



AGENDA ITEM 7A

MEETING: September 18, 2019
TO: Humboldt LAFCo Commissioners
FROM: George Williamson AICP, Senior Advisor
SUBJECT: **Garberville Sanitary District Water Services Extension Outside the District's Boundary to APN 222-091-015 (Southern Humboldt Community Park)**
Consider a Garberville Sanitary District submitted request to extend out of area water services to a portion of Southern Humboldt Community Park.

Before entering into agreements to provide new or extended services outside jurisdictional boundaries, cities and special districts must request and receive written LAFCo approval, as required by California Government Code Section 56133. The Commission may authorize new or extended services outside jurisdictional boundaries but within a sphere of influence (SOI) "in anticipation of a later change of organization."

PROJECT APPLICATION

The proposal involves a Garberville Sanitary District (GSD) water service extension to Southern Humboldt Community Park (SHCP), a California non-profit public benefit corporation, for a portion of their property located at 1144 Sprowel Creek Road (APN 222-091-015), outside the District's boundary but within its SOI. The subject property is considered uninhabited (less than 12 registered voters). The proposed service area (project area) is limited to a small portion of the subject parcel rezoned by the County of Humboldt to public facilities (and identified in Attachment A as "public facility sections"). The water connection under consideration is for service to the existing residences along with their outbuildings and addition of public water fountains around the various park access and usage locations. Proposal proceedings were initiated by GSD Resolution of Application Attachment E, in response to a SHCP request.

The proposed project would connect a 3/4" meter to the existing GSD Tooby Ranch Road 8" line. This meter would be limited to providing 2,000 cubic feet per month and subject to other conditions set forth in GSD Resolution of Application No 19-02 (Attachment E). The extension of water service to the project property also requires a State Water Resources Control Board Department of Rights approval – a Petition for Change in the Place of Use for the GSD License and Permit.

BACKGROUND

According to documents provided by the District, in 2004 the GSD purchased the Garberville Water Company (GWC) and took on its water service responsibility, including water service to portions of what is now SHCP. At that time the property included additional territory on the easterly side, including a residence known as the "yellow house." This residence and park property buildings were all served by one meter. In 2009 lot lines were adjusted and the "yellow house" property (now APN 222-091-011) and the

SHCP property (now APN 222-091-015) became two separate legal parcels with a single water connection.

GSD completed an annexation process to include those areas served by the water service system, including APN 222-091-011 in 2014. GSD reports that during this process it was established that the existing SHCP connection belonged with APN 222-091-011 ("yellow house" property) and the SHCP property would be given a separate future connection once their general plan amendment (GPA) and rezoning change of some Agricultural Exclusive (AE) lands to Public Facility (PF) was approved by the County.

SHCP has completed its County GPA and rezoning, generating a renewed request for a GSD water service connection. In addition to the facilities proposed to be served by the water connection, it has 3.5 miles of trails, a playground, picnic areas, and a swimming beach open to the public. Park site 2012 use was estimated at 46,000 visitor days per year.

SHCP has indicated that they plan to expand user facilities in the future, potentially including the construction of ball fields, a concessions stand, public restrooms, a convention center, event facilities, and other development as discussed in the Park's 2016 Final EIR (State Clearinghouse Number 2010092037). These expanded user facilities have not been contemplated as a part of this application, meaning that should the park require District water for future expanded uses beyond the 2,000 cubic feet of water per month to the structures described in the project description they will need to initiate a new separate approval process with the GSD Board, Humboldt LAFCo, and possibly SWRCB-DWR.

CONSIDERATIONS

Reasons for Out of Area Water Service Proposal

There is potable water need for those using the PF designated areas. The two existing residences used to have GWC water service and would like to reestablish service. GSD proposes an out of agency approval as more appropriate for service level and locations for this property at this time.

Water Supply

SHCP would be given one new connection off the 8" waterline constructed as part of the Drinking Water Improvement Project on Tooby Ranch Road. As stated above, the proposed new ¾" meter is for residential and public recreation drinking fountain uses only and is not intended to be used to serve future development on the property, as contemplated by SHCP. The usage for the connection is limited to 2,000 cubic feet per month (20 units). GSD indicates that water usage will be monitored monthly in conjunction with the reading of the meters. GSD intends to notify SHCP each time the usage reading is in excess of the 2,000 cubic feet per month limit (approximately 180,000 gallons per year) and shut the meter off if the usage is more than 1.5 times (3,000 cubic feet per month), the allowable quantity for any 2 months in a 12-month period. If the meter is shut off, the SHCP will have to petition the District Board for reinstatement of service. Additional approval from LAFCo would be necessary to reinstate the connection if the meter was shut off with the intention of terminating service permanently.

SHCP would be responsible for costs associated with providing a new meter installation, pressure reducer, and backflow preventer costs, plus any associated appurtenances. The Park would be responsible for constructing waterlines within Park property to bring potable water to designated locations. This network of new waterlines will keep the potable water separate from the various other untreated water sources the Park uses on their property.

GSD reports that they have sufficient water capacity to serve this proposal and have already set aside the amount of water being requested by the Park, and this amount was disclosed in the District's Mitigated Negative Declaration and in the 2019 Water Capacity Study.

Environmental Review

All matters involving discretionary action are subject to applicable California Environmental Quality Act (CEQA) provisions. Humboldt LAFCo is responsible for an action, and is considered a responsible agency under CEQA §21069, which states that the term "'Responsible agency' means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project." As a Responsible Agency Humboldt LAFCo has prepared an Addendum included as Attachment A, to the 2013 GSD Initial Study/Mitigated Negative Declaration (IS/MND), based on a legal counsel opinion included as Attachment B. The Addendum and IS/MND are described below.

The GSD prepared and adopted an IS/MND in 2013 for the GSD Annexation Project: Change in Jurisdictional Boundary & Place of Use project. This document discussed the SHCP as a potential future service area and included a 2,000 cubic foot allocation in their total allocated water summary. A direct impact analysis for this service was anticipated as part of the SHCP Environmental Impact Report (EIR) for proposed land use changes by the County of Humboldt. The IS/MND did take water services to SHCP into consideration under cumulative impacts in anticipation of the future SHCP project which is located within the GSD SOI. However, the GSD took no action on a services extension to SHCP based on the IS/MND.

In 2016, the County of Humboldt released a Draft EIR for land use and zoning updates for the SHCP parcels. This document outlined and discussed impacts from installation of additional water lines throughout the park for both potable and non-potable water to support proposed expanded public recreation activities. Analysis also considered current water demands for SHCP facilities and anticipated demands based on the proposed project.

Humboldt LAFCo prepared Addendum to the GSD 2013 Annexation Project IS/MND was prepared pursuant to California Environmental Quality Act (Public Resources Code § 21000, et seq., CEQA) requirements. The regulations promulgated thereunder (14 California Code of Regulations, § 15000, et seq., CEQA Guidelines). Humboldt LAFCo is acting as a Responsible Agency. The Addendum is appropriate pursuant to CEQA Guidelines § 15164 since only minor changes and additions to the IS/MND are necessary to address the Project and no circumstances exist calling for the preparation of a subsequent or supplemental Mitigated Negative Declaration pursuant to CEQA Guidelines § 15162 and § 15163. While not required by CEQA a Notice of Intent was prepared and the Addendum was circulated for public comment period from August 13, 2019 to September 12, 2019.

Other Supporting Documents

A Water Supply and Demand Analysis Memorandum was prepared for Phase 1 and Phase 2 of SHCP planned upgrades. This document, which was included as an appendix to the SHCP EIR, provides an estimate of water demand by facility and area for the SHCP plan. The conclusion of the document states that while existing water sources can cover the demand created by Phase 1 of the project, Phase 2 would require additional water sources.

GSD recently prepared their 2018 Annual Water Capacity Analysis report which discusses current and future water uses. The 2,000 cubic foot per month allotment for SHCP was included in this analysis and it was determined that there are adequate water sources to serve this purpose.

Humboldt LAFCo Review

Humboldt LAFCo will consider GSD's application for an Out of Service Area Extension to portions of SHCP at a noticed public hearing and take a discretionary action to approve or deny the extension. This power is granted to Humboldt LAFCo by CKH Act §56375(p). As described above, Humboldt LAFCo has prepared an Addendum for CEQA documentation of the proposal.

Cumulative impacts on water demand, including the 2,000 cubic feet set aside for SHCP, were considered and discussed in the 2013 IS/MND prepared by GSD for their Annexation Project: Change in Jurisdictional Boundary & Place of Use project. GSD is now proposing what would be considered a minor change under CEQA Guidelines 15162(a) and 15164(b) to their Place of Use. Any previously unconsidered impacts associated with this change are anticipated to be negligible and any new mitigation is unlikely.

