR, both acknowledge that any diversion from the South Fork Eel during drought conditions (as we've had for the last 3 years and will likely occur in the future) can cause lethal conditions for endangered salmonids and cause toxic algae growth. (Final EIR (Department letter), pp. 8-10; PWA Report, p. 10.) When PWA performed a site-visit in July of 2015, "flow in the SF Eel River was too low to allow turf grass irrigation... Certainly, any significant increase of water drawn from the infiltration gallery during summer low flow conditions will exacerbate, however slightly, the undesirable conditions that already exist (high water temperatures, low dissolved oxygen, elevated nutrient concentrations), and would contribute to the creation of conditions that could be lethal for salmonids." (PWA Report, p. 10.)

The water demand for daily usage alone will cause undue strain on the South Fork Eel River. The increased burden to supply water for medium (800 to 2,500 people) and large events (up to 5,000 per day) is unreasonable and unsustainable, particularly since these events occur during summer months when flows are already low. Supplying water during drought conditions would be highly consequential to the health of the river. Medium and large events should be excluded from the Project, as a feasible alternative to reduce harmful environmental impacts.

Traffic and Noise

Excluding medium and large events from the Project will substantially relieve traffic and noise impacts on the community. As discussed in the Final EIR, neighbors of the park were particularly concerned about the traffic and noise from big events and strongly contended that the mitigation measures proposed were insufficient. (Final EIR, pp. 41-136.) Some mitigation will still be needed in order to address traffic and noise impacts from smaller events of up to 800 attendees. However, these measures are significantly less burdensome than the measures proposed for medium and large events and will be more effective for smaller-scale events.

Zoning Designation for 87 Acres (AE)

One of the proposed amendments to the Zoning Ordinance seeks to change the designation of 87 acres from Agriculture Exclusive (AE) to Public Facilities (PF). It is understood that the purpose of this change is to facilitate the use of this land for medium and large events. If those events are excluded from the Project, this particular designation change is not necessary. If it cannot be established that the zoning change is necessary, it is not in the public interest and this Zoning

Ordinance amendment cannot supported by the record.

Riparian Buffers and Foot Bridge

The Department of Fish and Wildlife recommend that a condition for Project approval include the planting of overstory vegetation on the western-most stream in order to mitigate encroachment and disturbance to riparian and stream buffer areas as a result of Project activities. (Final EIR, p. 9, 12.) It does not appear that this specific condition was included as part of the Mitigation Measures for the final Project. Mitigation Measures should be modified (or clarified) to address this issue.

The foot bridge that is part of the Special Permit request should not be used for vehicular traffic. The EIR analyzed the impacts of the bridge based on pedestrian crossing, not motorized vehicles. Impacts from motorized vehicles are substantially more severe than foot traffic and the use should be limited to that analyzed in the EIR.

Agricultural Activities

Irrigation of agricultural crops is a significant burden on public water resources. SHCP should take particular care to only allow agricultural activities that benefit the community, such as participation in the Park to Plate project or other community services or educational programs. Purely commercial ventures, such as vineyards and gravel mining, only serve private interests and provide no benefit for the community.

SPECIFIC ACTIONS REQUESTED OF THE PLANNING COMMISSION

The Ed Voice Family requests the Planning Commission to take the following actions:

1. Make the findings in Attachment 1 (Recommended Conditions of Approval) of the Planning Division staff report, **EXCEPT** for the following:
 - a. Modify the Plan of Operation to: (i) indicate that the Spring and Upland Well (Source #2 and #4, respectively) are not potable water sources; (ii) state that water service to restrooms for handwashing must be potable water and, therefore, cannot be supplied by Source #1- Infiltration gallery-Well (South Fork Eel River); and (iii) remove discussion of medium and small events.
 - b. Modify the Mitigation Measures in Attachment 6 of the Staff Report to require planting of overstory vegetation on the western-most stream.
 - c. No. 1: delete the section regarding medium and large events.
 - d. No. 2: change compliance with State Office of Drinking Water standards to be required at such time as SHCP meets the definition of a public water system (i.e., when SHCP serves on-site water to 25 or more people for 60 or more days in a year), as required by law, as opposed to requiring compliance with such standards prior to SHCP holding its first medium sized event. (Also, note that this office is now the State Water Board, Division of Drinking Water.)
 - e. No. 5: delete language referencing medium or large events.

- f. No. 7: require the removal of Underground Storage Tanks (UST) to be completed prior to any small events, as opposed to prior to SHCP holding its first medium or large event.
- g. No. 8: require the condition to be met prior to holding any event that requires off-site parking, as opposed to requiring the condition to be met prior to any medium or large event.
- h. No. 9: change the condition to make it applicable for any event in which the services of the respective agencies are required, as opposed to being applicable for medium or large events.

2. Make the following recommendations to the Board of Supervisors:

- a. General Plan Amendment: Approve the amendments requested by the Planning Department;
- b. Zoning Ordinance Amendment: Approve the amendments requested by the Planning Department, **EXCEPT** for the proposal to change 87 acres from Agricultural Exclusive (AE) to Public Facilities (PF) – the 87 acres should remain AE, since the requested designation change was needed to facilitate medium and large events;
- c. Conditional Use Permit: **DENY** the Conditional Use Permit, so that medium and large events are not permitted at SHCP;
- d. Special Permit: Conditionally approve, as requested by the Planning Department, **EXCEPT** that the one-lane bridge should be restricted to foot traffic, as the environmental impacts of vehicular traffic were not addressed in the EIR.

CONCLUSION

Thank you for your time and consideration on the matters discussed above. The Ed Voice Family hopes that you will consider postponing the hearing on this Project until the next public meeting so that the members of the Planning Commission will have sufficient time to review all the relevant information. The public, including the Voice Family, expended significant time and effort to provide the Commission with substantive and thoughtful comments. However, because key documents were not available until shortly before the hearing, we were unable to get written comments to you any sooner than at the time of the hearing. We hope that you will take the necessary time to fully consider these comments and the requests made therein.