Impacts associated with water line construction on SHCP property were considered in the 2016 SHCP EIR. SHCP FEIR Figure 3-11 which shows the locations of their existing waterlines - both potable and irrigation - along with the location of the GSD SWTP and the connection point in Tooby Ranch Road that will be made. The construction work will be within the Tooby Ranch Road Easement and GSD anticipates it will include a short (less than 20') waterline section, a meter box, a backflow preventor, and possibly a pressure reducer.

Existing water lines will be used where possible and construction of new water lines to connect with GSD are anticipated to be limited. The location of the new water lines, if any, may change from what was originally proposed in the EIR in order to align with the new connection to GSD. However, impacts from construction are unlikely to change significantly from those previously discussed in the EIR.

Additionally, proposed SHCP facility upgrades are not under the purview of Humboldt LAFCo and will not be considered as part of its action. The Humboldt LAFCo is currently considering the change in service obligation for GSD in anticipation of future annexation of SHCP. This fulfills one of the purposes of the commission as outlined in the CHK Act §56301 which is "encouraging the efficient provision of government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances."

Outside Service Area Requests Authorizations Criteria

The Commission's policy clarifies that the Commission and the Executive Officer shall limit its outside service area authorizations to circumstances where:

A. Sufficient service capacity exists;

Staff Analysis: Adequately sized public water supply exists on Tooby Ranch Road. Only extension of water services to specified areas of the property (Attachment F) is proposed. GSD and SHCP have entered into an agreement for improvements associated with water connections.

B. Annexation not practicable at this time; and

Staff Analysis: The proposal is limited to a quantity of water to serve specific areas of the park property. SHCP has indicated this will allow limited events and access, and that future activities may be planned, some that may require future approvals from the County and an amended service agreement with GSD. In their Resolution of Application GSD has identified factors that would trigger additional service. LAFCo discourages annexation until discretionary approvals for land use entitlements, are granted. It is anticipated that when the SHCP develops plans for the PF designated areas of the property, the annexation process will proceed.

C. The outside service area request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

Staff Analysis: There are no additional requirements for consideration under G.C. Section 56133 that should be considered by the Commission.

Agency Comments

Upon accepting the District's application, LAFCo staff provided a referral to the County and other interested agencies (see Attachment C). Humboldt County Planning and Building provided the comments via email on August 16, 2019 and the Redway CSD provided a letter on August 28, 2019:

STAFF RECOMMENDATION

This application has been received as is presented for Commission consideration at a public hearing on September 18, 2019. As a part of this application, GSD has submitted a request to waive fees of behalf of SHCP (see Agenda Item 7B).

For CEQA compliance, staff recommends adoption of the IS/MND Addendum prior to considering the Out of Area Service proposal

Staff then recommends the Commission approve the extension of water services outside the District's boundary to APN 222-091-015 as submitted by GSD. It is recommended that the approval include the following standard conditions:

- o The GSD and SHCP enter into a recorded Covenant and Agreement Regarding Out of District Services and Annexation to APN 222-091-015 (Attachment I). The Covenant and Agreement shall include a provision that limits the extension of water services to designated areas on the on the subject property (Attachment F) and not to any other

areas of the SHCP property. Any expansion or intensification of water services on said property shall be considered a new request, subject to LAFCo review. This Covenant and Agreement shall automatically terminate at such time as the property is annexed to the GSD.

- o The Property Owner enters into agreement with the District consenting to future District Annexation or Reorganization. The agreement shall include the terms outline in Resolution 19-05 (Attachment K) and be appropriately recorded with County of Humboldt
- o All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

ALTERNATIVES FOR COMMISSION ACTION

Staff has identified two options for Commission consideration with respect to the service extension request. These options are summarized below.

- o Option 1 (Recommended): Adopt the draft resolutions identified as Attachment J and Attachment K, adopting the CEQA Addendum and approving the request with the recommended conditions along with any desired changes as requested by members.
- o Option Two: Continue the hearing and request additional information.
- o Option Three: Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

PROCEDURES FOR CONSIDERATION

The following procedures are recommended with respect to the Commission's consideration of this item:

- A. Receive verbal report from staff
- B. Open the public hearing and invite public testimony
- C. Discuss item and consider:
 - a. Addendum adoption via Resolution 19-04, and
 - b. Adoption of Resolution 19-05, authorizing the Garberville Sanitary District to extend water services outside the District boundary to areas of SHCP property (APN 222-091-015) identified in Attachment K, as described in the staff report, subject to the recommended conditions.

The Commission, as Responsible Agency, certifies it has independently reviewed and considered the IS/MND Addendum (SCH#2012032025) prepared by Humboldt LAFCo, concerning potential impacts associated with the proposal in accordance with the California Environmental Quality Act (CEQA). The Commission finds the IS/MND Addendum adequate to support the Out of Area Service proposal.

"I move to approve Resolution No. 19-04 in Attachment J, to adopt the IS/MND Addendum and direct the Executive Officer to file a Notice of Determination with the Humboldt County Clerk."

"I move to approve Resolution No. 19-05, authorizing the Garberville Sanitary District to extend water services outside the District boundary to areas of SHCP property identified in Attachment K, as described in the staff report, subject to the recommended conditions."

Attachments:

Attachment A:	GSD Annexation IS/MND Addendum and Notice of Intent
Attachment B:	Underwood Law Offices GSD Put of Area Service Memo
Attachment C:	Agency Referral
Attachment D	Addendum Comment received
Attachment E	GSD Resolution of Application No 19-02
Attachment F:	Proposed Public Facility Area Map
Attachment G:	General Communication (email) Record
Attachment H:	General Communication (letters/prior submittals) Record
Attachment I:	GSD Water Service Agreement with SHCP
Attachment J:	Resolution 19-04 for Addendum Adoption
Attachment K:	Resolution 19-05 for Out of Area Service Authorization

Agenda Item 7A

Attachment A



NOTICE OF INTENT

**To Adopt CEQA Addendum to the Garberville Sanitary District Annexation Project:
Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/
Mitigated Negative Declaration; and Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that the Humboldt Local Agency Formation Commission (Humboldt LAFCo) has completed an Addendum to the Garberville Sanitary District (GSD) Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration (IS/MND) SCH#2012032025. This Addendum was prepared to support an Application for Out of Boundary Service Extension submitted by GSD on June 21, 2019 to provide potable water service to portions of the Southern Humboldt Community Park (SHCP). Humboldt LAFCo will hold a public hearing to consider adequacy of the Addendum and take action on the Application.

The public hearing before the Humboldt LAFCo will occur on:

HEARING DATE AND TIME:

September 18, 2019 at 9:00 a.m.

HEARING LOCATION:

Humboldt County Courthouse
Board of Supervisors Chambers
825 Fifth Street, Eureka, CA 95501

PROJECT DESCRIPTION: The proposed project is for connection of a 3/4" meter to GSD's Tooby Ranch Road 8" waterline to supply 18 acres of SHCP with potable water. This meter would be limited to 2,000 cubic feet per month and subject to other conditions set forth in GSD Resolution of Application No. 19-02. The connection will provide service for residences on the property and drinking water fountains throughout the park.

ENVIRONMENTAL REVIEW SUMMARY: The Addendum was prepared pursuant to the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq., CEQA), the regulations promulgated thereunder (14 California Code of Regulations, § 15000, et seq., CEQA Guidelines). Humboldt LAFCo is acting as a Responsible Agency.

The Addendum is appropriate pursuant to CEQA Guidelines § 15164 since only minor changes and additions to the IS/MND are necessary to address the Project and no circumstances exist calling for the preparation of a subsequent or supplemental Mitigated Negative Declaration pursuant to CEQA Guidelines § 15162 and § 15163.

PROJECT LOCATION: The Project will take place within the existing easement on Tooby Ranch Road and serve portions of APN 222-091-015.

DOCUMENT AVAILABILITY: The proposed Addendum and all documents reference therein are currently available and may be obtained at the LAFCo Office. The Addendum is also currently available on the Humboldt LAFCo website www.humboldtlafco.org. Staff reports and related materials for the hearing will be available at least 72 hours prior to the meeting.

PUBLIC COMMENT: All interested person are encouraged to attend the public hearing and to present written and/or oral comments. The informal public comment period for the proposed Addendum is August 13, 2019 to September 12, 2019. Written submittals concern this hearing may be sent to the Humboldt LAFCo e-mail: georgew@humboldtlafco.org; or mail: Humboldt LAFCo Public Comment at 1125 16th Street, Suite 202, Arcata, CA 95521. Comments must be received by Humboldt LAFCo before the date and time of the hearing or be submitted at the hearing. In order to be disseminated to Humboldt LAFCo for consideration during the hearing, written information must be submitted to Humboldt LAFCo no later than September 12 at noon. Material received after this time may not be reviewed by Humboldt LAFCo prior to the hearing.

Note: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this hearing, please contact the Humboldt LAFCo Office at (707) 445-7508. Notification at least 72 hours prior to the hearing will enable staff to make reasonable arrangements.

Publish: The Humboldt Independent – Tuesday, August 13, 2019 and Tuesday, August 20, 2019

DRAFT ADDENDUM to

**CEQA INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

**Garberville Sanitary District
Garberville Sanitary District Annexation Project:
Change in Jurisdictional Boundary & Place of Use
(SCH #2012032025)**

**Initial Study/ Mitigated Negative Declaration Prepared by Lead Agency:
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA 95542
(707) 923-9566**

**Addendum Prepared by Responsible Agency:
Humboldt Local Agency Formation Commission (LAFCo)
1125 16th St Suite 201
Arcata CA 95521**

August 2019

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ATTACHMENTS

Attachment A - Final Mitigated Negative Declaration for Garberville Sanitary District Annexation Project:
Change in Jurisdictional Boundary & Place of Use

Attachment B - Southern Humboldt Community Park Draft Environmental Impact Report (SCH
#2010092037), April 2016

Attachment C - Southern Humboldt Community Park Final Environmental Impact Report (SCH
#2010092037), November 2016

INTRODUCTION

This document constitutes an Addendum to the 2013 Initial Study/Mitigated Negative Declaration (2013 IS/MND) prepared for Garberville Sanitary District's (GSD) Annexation Project: Change in Jurisdictional Boundary & Place of Use project. This Addendum evaluates whether proposed minor modifications to GSD's jurisdictional boundary and Place of Use (POU) would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the 2013 IS/MND.

GSD's current jurisdictional boundary and POU extends to the town of Garberville and surrounding areas. The proposed change is to provide an Out of Area Service Extension to the Southern Humboldt Community Park (SHCP) for residential and public drinking fountain use. The area to be served is directly adjacent to GSD's current service boundary and within GSD's current sphere of influence (SOI).

As verified in this Addendum, the 2013 IS/MND analyses and the conclusions remain current and valid. The proposed service extension would not cause new significant effects not identified in the 2013 IS/MND nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2013 IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2013 IS/MND. Therefore, no further environmental review is required beyond this Addendum.

BACKGROUND

In 2013, GSD completed an IS/MND to support the addition of areas that were being served by the Garberville Water Company system, purchased by GSD in 2004, to GSD's jurisdictional boundary and POU. The 2013 IS/MND included a discussion of historical water service to SHCP by means of an existing meter located on an adjacent parcel and stated that GSD would consider future extension of water service to the park. As such, water service to SHCP was included as part of the cumulative impact analysis for the IS/MND which takes into consideration anticipated future projects. Water supply to the park was also included in GSD's total water allocation that was used for analysis in the 2013 IS/MND¹.

The SHCP is a 405.7 acre park located in Southern Humboldt County approximately 1 mile west of Garberville along Sprowel Creek Road. SHCP is currently utilized for passive recreation activities including river access, hiking, and biking. Historically the area was designated as Agricultural Exclusive land. However, in 2017, SHCP completed the process of rezoning portions of the property as Public Facilities in order to pursue future enhancements to the park. In order to support this change in zoning, land use, and to obtain a special use permit, Humboldt County prepared Draft and Final Environmental Impact Reports (EIR) for the SHCP in 2016 (SCH 2010092037) to inform potential Humboldt County General Plan and Zoning Ordinance changes and to obtain a conditional use permit for certain proposed uses of SHCP. The EIR discussed the impacts of the land use and zoning changes based on expanded public recreation facilities as outlined in the project description. The EIR also included a discussion of the impacts from installation of additional water lines throughout the park for both potable and non-potable water to support proposed expanded public recreation activities. This process resulted in County Board of Supervisors Resolution No. 17-36 which added the Public Recreation land use designation and Ordinance No. 2572 which added the Public Facilities zoning.

A Water Supply and Demand Analysis Memorandum was prepared for Phase 1 and Phase 2 of SHCP planned upgrades. This document, which is referenced in the 2016 EIR, provides an estimate of water demand by facility and area for the SHCP plan².

In January 2019, GSD prepared their 2018 Annual Water Capacity Analysis report which discusses current and future water uses. Water supply to SHCP was included as an allotment in the analysis and it was determined that there are adequate water sources to serve all of GSD's current water allotments³.

In June 2019, GSD applied to the Humboldt Local Agency Formation Commission (Humboldt LAFCo) for an out of boundary service extension to supply SHCP with water for residential and public drinking fountain use. The extension of service would be for limited areas within the park boundary as shown in Figure 1. It is anticipated that the entire park would be annexed into GSD at a later time.

Since the proposed project has changed from the original outline in the 2013 IS/MND and CEQA Guidelines have been updated to include additional resource sections, it was determined that an additional CEQA document would be needed to inform the discretionary action by Humboldt LAFCo.

¹ GSD, Final Recirculated Initial Study/Mitigated Negative Declaration, Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary and Place of Use, September 2013, pg. 17.

² GHD, Water Supply and Demand Analysis Memorandum for Southern Humboldt Community Park, September 2, 2014.

³ GSD, 2018 Annual Water Capacity Analysis, January 2019, pg. 9.

Due to the minor change of the proposed project, Humboldt LAFCo has determined that an Addendum is adequate to provide this additional information. This Addendum will also be used by the State Water Resources Control Board to inform the change in POU for the GSD's POU License Number 3404 and Permit 20789.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FRAMEWORK

This addendum analyzes the proposed service extension as required under the CEQA Guidelines, Sections 15162 and 15164. An addendum to an adopted mitigated negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the following conditions calling for the preparation of a subsequent MND have occurred:

- (1) Substantial changes in the project which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
 - A) The project will have one or more significant effects not discussed in the MND,
 - B) The project will result in impacts substantially more severe than those disclosed in the MND,
 - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
 - D) Mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

The purpose of this Addendum is to evaluate whether the proposed service extension would result in any new or substantially greater significant effects not identified in the 2013 IS/MND, to demonstrate that the proposed project does not trigger any of the conditions described above, and to provide information for CEQA resource sections that have been added since 2013. Based on the analysis provided below, an Addendum to the 2013 IS/MND is the appropriate CEQA document.

PROJECT INFORMATION

Summary

The proposed project is for connection of a 3/4" meter to GSD's Tooby Ranch Road 8" waterline to supply 18 acres of SHCP with potable water. This meter would be limited to 2,000 cubic feet per month and subject to other conditions set forth in GSD Resolution of Application No. 19-02. The connection will provide service for residences on the property and drinking water fountains throughout the park.

While the current application is for Water Service Outside Agency Boundary, the SHCP is within the GSD Sphere of Influence (SOI). While not required, oftentimes out of boundary service extensions are a precursor to future annexation. This makes annexation of the entire SHCP parcel a reasonably foreseeable action for environmental analysis. As such, consideration of full annexation will be discussed briefly under each environmental section.

Tooby Road Pipeline Connection

Connection of a 3/4" meter to GSD's Tooby Ranch Road 8" waterline would require minor construction that would take place within the Tooby Ranch Road Easement. Construction activities are anticipated to involve installation of approximately 20 feet of waterline, a meter box, a backflow preventor, and a pressure reducer. The total area of disturbance is anticipated to be less than 300 square feet. Diagrams of both a standard water connection and a standard pressure reducer are included as Exhibits B and C for reference. Actual configuration may vary slightly based on site conditions and constraints observed during construction. Existing waterlines on SHCP property, if assessed to be in proper working condition, will be utilized in order to reduce the amount of construction needed for the connection.

Restrictions on Water Use

The GSD Board of Directors has previously approved the connection to SHCP with the following restrictions originally outlined in October 2012 and recently updated in Resolution of Application No 19-12:

- a. SHCP would be given one new connection (3/4" meter) to rectify the condition that both the yellow house and the park are served off the same meter. This condition was created in 2009 when the Lot Line Adjustment was recorded and the property line was moved so that the residential structures were split into two properties.
- b. The SHCP will make application for this new service connection from Tooby Ranch Road off the 8" waterline that was constructed as part of the Drinking Water Improvement Project. A new meter would be set here for SHCP service.
- c. No connection fee would be charged, but the SHCP would be responsible for all costs associated with the installation of the new meter, pressure reducer, and backflow preventer plus any associated appurtenances.
- d. The one new 3/4" meter is for residential and public recreation drinking fountain uses only and is not intended to be used to serve future development on the Property contemplated by SHCP or shown in the Final EIR as adopted by Humboldt County.
- e. The usage for the connection is limited to 2,000 cubic feet per month (20 units). The usage will be monitored monthly in conjunction with the reading of the meters. The SHCP will be notified each time the usage reading is in excess of the 2,000 cubic feet per month limit. The meter will

be shut off if the usage is more than 1.5 times (3,000 cubic feet per month) the allowable quantity for any 2 months in a 12 month period. If the meter is shut off, the SHCP will have to petition the Board for reinstatement of service and obtain approval from LAFCo if necessary.