Thank you.

Sincerely,



Lynne R. Saxton
Saxton & Associates
Counsel for Ed Voice Family

Exhibit A

State Water Resources Control Board
Division of Drinking Water

January 3, 2017

Lynne R. Saxton
Saxton & Associates
912 Cole Street, #140
San Francisco, CA 94117

Re: Southern Humboldt Community Park (SHCP)

Dear Ms. Saxton,

Below are the answers to the questions posed in your December 20, 2016, letter to our office regarding SHCP's Final EIR:

1(A) Question: Is SHCP required to provide water obtained from a public water system?

Answer: If their activities meet the definition of a public water system, the answer is yes. See attached excerpts from the regulations regarding definitions of types of public water systems and the attached "Decision Tree For Classification Of Water Systems". For example, at such time that SHCP serves 25 or more people at least 60 days of a year (they do not have to be the same 25 people), they will be deemed a public water system and will need to be in compliance with public water system regulations.

1(B) Question: If SHCP does not receive water from GSD, is SHCP required to develop a new public water system before it can provide water to the public?

Answer: See answer 1(A) above.

2. Question: Has SHCP taken steps to satisfy any of the three listed items below?

- 1) An application will need to be submitted to our office for formation of a new *public water system*.
- 2) Technical, managerial, and financial capacity for the proposed new *public water system* will need to be demonstrated, along with proof of water rights.
- 3) Source water assessments will need to be completed on any proposed water sources."

Answer: No, our office has not received any information concerning the above listed items.

3(A) Question: Does the February 2016 North Coast Laboratories test result establish that the water from the spring is potable?

No. Additional testing is required. If not, what additional information would be needed to make that determination? (i.e., location of sample, location of spring, spring development construction, quantity produced in dry and rainy seasons,

repeated testing, testing for constituents in addition to Total Coliform and E. coli). The spring source will need to be investigated by a licensed civil engineer with drinking water experience and the design/development of the spring will need to be completed by a licensed civil engineer with drinking water experience. **Is SHCP or the Planning Department qualified to make that determination or does it need to be made by the SWRCB's Drinking Water Division?** The Division of Drinking Water will make a determination based on all available information submitted in the permit application.

3(B) Question: Does the North Coast Laboratories test result provide any information about the presence and/or level of iron or manganese in the spring water?

Answer: No.

3(C) Question: Are there enforceable limitations for iron and/or manganese?

Answer: Yes, secondary maximum contaminant levels specified in the regulations are enforceable.

3(D) Question: In order to be potable, does the spring water need to come from groundwater and not be surface water influenced? Generally, what type of testing would be required to establish that?

Answer: The spring source will need to be investigated by a licensed civil engineer with drinking water experience and the design/development of the spring will need to be completed by a licensed civil engineer with drinking water experience. If it is determined that the spring is under the direct influence of surface water, then a surface water treatment system will need to be designed by a licensed civil engineer with drinking water experience, and the system will need to be constructed before a permit can be issued by this office.

4. Question: Does the Planning Department's recommendation in the Staff Report to the Planning Commission satisfy the concerns your office raised in response to the Draft EIR? If not, what additional provisions should be included in the Final EIR?

Answer: Since the proposed project may result in the formation of a public water system, a permit to operate a public water system must be applied for and obtained from this office before water can be served. If, after reviewing the permit application, we determine there is a need for additional public health provisions, we will add the appropriate conditions in the permit. We cannot know what the conditions will be, if any, until we have reviewed a complete permit application package. Please note, *California Health and Safety Code, Article 7. §116525.(a) states, "No person shall operate a public water system unless he or she first submits an application to the department and receives a permit as provided in this chapter."*

Sincerely,



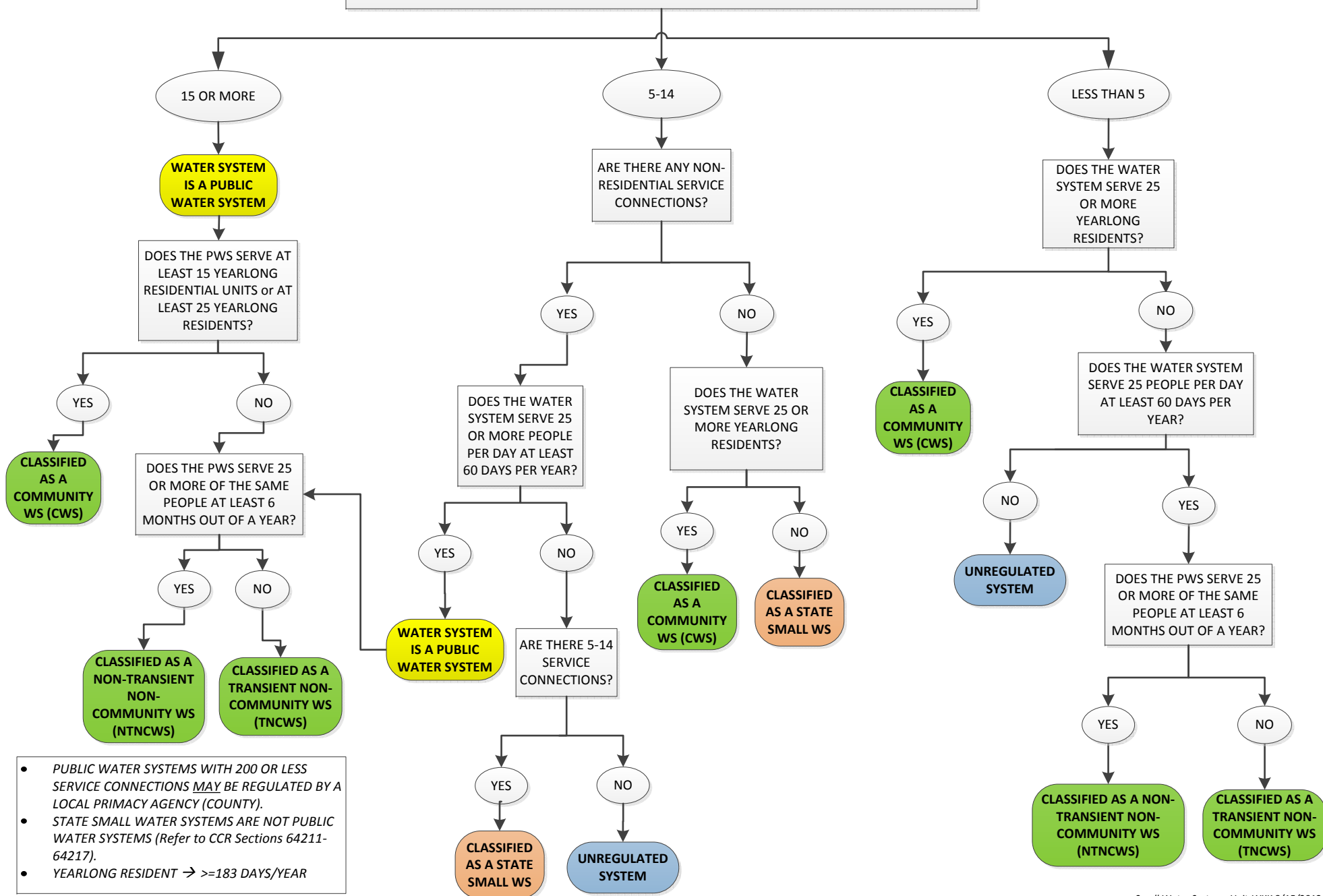
Barry Sutter, P.E.

Klamath District Engineer, Northern California Drinking Water Field Operations Branch

Cc: Humboldt County Environmental Health

DECISION TREE FOR CLASSIFICATION OF WATER SYSTEMS

HOW MANY SERVICE CONNECTIONS DOES THE WATER SYSTEM HAVE?



- PUBLIC WATER SYSTEMS WITH 200 OR LESS SERVICE CONNECTIONS MAY BE REGULATED BY A LOCAL PRIMACY AGENCY (COUNTY).
- STATE SMALL WATER SYSTEMS ARE NOT PUBLIC WATER SYSTEMS (Refer to CCR Sections 64211-64217).
- YEARLONG RESIDENT → ≥183 DAYS/YEAR

EXCERPTS FROM CALIFORNIA WATER CODE, 116275.

NOTE: This publication includes a variety of California statutes related to the subject of drinking water, which may not be complete and should not be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Refer to the actual published codes whenever specific citations are required. Drinking water-related regulations are in Titles 22 and 17 of the California Code of Regulations.

§116275. Definitions.

As used in this chapter:

- (a) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
- (b) "Department" means the state board.
- (c) "Primary drinking water standards" means:
 - (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
 - (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.
 - (3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.
- (d) "Secondary drinking water standards" means standards that specify maximum contaminant levels that, in the judgment of the state board, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to ensure a supply of pure, wholesome, and potable water.
- (e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.
- (f) "Maximum contaminant level" means the maximum permissible level of a contaminant in water.
- (g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.
- (h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:
 - (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
 - (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
 - (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.
- (i) "Community water system" means a public water system that serves at least 15 service connections used by year-long residents or regularly serves at least 25 year-long residents of the area served by the system.
- (j) "Noncommunity water system" means a public water system that is not a community water system.

(k) “Nontransient noncommunity water system” means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

(l) “Local health officer” means a local health officer appointed pursuant to Section 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 to carry out the drinking water program.

(m) “Significant rise in the bacterial count of water” means a rise in the bacterial count of water that the state board determines, by regulation, represents an immediate danger to the health of water users.

(n) “State small water system” means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(o) “Transient noncommunity water system” means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

(p) “User” means a person using water for domestic purposes. User does not include a person processing, selling, or serving water or operating a public water system.

(q) “Waterworks standards” means regulations adopted by the state board entitled “California Waterworks Standards” (Chapter 16 (commencing with Section 64551) of Division 4 of Title 22 of the California Code of Regulations).

(r) “Local primacy agency” means a local health officer that has applied for and received primacy delegation pursuant to Section 116330.

(s) “Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking, or other similar uses.

(2) The state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.

(3) The state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

(t) “Resident” means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.

(u) “Water treatment operator” means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) “Water treatment operator-in-training” means a person who has applied for and passed the written examination given by the state board but does not yet meet the experience requirements for a specific water treatment operator grade pursuant to Section 106875.

(w) “Water distribution operator” means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

(x) “Water treatment plant” means a group or assemblage of structures, equipment, and processes that treats, blends, or conditions the water supply of a public water system for the purpose of meeting primary drinking water standards.

(y) “Water distribution system” means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

(z) “Public health goal” means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

(aa) “Small community water system” means a community water system that serves no more than 3,300 service connections or a year-long population of no more than 10,000 persons.

(ab) “Disadvantaged community” means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide average.

(ac) “State board” means the State Water Resources Control Board.

(ad) “Deputy director” means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.



SAXTON & ASSOCIATES
WATER QUALITY AND TOXICS ENFORCEMENT

December 20, 2016

Via Email

Ronnean Lund
Sanitary Engineer
State Water Resources Control Board,
Division of Drinking Water
364 Knollcrest Drive, Suite 101
Redding, CA 96002
Ronnean.Lund@waterboards.ca.gov

Re: Questions Regarding Southern Humboldt Community Park's Final EIR And Whether
The Water Sources The Park Board Intends To Use For The Project Are Both Potable
And A Public Water System

Dear Ms. Lund,

I'm an environmental attorney working with Ed Voice to prepare comments on the Southern Humboldt Community Park's Environmental Impact Report (EIR). We appreciate the comments that the State Water Resource Control Board, Division of Drinking Water submitted on September 20, 2016 concerning the Draft EIR. (Those comments are attached, for your convenience.) As you know, the Final EIR, with responses to comments, was recently circulated and responses to your office's comments were omitted. Although it is understood that the Humboldt County Planning Department (Lead Agency) intends to respond to your office's comments in the Staff Report for the Humboldt County Planning Commission in preparation for the Planning Commission's meeting on January 5, 2017 to approve the project.