- f. As part of the application for the new connection, the SHCP will be required to enter into a legally binding agreement that will be recorded for the parcel agreeing to the stipulated types and quantities of use as well as the enforcement methods.

Additional Approvals Needed

State Water Resources Control Board Place of Use Permit

The District holds a water diversion license number 3404 and permit number 20789 from the State Water Resources Control Board for appropriation of water from the South Fork of the Eel River. This permit allows the District to divert a maximum of 0.595 cubic feet per second (267 gpm) from the river, year-round. The District also has a fixed license number 3404 that allows the District to divert an additional 0.155 cfs. The total maximum instantaneous diversion allowed is 0.75 cfs (336 gpm). This would equate to a maximum daily diversion of approximately 484,700 gallons and 177 million gallons per year, if adequate pumps and treatment facilities were available.

The permit and license each have a designated Place of Use (POU) where water may be transmitted for beneficial uses. In order to extend service to SHCP, GSD must submit petitions for change to the SWRCB. These petitions will be considered on the basis of potential impacts created by the change in POU.

EVALUATION OF POTENTIAL ENVIRONMENTAL EFFECTS

The proposed extension of service to SHCP is expected to result in less than significant impacts to all resources of concern. The 2013 IS/MND analyzed potential impacts to the following resources:

- *aesthetics*
- *agricultural and forestry resources*
- *air quality*
- *biological resources*
- *cultural resources*
- *energy*
- *geology and soils*
- *greenhouse gas emissions*
- *hazards and hazardous materials*
- *hydrology and water quality*
- *land use and planning*
- *mineral resources*
- *noise*
- *population and housing*
- *public services*
- *recreation*
- *transportation*
- *tribal cultural resources*
- *utilities and service systems*
- *wildfire*

Of these, the 2013 IS/MND identified potentially significant impacts to agriculture and forestry, hydrology and water quality, and utilities and service systems resources.

It is expected that there will be no change in the significance of any of the potential impacts as a result of the service extension. GSD is not proposing any change to the suite of mitigation and conservation measures incorporated into the 2013 IS/MND. Therefore, all potential impacts are expected to remain less than significant.

The following discussion provides a brief summary of the resource topics listed above.

Aesthetics

2013 IS/MND Summary

The 2013 IS/MND determined that impacts from annexation of properties would not result in significant impacts to aesthetics. Any development as a result of the annexations would be consistent with the existing aesthetics of the Garberville area and be conducted in compliance with the Humboldt County General Plan and Building Codes. When considering the development of the SHCP, the 2013 IS/MND deferred to the EIR being prepared for the SHCP general Plan Amendment and Zoning being prepared at the time.

Proposed Service Extension

The proposed service extension includes installation of a new 3/4" meter and approximately 20 feet of new pipeline. Construction activities associated with the new connection may create a temporary impact on aesthetic resources, however, these impacts are considered to be minimal and will be temporary in nature. As such, any resulting impacts will not be more significant than those already considered in the 2013 IS/MND.

Future annexation of SHCP may result in further development of the park area which may have an impact on aesthetic resources. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place.

Agricultural and Forestry Resources

2013 IS/MND Summary

The 2013 IS/MND determined that impacts from annexation of properties would not result in significant impacts to agricultural or forestry resources with the use of mitigation measures. Some of the areas proposed for annexation included agricultural and prime agricultural soils. However, the areas under consideration were in already developed areas or were approved for future development and the proposed project did not propose to convert any prime agricultural soils directly. Additionally, the proposed annexations did not include any timber production zones. When considering the SHCP the 2013 IS/MND discussed the proposed change in land use and stated that it would not contribute to impacts to agricultural soils.

Proposed Service Extension

The proposed service connection will be installed within the Tooby Ranch Road easement. Additional construction activities may take place on agricultural land within the park boundary in order to repair or install additional water lines to supply proposed drinking water fountains. These impacts will be temporary in nature and are not anticipated to affect ongoing agricultural operations. As such, any resulting impacts will not be more significant than those already considered in the 2013 IS/MND.

Future annexation of SHCP may result in further development of the park area which may have an impact on agricultural and forestry services. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes. Most of the impacts were considered less than significant. However, a mitigation measure was put in place to protect agricultural uses of designated areas within the park boundary. The Mitigation, Monitoring, and Reporting program has been included as Exhibit C for reference.

Air Quality

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to air quality would be less than significant. The proposed project had the potential to generate air emissions from construction activities, however, these impacts were considered less than significant due to the temporary nature of construction activities and required compliance with state and local air quality standards. Additionally, any future development would be conducted subject to General Plan and Zoning policies for Humboldt County. When considering the SHCP, the 2013 IS/MND stated that projects included as part of the cumulative impact methodology would not have any impacts to air quality based on the temporary nature of construction activities.

Proposed Service Extension

The proposed service extension would include temporary construction activities. These activities are not anticipated to result in impacts beyond what was already considered in the 2013 IS/MND.

Future annexation of the SHCP may result in further development of the park area including additional construction activities and increases in visitor traffic. This further development may create additional impacts on air quality. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place.

Biological Resources

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to biological resources would be less than significant. GSD draws water from the South Fork of the Eel River under diversion license #03404 and water diversion permit #20789. Additionally, a Streambed Alteration Agreement was obtained for the existing intake on the South Fork Eel River and the Drinking Water Improvement Project which includes a limitation that “the Permittee shall not divert more than 0.75 cfs or 10% of the streamflow as measured at the USGS Gauge Station No. 11476500 at Miranda”. This limitation was put in place to protect fish and wildlife resources. When considering the SHCP, the 2013 IS/MND included water service to the park as part of the water supplies availability which would be fulfilled under current permit limitations. Additionally, any future annexation of SHCP would be subject to limitations set forth by the GSD Board of Directors during their October 9, 2012 meeting.

Proposed Service Extension

As stated above, the proposed service extension was considered in the 2013 IS/MND analysis of biological impacts.

Future annexation of the SHCP may result in further development of the park which may have an impact on biological resources within the area. These impacts, including those to any special status species in the area and instream flow reductions from additional water use, were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place.

Cultural Resources

2013 IS/MND Summary

The 2013 IS/MND determined that there would be no impact to cultural resources within the proposed project area. The proposed project did not include any physical change to the environment and the IS/MND stated that any development within the annexation and POU area would be subject to General Plan and zoning regulations set forth by Humboldt County which would address any cultural resources within the proposed project area. It was also determined that there would be no cumulative impacts to the proposed project area.

Proposed Service Extension

The proposed service extension involves minor construction activities for installation of a 3/4” meter and approximately 20 feet of new waterline. Additional construction activities may take place to repair or replace waterlines within the park to install drinking water fountains. This has the potential to disturb any cultural resources that may be present in the area.

Impacts to cultural resources from construction activities, including those related to waterline placement, were considered in the 2016 EIR prepared for SHCP. The 2016 EIR also considered future development of the park and the potential impacts to historical structures and other cultural resources from increased public use. Several mitigation measures were put in place to help protect these resources which can be found in Exhibit C. The proposed service extension and potential future annexation of SHCP is not anticipated to have any cultural resource impacts beyond those already considered in the 2013 IS/MND and 2016 EIR.

Energy

The 2013 IS/MND discussion of energy was limited as it was not listed as a separate CEQA checklist item at the time. As such, a summary of potential impacts to energy resources from the proposed service extension is included below.

Proposed Service Extension

The proposed service extension does not propose any additional energy use beyond what is currently used by GSD to treat and deliver water to customers. It also does not propose any project components what would conflict or obstruct a state or local energy plan. Construction activities associated with installation of the water meter or waterlines may include additional temporary lighting of the proposed project area. However, this additional use will be minimal. As such, it is anticipated that there will be no impacts to energy associated with the proposed service extension.

Future annexation of SHCP may lead to further park development which has the potential to impact energy resources. Proposed activities include up to five medium sized events (800-2,500 people) per year and one large festival per year (2,500 to 5,000 people per day for two days). These activities could involve additional lighting sources and amplified music creating increased energy use. According to the SHCP 2016 EIR, temporary solar or battery powered lights would be utilized where possible for nighttime events.

Due to the temporary nature of events requiring additional energy and the use of solar powered options where possible to provide lighting, any impacts on energy as a result of potential annexation and further development of SHCP would be considered less than significant.