To prepare our comments for the Planning Commission, Mr. Voice and I have some questions for your office concerning SHCP's drinking water supply, which your office raised in its comments on the Draft EIR. Specifically, we are concerned about whether the water from the unnamed spring is potable and whether it is (and needs to be) a public water system.

1. Annexation of SHCP into the Garberville Sanitation District ("GSD"):

Your September 20, 2016 comment letter stated that SHCP would either need to form a new public water system or potable water would need to come from Garberville Sanitary District (GSD) for any intended development that the project is meant to accommodate. (SWRCB Comment letter, pg. 1.)

In the Final EIR's responses to comments, the Planning Department states that SHCP will not be annexed into nor receive water from GSD. (See FEIR, p. 36 (Response to Humboldt Focal Agency Formation Commission re: annexation to the GSD); FEIR, p. 38

(Response to GSD re: annexation of park); FEIR, pp. 65-66, 68, 69, 72 (Response to Saxton/Voice Comments, C6-1, C6-2 (“The commenter states that spring water is not potable...”), C6-6, C6-11, C6-21, respectively).¹

Questions:

- (A) Is SHCP required to provide water obtained from a public water system?
- (B) If SHCP does not receive water from GSD, is SHCP required to develop a new public water system before it can provide water to the public?

2. New Public Water System

Your office’s comment letter of September 20, 2016 states:

“If it is determined that a new public water system will need to be formed in order to supply potable water to future development, the following list of items should occur, at a minimum:

- 1) An application will need to be submitted to our office for formation of a new *public water system*.
- 2) Technical, managerial, and financial capacity for the proposed new *public water system* will need to be demonstrated, along with proof of water rights.
- 3) Source water assessments will need to be completed on any proposed water sources.”

Question: Has SHCP taken steps to satisfy any of the three listed items above?

3. Potable Nature of Water from Unnamed Spring

In November of 2013, SHCP submitted an Application for Pre-Planning Funding to the California Department of Public Health, Safe Drinking Water State Revolving Fund Pre-Planning and Legal Entity Formation Assistance Program. (See Attached) On page 4, sections (a) and (b) of the Application, SHCP stated:

- Water is supplied to the Park from an untreated spring which is used from December 1 to June 30
- Water from the spring is stored in a 55,000 gallon tank to serve water demands from July 1 through November 30
- A groundwater well supplies water for agricultural purposes on the property
- Water quality sampling has not been conducted [at that time] on the water sources and SHCP does not have access to historical sampling records.

¹ See also, FEIR p. 79 (Response to Saxton/Voice comment, C7-7); FEIR, p. 89 (Response to McKaskle comment, C12-1); FEIR pp. 124-125 (Response to LaBoyeaux comment, C18-5); FEIR, p. 128 (Response to Lewis Comment, C19-1).

- The Tooby Park caretaker who lives on a portion of SHCP property recalls that when Humboldt County conducted testing, the water tested high for iron and manganese.
- Currently [at that time], the water comes out of the tap brown and the caretaker must run the system for an hour before it clears up.
- While the water has not been sampled, there is concern about contamination of the spring water from bacteria from animal waste and other sources.

However, the Planning Department's response to comments for the Final EIR states that SHCP can provide potable water. (*See*, FEIR, p. 68 (Response to Saxton/Voice Comments C6-6). As evidence, the Final EIR references a water quality test performed on February 9, 2016 by North Coast Laboratories showing an absence of Total Coliform and E.coli. (FEIR, p. 68; *see* attached North Coast Laboratories test result.) The Final EIR states that the North Coast Laboratories test shows that the water meets drinking water standards. (FEIR, p. 68.) The Final EIR further states:

“Iron was not found to be high in tests completed and manganese limits are secondary maximum contaminant levels, which are non-enforceable guidelines regulating contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water. Thus, these constituents do not make the water non-potable.” (FEIR, p. 68.)

Questions:

- (A) Does the February 2016 North Coast Laboratories test result establish that the water from the spring is potable? If not, what additional information would be needed to make that determination? (i.e., location of sample, location of spring, spring development construction, quantity produced in dry and rainy seasons, repeated testing, testing for constituents in addition to Total Coliform and E.coli) Is SHCP or the Planning Department qualified to make that determination or does it need to be made by the SWRCB's Drinking Water Division?
- (B) Does the North Coast Laboratories test result provide any information about the presence and/or level of iron or manganese in the spring water?
- (C) Are there enforceable limitations for iron and/or manganese?
- (D) In order to be potable, does the spring water need to come from groundwater and not be surface water influenced? Generally, what type of testing would be required to establish that?

4. Adequacy of Planning Department's Insertion in Staff Report in Response to SWRCB's comments on the Draft EIR

As you are aware, the Final EIR omitted your office's comments on the Draft EIR. Based on the December 6, 2016 email to you from Michael Richardson, Senior Planner for the Department of Planning, the Staff Report for the Planning Commission's January 5, 2017 meeting to approve the project will include the following excerpt in response to your office's comments on the Draft EIR:

“The project shall comply with the requirements of the State Office of Drinking Water as described in their letter to the Planning Commission dated September 30, 2016 (*sic*). The project applicant shall work closely with the State Office of Drinking Water to ensure compliance with public water system requirements before installing new public drinking water services from on-site water supplies. The applicant shall revise the Plan of Operation to incorporate new information about water supply and distribution that meets the requirements of the Office of Drinking Water as soon as possible, and prior to the first Medium Size event.”

Question: Does the above excerpt satisfy the concerns your office raised in response to the Draft EIR? If not, what additional provisions should be included in the Final EIR?

Thank you very much for your attention to these issues. Please let me know if there's any additional information that I can provide to assist you. Mr. Voice and I will submit our comments to the Planning Commission on January 2, 2017, so any information that you can provide to us prior to then would be greatly appreciated. If you have any questions, you can contact me at (415) 317-6713 or via email. I believe you also have Mr. Voice's contact information.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynne R. Saxton", written over a horizontal line.

Lynne R. Saxton
Saxton & Associates

Exhibit B



State of California—Health and Human Services Agency
California Department of Public Health

NOV 12 2013

Headquarters - Sacramento



RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

SAFE DRINKING WATER STATE REVOLVING FUND
PRE-PLANNING AND LEGAL ENTITY FORMATION ASSISTANCE PROGRAM

2013 APPLICATION FOR PRE-PLANNING FUNDING

Applicants must submit **one complete paper copy and one digital copy** (on a CD/DVD in Adobe .pdf or Microsoft Word .doc format) of the application and all required attachments and supporting documentation by mail to :

ATTN: TECHNICAL SUPPORT UNIT
California Department of Public Health
Safe Drinking Water State Revolving Fund Program
P.O. Box 997377
Sacramento, CA 95899-7377

APPLICATION DUE DATE: NOVEMBER 8, 2013 (post marked)

For assistance and application guidance please contact Kim Dinh at (916) 552-9127 or Kim.Dinh@cdph.ca.gov
or your local Regional Funding Coordinator (RFC):
<http://www.cdph.ca.gov/programs/Documents/DDWEM/OriginalDistrictMapCDPH.pdf>

APPLICANT (Please print or type)

Legal Name of the Applicant (Name of entity applying for funding)

Southern Humboldt Community Park

Location of the Project (define geographic area and/or identify affected community)

Garberville, CA

Title of the Project

SHCP Water Supply Evaluation and LAFCO Annexation Project

County

Humboldt

Authorized Representative*

Kathryn Lobato

Title

Executive Director

Address (number, street)

PO Box 185

City

Garberville

ZIP code

95542

Office Telephone

(707)923-2928

e-mail

kathryn@sohumpark.org

Mobile Telephone

(707)223-4300

Fax

()-

*Authorized Representative: Identify the person who has the authority to sign documents pertaining to this 2013 application and funding agreement for Pre-Planning funds. If there is a change of the authorized representative prior to final execution of the funding agreement, CDPH must be notified immediately in writing with a copy of a new resolution.

APPLICATION CERTIFICATION

I declare under penalty of law the following:

- The truthfulness of all representations in this application;
- The individual signing the form has the legal authority to submit this application on behalf of the applicant;
- There is no current, threatened or pending litigation that may impact the financial condition of the applicant or its ability to complete the proposed Project;
- The applicant will comply with all terms and conditions identified in this application if selected for funding; and
- The applicant has legal authority to enter into a contract with the State.

Signature:

Title:

Kathryn Lobato, Executive Director

Date:

11-7-2013

Legal Name of the Applicant

Southern Humboldt Community Park

ADDITIONAL PROJECT CONTACT INFORMATION (Use additional sheets as necessary)

List additional people if necessary that may be contacted for the Project. This may include project managers, administrative staff, professional contractors, and individuals filling out this application, etc.

Additional Project Contact Rebecca Crow		Title/Project Role Project Engineer	
Address (number, street) 718 Third Street	City Eureka	ZIP code 95501	Office Telephone (707)443-8326
e-mail rebecca.crow@ghd.com	Mobile Telephone (707)497-9294	Fax (707)444-8330	

Additional Project Contact Dennis Huber		Title/Project Role Board Chairman	
Address (number, street) PO Box 185	City Garberville	ZIP code 95542	Office Telephone (707)923-2928
e-mail lelahuber@asis.com	Mobile Telephone (707)496-8223	Fax (-)=-	

Additional Project Contact		Title/Project Role	
Address (number, street)	City	ZIP code	Office Telephone
			()
e-mail	Mobile Telephone	Fax	
	()	()	

ORGANIZATION TYPE OF THE APPLICANT (Use additional sheets as necessary)

Specify the Organization Type of the Applicant:

Public Organization	Private Organization
<input type="checkbox"/> Municipality <input type="checkbox"/> County Agency <input type="checkbox"/> Special District <input type="checkbox"/> Irrigation District <input type="checkbox"/> Other: _____	<input type="checkbox"/> Incorporated Mutual <input checked="" type="checkbox"/> Non-Profit Organization - Federal Tax ID #: 75-3073362 <i>Note: Non-profit organizations must include the appropriate IRS non-profit Federal Tax ID number.</i>

APPLICANT RESOLUTION (OR OTHER AUTHORIZING DOCUMENT APPLICABLE TO YOUR ENTITY)

The applicant must submit a resolution from the applicant's governing body designating the authorized representative and authorizing that individual to apply for SDWSRF Pre-Planning funds, sign a funding agreement, sign a Budget and Expenditure Summary, sign claim forms and a final release. (See sample resolution at the end of this application.)

1. Resolution Status:	<input type="checkbox"/> Pending, copy to be submitted when approved by governing body	<input checked="" type="checkbox"/> Approved, copy attached
-----------------------	--	---

If the resolution/other authorizing document has been approved by the applicant's governing body, **attach** a copy of the resolution/authorizing document to the application. If the authorization is pending, state the date that the authorization will be approved and any other information on its status. The resolution/authorizing document should be submitted to CDPH as soon as it is finalized.

2. Provide any additional information on the resolution status (i.e., date scheduled for approval).

N/A - Resolution Attached.

WORK PLAN

The work plan consists of two parts:

Part A is in report format, questions and topics to be considered are provided below. Please provide relevant and concise details in your responses.

Part B is intended to be a task oriented overview. Please use the supplied template.