Geology and Soils

2013 IS/MND Summary

The 2013 IS/MND determined that there would be no impacts to geology and soil resources. No known active faults can be found in the proposed project area and any development that could take place in the proposed project boundary would be subject to General Plan and zoning designations set forth in the Humboldt County General Plan and Building Codes, which would address any impacts from geologic hazards. Specifically, compliance with the "Title III, Land Use and Development, Division 3, Building Regulations, Section 331-12, Grading, Excavation, Erosion, And Sedimentation Control" would ensure that development will not result in an impact from geology or soils. It was also determined that the proposed project would not result in any cumulative impacts.

Proposed Service Extension

The proposed service extension would involve construction activities associated with installation of a new 3/4" meter and approximately 20 feet of new waterline. These activities are subject to Title III, Land Use and Development, Division 3, Building Regulations, Section 331-12, Grading, Excavation, Erosion, And Sedimentation Control. As such, any impacts to geology and soils associated with the proposed service extension are anticipated to be equal to or less than those previously addressed in the 2013 IS/MND.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on geology and soils. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place (see Exhibit C). Additionally,

proposed park development does not include any activities that would directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

Greenhouse Gas Emissions

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to greenhouse gas emissions would be less than significant. At the time the Bay Area Air Quality Management District was the only regulatory agency in California that had adopted quantitative thresholds for a project's operation GHG emissions. For the 2013 IS/MND a review of relevant local planning documents was conducted. It was found that Humboldt County had already seen a major reduction in emissions and was well below 1990 levels. The proposed project emissions were considered to be less than significant due to the limited potential size of future developments. It was also stated that cumulative impacts would not contribute significantly to greenhouse gas emissions as future projects would be subject to the General Plan and zoning designations set forth in the Humboldt County General Plan and Building Codes, which would address measures to reduce greenhouse gasses.

Proposed Service Extension

The proposed service extension would involve construction activities associated with installation of a new 3/4" meter and approximately 20 feet of new waterline. These activities will be limited and temporary in nature. Additionally, all construction activities are subject to Humboldt County General Plan and Building Codes. As such, any impacts to greenhouse gas emissions from the proposed service extension would not be greater than those already discussed in the IS/MND.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on greenhouse gas emissions. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place (See Exhibit C).

Hazards and Hazardous Materials

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to hazards or hazardous materials would be less than significant. At the time, there were no sites within the proposed project boundary that were listed on Envirostor. The proposed project also did not include any physical changes to the environment. Any future development that could take place would be subject to the General Plan and zoning designations set forth in the Humboldt County General Plan and Building Codes, and any applicable regulations regarding hazardous material. Planned development within the Garberville Airport zone was already approved with conditions limiting structures in the airport approach zone. The proposed project also did not propose any development or changes to the environment that would alter the potential for threats from wildfire beyond current conditions. At the time, water storage for fire suppression was discussed as a continuing issue in the area. When considering the SHCP, the 2013 IS/MND stated that proposed change in the land use could potentially result in impacts to hazards or hazardous materials.

Proposed Service Extension

The proposed service extension is not anticipated to have any impacts beyond those previously discussed in the 2013 IS/MND as all construction activities will take place subject to Humboldt County General Plan and Building codes.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on hazards and hazardous materials. These impacts were discussed in detail in the 2016 EIR prepared for SHCP including the inclusion of the park as a previous site of an underground storage tank. A mitigation measure was put in place to address the potential for exposure to hazardous building materials as a result of construction activities on historical buildings (See Exhibit C).

Hydrology and Water Quality

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to hydrology or water quality would be less than significant. The proposed project limited the amount of new wastewater service connections and proposed a different boundary for wastewater service. The wastewater system had more than enough remaining capacity to accommodate the additional service locations proposed. The proposed project also did not include any physical change to the environment. Any future development in the proposed project area would be subject to the General Plan and zoning designations set forth in the Humboldt County General Plan and Building Codes, and any applicable regulations that address activities that alter drainage patterns, stormwater drainage, or potential flooding. While no new groundwater wells were proposed at the time, future need for additional groundwater was discussed and determined to be less than significant with proposed mitigation. It was also determined that effects from cumulative impacts would also be less than significant.

Proposed Service Extension

The proposed service extension is not anticipated to have any impacts beyond what was discussed in the 2013 IS/MND. The water allotment for SHCP was included in the assessment of current and future water demands including the assessment of groundwater resources. Additionally, the proposed service extension would not create any new impervious surfaces or significantly alter site drainage patterns.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on hydrology and water quality. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place. These include preparation of a Storm Water Pollution Prevention Plan and adequately designed septic systems for increased public use. Consideration of increased groundwater usage was considered under Utilities and Service Systems.

Land Use and Planning

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to land use or planning resources would be less than significant. The main purpose of the proposed project was to attain consistency with Humboldt LAFCo policies, SWRCB requirements for beneficial Place of Use under State Law, and the current conditions. The proposed project was consistent with local community plans and did not divide or establish a community. It was also determined that there would be no cumulative impacts.

Proposed Service Extension

The proposed service extension is outside of GSD's current boundary but is within the SOI. The proposed extension would supply water service to residences at SHCP and to drinking water fountains in public use areas of the park. Since the approved changes of land use designations within the park, this

use is now consistent with current land use and zoning designations. The water service areas shown on Exhibit A are all within the Public Facilities zoning areas.

Future annexation of SHCP may lead to further development and use of park facilities. This was the main purpose of the 2016 EIR that was prepared for SHCP land use changes. Impacts to land use are discussed in detail in the 2016 EIR and mitigation measures were put in place.

Mineral Resources

2013 IS/MND Summary

The 2013 IS/MND determined that there would be no impacts to mineral resources as a result of the proposed project. It stated that “The project will not result in any physical change to the environment and does not involve extraction of any known mineral resources. Development of vacant or underused APNs would not require a significant quantity of materials necessary for development that could not be served by existing sources.” It was also determined that there would be no cumulative impacts.

Proposed Service Extension

The proposed service extension would include minor construction activities that may utilize additional materials. These additional materials will be minimal and are not anticipated to exceed an amount that could not be served by existing resources.

Future annexation of SHCP may lead to further park facilities development and use. This increased use was discussed in the 2016 EIR. It was determined that any impacts to mineral resources would be less than significant and that adjacent mining facilities would not be affected.

Noise

2013 IS/MND Extension

The 2013 IS/MND determined that any impacts to noise resources from the proposed project would be less than significant. The proposed project did not propose any physical changes to the environment. Any development as a result of the project would be subject to General Plan and zoning designations set forth in the Humboldt County General Plan and Building Codes, which designates allowable noise levels and addresses noise levels associated to nearby airports. Any cumulative impacts would also be subject to the General Plan and Building Codes.

Proposed Service Extension

The proposed service extension would involve minor construction activities for installation of the 3/4” meter and approximately 20 feet of new waterline. Additional construction may be needed to repair or replace waterlines within the park to provide service to the residences and drinking water fountains. This has the potential to temporarily increase noise levels in the direct vicinity of the project site. Construction activities are subject to Humboldt County General Plan and Building Codes which designate allowable noise levels. As such, any impacts from the proposed service extension are not anticipated to exceed those previously discussed in the 2013 IS/MND.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on noise. These impacts, including the proposed use of the park for medium and large events with amplified music, were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place (See Exhibit C).

Population and Housing

2013 IS/MND

The 2013 IS/MND determined that any impacts to population and housing as a result of the proposed project would be less than significant. The proposed project included annexation of areas that could see potential housing development. However, any potential increase in population is likely to be minimal and was estimated at 34 residents. This slow growth in population was considered in keeping with the trends observed in the Garberville area and therefore would be less than significant.

At the time, several development projects around the area had been proposed to the County but there were no plans for development. The SHCP had originally proposed a multifamily housing development on the property but that element was removed from the project. Other projects that could have an impact on population and housing, including the Wastewater Treatment Plant Improvement Project, were subject to individual CEQA analysis. It was determined that current and future projects in the area were primarily being done to meet current demands and regulations, and that they would not result in significant cumulative impacts.

Proposed Service Extension

The proposed service extension would supply water service to existing residences on the property and to drinking water fountains. No new housing is being proposed as part of this service extension and therefore the proposed extension is not anticipated to have any impact on population and housing.

Future annexation of SHCP may lead to further development and use of park facilities. This expanded use is discussed in the 2016 EIR and it was determined that since it is an existing park utilized by the community it is unlikely that expanded use would induce growth.

Public Services

2013 IS/MND

The 2013 IS/MND determined that any impacts to public services would be less than significant. The proposed project was not anticipated to induce large population growth and did not propose service to any new areas. This was determined to be the same for any cumulative impacts. As such, any impacts to public services would not be more significant than those from normal population growth.