The work plan must be a concise, responsive, and well-developed plan such that the applicant will be ready to proceed with implementation of work plan activities if funding is awarded. Refer to the "Solicitation for 2013 Pre-Planning Applications" for a list of eligible and ineligible Project components: www.cdph.ca.gov/services/funding/Pages/Pre-Planning.aspx

Note: A "Project" for the purposes of the 2013 Pre-Planning application is limited to activities related to assisting communities with existing drinking water quality or quantity public health problems in the exploration and formation of an entity with the required legal authority to enter into a contract with the State for SDWSRF planning or construction funding. These funds are not intended to be used for activities which are eligible for funding under SDWSRF planning or construction projects.

WORK PLAN – PART A

1. PROJECT PURPOSE

- a. Provide a description of the Project, issues to be addressed and the goals to be achieved. The objectives should be specific, attainable, and relevant to successful completion of the Project. Discuss information relevant to the success of the Project.

The proposed project is to complete the necessary steps to annex the Southern Humboldt Community Park (SHCP) into the Garberville Sanitary District (GSD). Currently, the SHCP facilities are serviced by a combination of untreated surface water and groundwater wells. The goal of the project is to provide clean drinking water to community members at SHCP Facilities. The objectives of the project are to determine the water demands at the SHCP and available supply from a combination of GSD and SHCP water sources; to complete the CEQA document necessary to support annexation of the SHCP into GSD; to complete a LAFCO annexation application and submit for processing; and upon successful completion of the annexation process to complete the necessary water rights documentation for the expanded service area.

- b. Describe the Project location. This should include a general description of the affected area and the county in which the affected area is located. **Attach** a map identifying the specific geographical area.
The Southern Humboldt Community Park is located in an unincorporated area of southern Humboldt County, approximately one mile south of Garberville, at the intersection of Sprowel Creek Road with Camp Kimtu Road, located at 934 Sprowel Creek Road as shown in Figure 1 (attached).
- c. **Attach** a parcel map that shows the location of homes and/or businesses included in the Project, if available.
All facilities proposed to be served by the project are located on Assessor's Parcels 222-241-009 and 222-091-014, which compose the SHCP boundary as shown on Figure 1 (attached).

2. BACKGROUND

Identify the drinking water public health problem in the affected community. Questions to address, if applicable, are as follows:

- a. What is the source of water (domestic well or surface water)?
Water is supplied to the Park from an untreated spring which is used from December 1 to June 30. Water from the spring is stored in a 55,000 gallon tank to serve water demands from July 1 through November 30th. A groundwater well supplies water for agricultural purposes on the property.
- b. What is the contaminant(s) (if applicable)?
Water quality sampling has not been conducted on the water sources on the SHCP property. SHCP also does not have access to historical sampling records. The Tooby Park caretaker who lives on a portion of the SHCP property recalls that when Humboldt County conducted testing, the water tested high for iron and manganese. Currently, the water comes out of the tap brown and the Tooby Park caretaker must run the system for an hour before it clears up. While the water has not been sampled, there is concern about contamination of the spring water from bacteria from animal waste and other sources.
- c. What is the contaminant concentration level(s) (if applicable)? Provide the number of samples collected per parcel and range of detected concentrations, if available. Describe how the results represent the defined geographic area.
As discussed under Item b. above, the SHCP has not conducted sampling to provide details on possible contamination. The public health issues are discussed in more detail below in Item d.
- d. Describe the public health problem and explain how it fits into an SDWSRF Category A-G. **Attach** any available supporting documentation.

Consider the following example responses:

- Water quality testing results indicate elevated nitrate concentration levels, including some that exceed the MCL. Documentation attached includes a list of wells serving the affected area, water quality sampling results of a representative number of these wells, and verifies groundwater sources are scattered throughout the community, indicating the problem is widespread. Therefore we believe this would satisfy the requirements for a Category F ranking.
- The community was constructed in a hard rock area, the geology of which is known to cause the limited production of water in wells. In recent years the community has faced an increasing water quantity problem. Documentation attached lists parcels in the affected community and indicates those with a considerable decrease in pumping rates, including some wells that have gone dry. It is our understanding this supports a Category E ranking.

The primary public health issue to be addressed is the unfiltered surface (spring) water used on the property. Water Systems which have a surface supply that is unfiltered and for which state filtration avoidance criteria has not been met, qualify as Category C in the SDWSRF ranking criteria. The SHCP is currently planning on expanding the use of the property and thus water use on the property will also be expanded. Safe potable water will be needed for park visitors as well as the current Park residents.

3. COMMUNITY SUPPORT

Community support is crucial to the successful completion of your Project. Please use the below section to demonstrate the extent of your public outreach and the public's response to it. A *Sample Acknowledgement Form* has been provided at the end of this application for your use. (Note that points are awarded based upon the degree of community support received. **Only property owner(s) of developed parcels can commit to participating as that is the person(s) with the legal authority to bind the property.**)

- a. Has the governing entity to be formed already been determined?

Yes

If yes, please describe the steps taken to determine the entity, any pre-formation activities and **attach** any supporting documentation (if applicable).

The Garberville Sanitary District is an already formed legal entity. They currently have the authority to provide water and wastewater services. They are currently regulated by CDPH and have received funding from CDPH. The annexation proposed in this application would be for the Southern Humboldt Community Park to be annexed into the GSD.

- b. Have the steps to form the selected governing entity been identified? ☒ YES ☐ NO

If yes, have the tasks to accomplish the formation been included in Part B of the work plan? ☒ YES ☐ NO

Include any comments on the selected governing entity or its formation or governance, if necessary, in the box below.

This project proposes that the Southern Humboldt Community Park Annex to the Garberville Sanitary District (GSD). GSD is already a legal entity. The steps for annexation are laid out in the work plan which is part of this application.

- c. Is there written proof of support by affected property owners to be part of the Project? ☒ YES ☐ NO

If yes, please describe the steps taken and **attach** any supporting documentation.