Proposed Service Extension

The proposed service extension would supply water to existing residences and park users at SHCP. It does not propose any new development that may have an impact on public services. As such, the proposed service extension is not anticipated to have impacts greater than those previously discussed in the 2013 IS/MND.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on public services. These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and it was determined that no significant impacts would occur. Adequate water supply for fire protection services was discussed under Utilities and Service Systems and it was determined that adequate supply for the park would be made available through installation of additional water tanks on the property. Water for fire suppression tanks will not be potable water from the GSD service extension.

Recreation

2013 IS/MND Summary

The 2013 IS/MND determined that any impacts to recreation resources as a result of the proposed project would be less than significant. The proposed project did not include the construction of any facilities and any future development within the proposed project area would not increase population to a point where local recreational facilities, mostly Tooby Park and SHCP, would see a significant increase in use. Under cumulative impacts, the SHCP proposed increased use of the park and expansion of recreational facilities. Impacts from this increase were to be discussed in the anticipated SHCP EIR for proposed land use changes.

Proposed Service Extension

The proposed service extension would supply up to 2,000 cubic feet of water per month to existing residents and park users at SHCP. No additional facilities or expanded park use is being considered as part of the currently proposed service extension. As such, no additional impacts are anticipated as a result of the proposed service extension.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on recreation. In the 2016 EIR prepared for SHCP land use changes, the proposed expanded facilities at the park include new sports fields, camping, and medium to large sized events with amplified music. These anticipated future uses were discussed in detail in the 2016 EIR and mitigation measures were put in place to lessen any environmental impacts from increased activity to less than significant levels (See Exhibit C).

Transportation

2013 IS/MND Summary

The 2013 IS/MND determined that there would be no impact to transportation resources as a result of the proposed project. The proposed project did not include any physical impact that would result in an increase of vehicle trips, involve changes to air traffic, or include design features that may be seen as hazardous. There were also considered to be no cumulative impacts as the project was not likely to cause substantial growth.

Proposed Service Extension

The proposed service extension would provide water to existing residences and park users. As such, no increase in use or vehicle miles traveled is anticipated and any impacts to transportation would not be greater than those previously discussed in the 2013 IS/MND.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on transportation. According to the 2016 EIR prepared for SHCP land use changes, vehicle trips to the park are anticipated to increase as a result of expanded park services and medium and large events could have a significant impact on transportation. These impacts were discussed in detail utilizing trips generated and levels of service for local and regional roadways. Several mitigation measures were put in place to help reduce impacts from increased use including the use of flaggers at medium sized events and shuttle services during large events. Depending on when expanded park

services begin, updated traffic information may be available to update traffic analysis and maintain compliance with current CEQA standards.

Tribal Cultural Resources

2013 IS/MND Summary

At the time of the 2013 IS/MND, AB 52 had not been passed and tribal cultural resources were considered under cultural resources.

Proposed Service Extension

The proposed service extension would involve minor construction activities to install a 3/4" meter and approximately 20 feet of new water line. Additional construction may take place in order to repair or replace waterlines on SHCP property in order to provide water service to existing residences and drinking water fountains. These activities would be subject to Humboldt County General Plan and Building Code regulations and the California Health and Safety Code Section 7050.5 all of which address cultural resources. Due to this, and the limited project area, any impacts to cultural tribal resources are considered to be less than significant.

Future annexation of SHCP may lead to further development and use of park facilities which may have an impact on tribal cultural resources. The 2016 EIR discussed tribal cultural resources, including discussions with tribal representatives, under the broader topic of cultural resources. It stated that "Based on interviews by anthropologists with local Native Americans during the early 20th century, the area that is now the [SHCP] was the Sinkyone village site of Kunteltcobi or Ken-tes-chang tahng-ah-te". Impacts to this site due to expanded park services were discussed and several mitigation measures were put in place (See Exhibit C).

Utilities and Service Systems

2013 IS/MND Summary

The 2013 IS/MND considered impacts to utilities and service systems to be less than significant with mitigation applied. The proposed project did not include sewer service to all of the proposed annexation areas. Instead, a separate boundary was proposed for water service. Additionally, the WWTP was operating at a capacity that would allow for an increase of service should additional properties within the sewer service area be developed. Other projects in the area, such as the Winters multifamily project, was also considered to be under the capacity of the newly constructed WWTP. As such, any impacts to sewer services were considered to be less than significant.

GSD holds water diversion license #03404 and water diversion permit #20789 which combined allow a maximum withdrawal rate of 0.75 cubic feet per second from the South Fork of the Eel River. This would equate to a maximum diversion of approximately 484,700 gallons per day and 177 million gallons per year. At the time of the 2013 IS/MND, the proposed new treatment plant, which has since been completed, would allow for this maximum diversion, although historically GSD has not seen this level of demand.

Based on the potential buildout of properties included in the proposed project area and GSD's obligation to serve existing properties should service be requested, the total potential water consumption as a result of the proposed project was estimated at 72,955,654 gallons per year. This is under the allowed permit amount. Future proposed projects were also considered. As these projects had the potential to

create significant impacts to water service, mitigation measures were proposed to decrease these impacts to less than significant levels. These mitigation measures are included as Exhibit B for reference.

At the time of the 2013 IS/MND, proposed SHCP land use and zoning changes were not finalized. However, it was determined that changes in the land use designation could impact water services. As such, a mitigation measure was proposed that would limit these impacts. Mitigation Measure 1 is included in Exhibit B for reference.

Additional elements of the proposed project were considered to have no impact as they were designed to meet current water supply and storage demands.

Proposed Service Extension

The proposed service extension would provide up to 2,000 cubic feet of water per month to the existing residences and new drinking water fountains at SHCP. This allotment of water was included in the water allotment assessed in the 2013 IS/MND and is not anticipated to create any additional impacts beyond what was previously discussed. Wastewater service is not proposed as part of this project. The proposed service extension is also not anticipated to displace any other public utilities.

Future annexation of SHCP may lead to further development and increased use of park facilities. This increase of use was discussed in the 2016 EIR prepared for SHCP land use changes. The 2016 EIR determined that impacts to utilities and service systems would not be significantly impacted with implementation of mitigation measures. However, the 2016 EIR did not consider potential connection to GSD for potable water supply.

The Water Supply and Demand Analysis Memorandum referenced in the 2016 EIR provided estimated water use by park area for Phase 1 and Phase 2 of the SHCP proposed project in Tables 8 and 9 of that document. The tables also break down the demand into baseline use, event use, and irrigation use. While the total annual demand after complete buildout in Phase 2 is estimated at 11,578,537 gallons, much of this water is proposed for irrigation of sports fields and agricultural areas. The total annual demand without irrigation is estimated at 679,828 gallons. This is the potential amount of potable water that will be needed for expanded park use as outlined in the 2016 EIR. Currently, GSD has allocated approximately 73 million gallons of its annual permitted amount of 80 million gallons from the South Fork of the Eel River. While it cannot be known what resources will be available at the time of any potential annexation of SHCP, either in part or in whole, it is plausible that GSD would have sufficient water resources to supply SHCP. Additional water supply would be needed for irrigation purposes at SHCP which would likely be obtained from the non-potable sources described in the 2016 EIR.

Wildfire

2013 IS/MND Summary

At the time of the 2013 IS/MND wildfire was not identified as a separate resource area. Considerations of impacts to wildfire were discussed under hazards.

Proposed Service Extension

The proposed service extension would involve minor construction activities to install a 3/4" meter and approximately 20 feet of waterline. Additional construction activities may take place on SHCP property to repair or replace waterlines as needed to provide water service. Disturbance to the surrounding area

is likely to be minimal and no major regrading of slopes is proposed. As such, the proposed service extension is not anticipated to impact any emergency plans, require additional infrastructure that could exacerbate fire risk, or expose people or structures to runoff from fire impacted areas beyond baseline conditions.

Future annexation of SHCP may lead to further development and increased use of park facilities which may impact wildfire resources. The 2016 EIR discussed impacts of expanded park facilities and use under Hazards and Hazardous Materials. Impacts to wildfire were considered less than significant based on the SHCP proposed project components including defensible space areas, extension of waterlines throughout the park, and addition of more water storage on site.

SUMMARY OF FINDINGS

The proposed service extension would provide 2,000 cubic feet of water per month to existing residences and new drinking water fountains at SHCP. It also includes installation of a 3/4" meter to GSD's 8" Tooby Ranch Road waterline and placement of approximately 20 feet of new waterline. Additional construction activities may take place to repair or replace waterlines at SHCP as needed to provide water service.

The allotment of water was considered in the 2013 IS/MND total water demand for the project. Future expansion of park facilities was included in the cumulative impact analysis as an anticipated future project. No additional mitigation measures are being proposed and the proposed changes to the project are considered minor. As evidenced in this addendum to the 2013 IS/MND, any impacts associated with the proposed service extension are not anticipated to be more significant than those discussed in the previously prepared environmental document.

Future annexation of SHCP could lead to further expansion and use of park facilities which may impact several resource areas. Further development of the park was considered in detail in the 2016 EIR for SHCP land use changes and a mitigation, monitoring, and reporting program was prepared to help lessen the impacts of development. Based on this previous analysis, it is anticipated that future annexation of SHCP by GSD, should it be deemed possible based on water demand and infrastructure capacity at the time of consideration, would not result in impacts more significant than those previously addressed in the 2016 EIR.

The 2016 EIR did not include connection to GSD for water service. Existing and onsite water sources were proposed for use at the park. However, based on water demand analysis referenced in the 2016 EIR, the estimated potable water demand for SHCP can be calculated at approximately 679,828 gallons per year. While it cannot be known what water resources will be available or what infrastructure capacity will be available at the time of potential annexation of SHCP, it is plausible that GSD could supply potable water to expanded park facilities based on currently permitted water resources. However, additional non-potable water would need to be supplied by SHCP for irrigation purposes. Based on information presented in the 2016 EIR, SHCP currently has adequate non-potable water resources to support these additional irrigation needs from expanded park facilities.

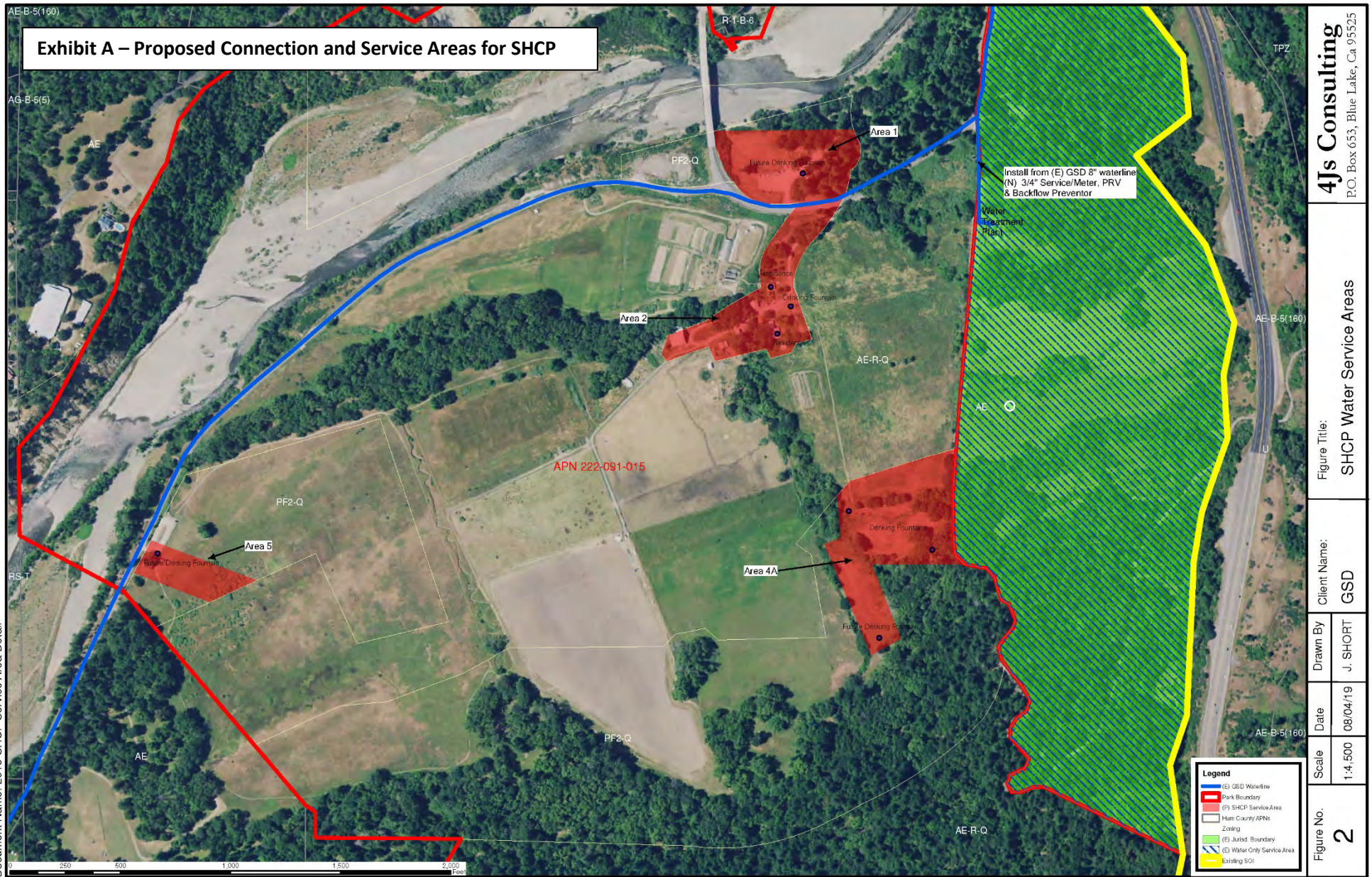
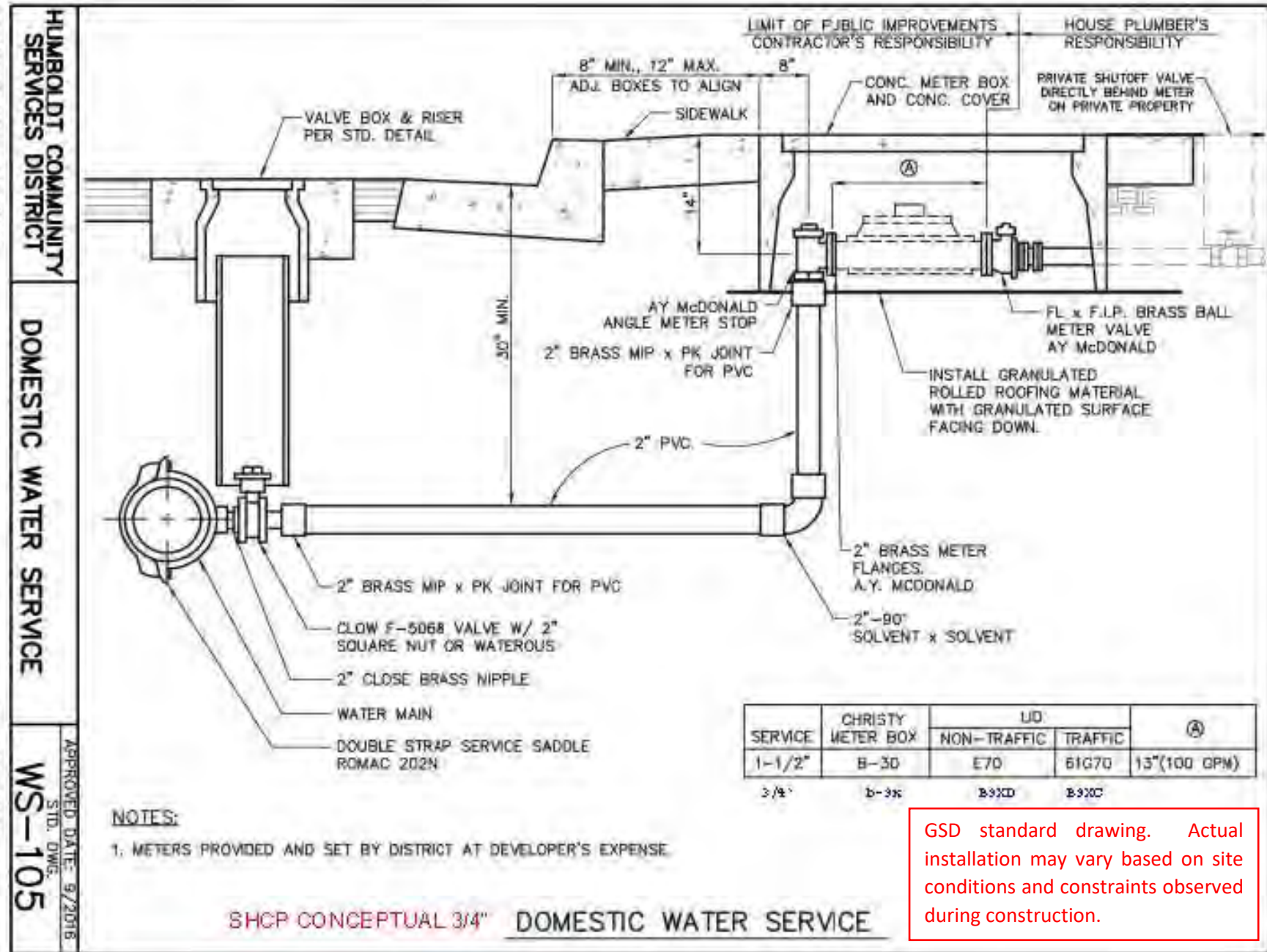