The property to be annexed is owned wholly by the Southern Community Park which is governed by a board of directors. All directors are in favor of the proposed project. An Acknowledgement Form signed by the Board of Directors of the Park is attached as proof of support. In addition, the GSD is in support of this project. Also attached to this application is a letter from GSD supporting the pre-planning application which was unanimously approved by the GSD Board.

- d. If the applicant has conducted public outreach or held community meetings to gauge support of the Project, describe those actions in detail and **attach** any relevant supporting documentation.

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Exhibit C



NORTH COAST LABORATORIES LTD
5680 West End Rd, Arcata, California 95521 (707)822-4649

Please complete the following sample information:

☒ **POTABLE WATER** ☐ **SOURCE WATER** ☐ **WASTEWATER**
System # Spring Sampling Time 830
Location Garberville Sampled By Jana Silva
Sampling Date 2/9/16 Phone # (707) 923-2928
☒ Routine Sample ☐ Repeat ☐ Replacement ☐ Special

Payment is due at time of service. We are pleased to accept the following (please check one):

☒ Check \$ 35 # 3867 ☐ Cash \$ _____
☐ Visa ☐ Mastercard ☐ Am. Express ☐ Discover \$ _____

If you are paying by credit card and are not submitting samples in person
please use the enclosed form to provide credit card information

Attn/email: _____

Name Kathryn Lobato

Address P.O. Box 185

City/State/Zip Garberville, CA 95542

DATE CLIENT NOTIFIED _____ INITIALS _____
DATE REGULATOR NOTIFIED _____ INITIALS _____

For Office Use Only

SAMPLE TEMP (°C) 0.8 C ON ICE? ☒ Y ☐ N H / I
REC'D BY PR TIME REC'D _____
DATE REC'D 2/9/16 INOC 1201 2-9-16 SJD
SAMPLE # 11002201-1 READ 1210 2-10-16 SJD

TESTS REQUESTED: **RESULTS: (MPN/100mL)**
☒ Presence / Absence ☒ Total Coliform Absence
☐ QUANTI-TRAY ☐ Fecal Coliform
☐ 3 X 5 MTF ☒ E.coli Absence
☐ HPC ☐ _____
☐ _____

Analyst Notes:

Quanti-Tray/2000: Total coliform _____ / (large/small) E. coli _____ / (large/small)

Bacterial Examination Report															
Hrs	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24															
48															
24															
48															
24															

All microbiology data will be destroyed after 6 years

Quality Assurance Unit

Item	Matrix	Code	Qty	List Price	Test Total
Coliform Presence/Absence	Aqueous	330	1	\$35.00	\$35.00

Order TOTAL: \$35.00

Discount: 0.00%

Surcharge: 0.00%

Misc Charges: \$0.00

Subtotal: \$35.00

Payment Received: \$35.00

INVOICE Total \$0.00

Comments: Kathryn Lobato
PO Box 185
Garberville, CA 95542

From: etigerlily4@gmail.com on behalf of [Eliot H. Tigerlily](#)
To: [Planning Clerk](#)
Subject: southern humboldt community park
Date: Wednesday, January 04, 2017 1:19:07 PM

I am a Southern Humboldt parent and community member, and I urge you to vote yes on a rezone of Southern Humboldt Community Park from exclusively Ag to Public Facilities with a Public Recreation Overlay, because I believe that Sohum needs more healthy, public, recreational options for kids and families.

--

Best Regards

Eliot H. Tigerlily
www.organicgrace.com
707-923-1296 ext 4

From: [Emily Wood](#)
To: [Planning Clerk](#)
Subject: Submitting Public Comment--Please Vote Yes on Rezone, For the Kids!
Date: Wednesday, January 04, 2017 8:50:29 AM

Dear Planning Commissioners,

As the main organizer of the Southern Humboldt Homeschool CommUNITY group, I am writing to urge you to support the rezone of approximately 80 acres of Southern Humboldt Community Park from exclusively Ag to Public Facilities with a Public Recreation Overlay on the remaining acres. I believe that this rezoning is, quite clearly, what's best for Sohum's kids.

As one of the parents challenged with organizing a weekly educational or outdoor activity for our multi-age group of several dozen toddlers, preschoolers, elementary-aged homeschool students, and teens, I am keenly aware of limited options for healthy, public, educational recreation in Southern Humboldt.

I care about the rezone moving forward because I have seen too many local kids -- with so little that's fun or fulfilling that they can access nearby to get involved with -- get involved in destructive habits, like alcohol abuse, instead. I was raised in Southern Humboldt, have watched similar problems and patterns wrecking lives for decades, and do believe that improved access to healthy, kid-focused, community-supported recreational options will represent a huge step forward towards preventing tragedies...and towards creating strong, connected, healthy individuals who will grow up to make us all proud.

Please vote in support of the rezone, so that the dedicated community members who care deeply about making Southern Humboldt a healthy place for kids to grow up in, can continue the wonderful work they have been doing, tirelessly, for years.

I would appreciate this letter being part of the public record for Thursday evening's Planning Commission meeting where this rezone will be discussed, since I cannot attend.

Thank you for your own service to our county. And thank you for your time in considering my perspective on this important decision--that a vote in support of a rezone would positively impact the lives of Sohum's kids for generations to come.

Sincerely,

Emily Wood

Southern Humboldt Homeschool CommUNITY organizer
15370 Alderpoint Rd
Alderpoint, CA 95511

From: DOBSON IMAGES [<mailto:dobsonimages@asis.com>]
Sent: Sunday, January 01, 2017 11:08 AM
To: Richardson, Michael
Subject: SHCP comment for the January 5th rezone meeting

Michael

Good to see you in town the other day.

Not sure if I will make the January 5th planning commission meeting so I wanted to add my comments now on how I feel about the rezone application for the Southern Humboldt Community Park.

I am opposed to any AE lands being rezoned to any recreation use. I feel the county already has the power to issue conditional use permits for ball fields and day use for 800 or less people for weddings, soccer, games etc as long as there is no amplified music that is a use as long as there is no traffic congestion should be allowed during daylight hours.

My biggest concern is that under the planners recommendations it states on page 31 of the staff report "the park will be allowed to have no more than five events annually of 800-2500 persons per day, and no more than one annual event of 2500-5000 persons per day." I may be missing something but is there a restriction on how many days will be allowed for each event? Will each event turn into a two, three, five or ten day event? Will there be wording to restrict the events to one or two days?

As far as a community park that I donated to decades ago I am opposed to any change in the zoning that would allow any gatherings of more than 800 people including workers and park personnel. Events with 800 people or less should be held with a minimum of amplified sound. The county at the very least should test how the SCHP handles events of 800 people or less for five years before any consideration is made to allow events larger than 800 people.

Cheers

Sonny

This message was sent using IMP, the Internet Messaging Program.

From: [Melissa](#)
To: [Planning Clerk](#)
Subject: Southern Humboldt Community Park
Date: Tuesday, January 03, 2017 7:33:10 PM

This should be approved. This community needs a center for recreational activities, sporting events and other events public and private. A place for families to walk after Thanksgiving dinner. Or Christmas day walks for the kids. A place where tourists can get a taste of life along the Eel. Schools will take kids there for learning lessons about eco systems and wildlife. A designated place for dogs to play and run off leash.

Along with what is already happening there I can't think of a better use of this land. I visit often and we always go to the park. It's best use to make it a community park.

Thank you, Melissa Carrau
Eureka, Ca

Sent to you from me

From: [Lelehnia Dubois](#)
To: [Fennell, Estelle](#); [Lovelace, Mark](#); [Bohn, Rex](#); [Sundberg, Ryan](#); [Bass, Virginia](#); [Planning Clerk](#)
Subject: Happy New Year and MUCH THANKS!
Date: Saturday, December 31, 2016 6:44:28 AM

Hello All!

I wanted to reach out and show my great gratitude and respect for each of you. The Board of Supervisors and Planning Department have taken difficult circumstance and managed to show some very hard headed people, myself included, that we can all work together.

I appreciated the consideration you took for the deposit structure but I, even more, appreciate how each of you has lead us through this intense moment in time. There is still so much work ahead, I know. However, your patience and ability to adjust when needed has given me and I am sure many more real hope that there is a future for us to work for. I have never had to engage in the black market as an adult but I have always felt the fear and stigma. When I became a patient in 1999 and started using cannabis I had to engage in the BM culture just to get clean medicine in Humboldt County. Then we opened to testing in the dispensaries and I became a provider becuase I thought I was "safe". I found I was not safe from the community around me. It was not the "law" as I was medical it was the lack of accoutabiltiy in the unregulated medical market. Maybe there are not as many permits as some had hoped for but you gave us all the chance to use our heritage and intellectual properties and be FREE! I thank you for that. Today for the first time EVER I really do feel free to be a proud of our cannabis legacy.

THANK YOU FOR ALL YOUR HARD HARD WORK!!!!!!!!!!!!!!

HAPPY NEW YEAR!!

*Blessings,
Lelehnia*

From: [Susan Nolan](#)
To: [Lippre, Suzanne](#)
Subject: Re: Southern Humboldt Community Park GPA/CUP/FEIR Project # 6111
Date: Sunday, January 01, 2017 8:32:33 PM

Dear Ms. Lippre,

Thank you for the opportunity to comment on plans for the Southern Humboldt Community Park. This zoning change process is the only opportunity for the community to participate effectively in determining the future of the property, which could have a huge impact on the community. I feel there are a number of problems with the proposed park development, and urge you to reject the proposal.

The phrase "community park" is somewhat confusing. It suggests a government project, whose management is answerable to voters. That is not the case here. The park is a private holding controlled by a board of directors, whose meetings are not open to the public. The public has no say in the selection of these people and cannot vote them out if they are unhappy with what they do. The community seems to be seen by the management as audience and consumer, but not stakeholder.

This "park" will include a number of income-generating aspects. While a community garden is a public good, generating food for local food programs and educational experiences for school kids, leasing land to a private vineyard is a different matter, reducing public space and wildlife habitat. The controversial large events appear to be also intended to be money-makers. The ambitious plans for the property will call for a big investment in construction and maintenance, it starts to feel like "sometimes you have to destroy a park in order to save it."

The plan includes a 1000 square foot bathroom--the size of a two-bedroom house. That, plus two more 400 square foot bathrooms, additional bathrooms in other buildings, plus a public kitchen, will generate a huge amount of sewage. I was unable to find any mention of sewage disposal in the EIR. The soil in the park's bottomlands is quite porous and may allow sewage by-products (specifically nitrogen) to enter the river. With the volume of sewage production and large water withdrawals, the park could aggravate the Eel River's problems with toxic algae, which thrives in nutrient-rich warm water. The same effects will impact endangered salmonids, which need cold, clean water to survive.

Does southern Humboldt, with its small population, really need an elaborate sports complex? Is it worth sacrificing 16 acres of prime agricultural land--scarce in southern Humboldt--for two baseball fields, a soccer field, and a football field, when such facilities are already in place at local schools? A collaborative effort to enhance existing facilities could benefit the impoverished schools, and provide all the opportunities needed for local adult teams at much lower cost financially and environmentally.

Sprowell Creek Road is narrow, with a sharp turn with poor sight lines. In places it has no safe shoulder for pedestrians or vehicle pullovers, due to slopes uphill and downhill. There is no turnaround for large vehicles for the mile between Garberville and the park itself. This is not a good road for events attended by hundreds or thousands, and it's also not a safe road for lots of buses.

The EIR provides 25 pages on noise control, with numerous charts and tables, without providing what the neighbors want: assurance that noise from the park will not diminish their quality of life.

One good thing in the proposal is straightening out the zoning of Tooby Park, long overdue.

Thank you for your work on this project. It could have a huge impact on a beautiful spot on the Eel, and the community around it. Please help keep that special place intact.

Sincerely,
Susan Nolan.