Figure No.	2	
	Scale	1:4,500
Date	08/04/19	
	Drawn By	J. SHORT
Client Name:		GSD
Figure Title:		SHCP Water Service Areas
		4Js Consulting P.O. Box 653, Blue Lake, Ca 95525

Exhibit B – Domestic Water Service Connection Standard Drawing

SPEC\STD DRAWINGS\VII

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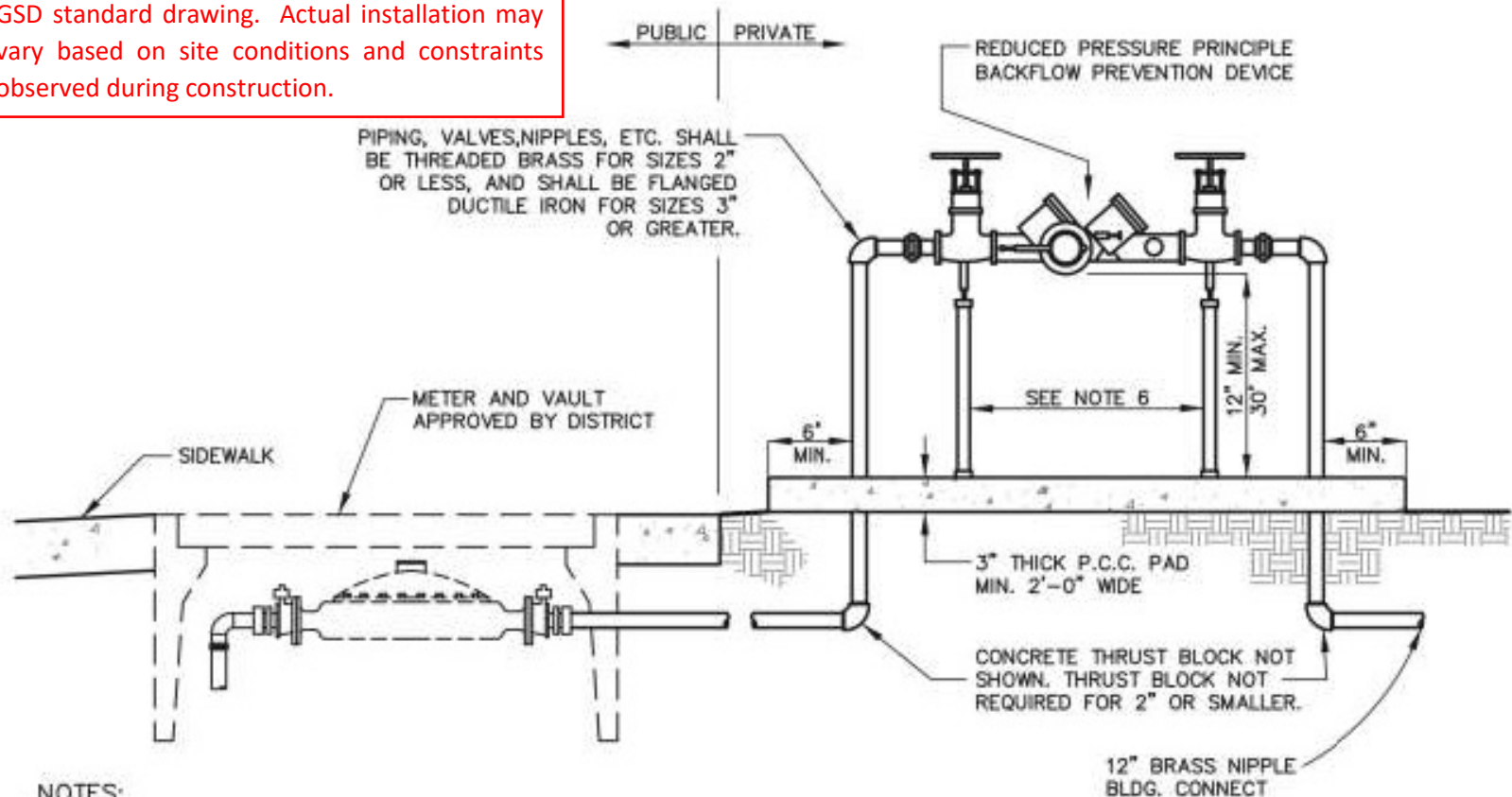
GSD standard drawing. Actual installation may vary based on site conditions and constraints observed during construction.

Exhibit C – Reduced-Pressure Backflow Preventer Standard Drawing

SPECS\STD DRAWINGS\VII

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GSD standard drawing. Actual installation may vary based on site conditions and constraints observed during construction.



NOTES:

1. REDUCED-PRESSURE TYPE BACKFLOW PREVENTION DEVICES SHALL BE REQUIRED FOR ANY USE WHERE TOXIC MATERIALS ARE USED OR WHERE POSITIVE PROTECTION FOR THE PUBLIC WATER SUPPLY IS REQUIRED. TYPICAL APPLICATIONS INCLUDE: IRRIGATION SERVICES, COMMERCIAL SERVICES, INDUSTRIAL SERVICES, HOSPITALS, LABORATORIES, MORTUARIES, OR AS DETERMINED BY THE DISTRICT. (TITLE 17 CALIF. ADMINISTRATION CODE).
2. REDUCED-PRESSURE TYPE BACKFLOW PREVENTION DEVICES SHALL BE AS LISTED BY THE UNIVERSITY OF SOUTHERN CALIFORNIA STUDY, LATEST REVISION, AND APPROVED BY THE DISTRICT.
3. BACKFLOW PREVENTION DEVICES SHALL BE INSTALLED ADJACENT TO AND ON THE PROPERTY SIDE OF SIDEWALK WHERE APPLICABLE. THE ASSEMBLY SHALL BE INSTALLED AS CLOSE TO THE WATER METER LOCATION AS PRACTICAL.
4. DEVICE TO BE SAME SIZE OR LARGER THAN SERVICE METER.
5. LANDSCAPING OR OTHER SCREENING AROUND THE BACKFLOW DEVICE SHALL BE AS SHOWN ON APPROVED PLANS.
6. 3" BACKFLOW PREVENTION DEVICE OR LARGER TO HAVE SUPPORTS.
7. IT IS RECOMMENDED THAT ABOVE GROUND PIPING MAY BE INSULATED (WRAPPED) TO PREVENT FREEZING.

REDUCED-PRESSURE PRINCIPLE BACKFLOW PREVENTER PRIVATELY OWNED AND MAINTAINED

Exhibit D

Proposed Mitigation Measures, Monitoring, and Reporting Program from Garberville Sanitary District Final Recirculated Initial Study/Mitigated Negative Declaration for GSD Annexation Project: Change in Jurisdictional Boundary and Place of Use

DRAFT

Proposed Mitigation Measures, Monitoring, and Reporting Program

Utilities and Service Systems

Mitigation Measure No. 1. The GSD Board of Directors shall adopt an ordinance that, at a minimum, states that any future development or intensification of use within the GSD boundary or future annexations or outside agency boundary service that relies on connection to the GSD water or sewer services for implementation will be reviewed by the GSD prior to approval by the County. A "will serve" letter will be provided by GSD to Humboldt County and the project applicant, indicating the ability of the GSD to provide a service connection based upon the current water and/or wastewater system capacity to provide that service. If sufficient water or wastewater service is not available, the applicant will be denied service until such time that the service is available. This ordinance will also identify the location of the water and sewer service area and only water service area overlay. These areas are shown on Figure 16. GSD shall notify Humboldt County of the new ordinance so that it will be included in current planning activities.

Timing for Implementation/Compliance: After LAFCo approval or conditional approval

Person/Agency Responsible for Monitoring: GSD and Humboldt County Planning and Building Department

Monitoring Frequency: Not applicable

Evidence of Compliance: Adoption of an ordinance by GSD

Mitigation Measure No. 2. The GSD Board of Directors shall adopt a resolution stating that the Connick Creek Subdivision as described in this IS/MND is responsible for any maintenance necessary to ensure that distribution meets appropriate and applicable regulations for providing water service from the private water line. The resolution shall state that the GSD is not responsible for any costs or maintenance associated with provision of water in this area other than from the master meter described in agreement recorded on October 8, 2010, as Instrument # 2010-22217-9. The resolution shall note that annexation of the Connick subdivision is not intended to constitute a modification, express or implied, of the October 8, 2010, agreement (recorded as Instrument # 2010-22217-9), or an expansion of any rights or interests any member of the Connick Creek Subdivision Association possess under said agreement.

Timing for Implementation/Compliance: After LAFCo approval or conditional approval

Person/Agency Responsible for Monitoring: GSD and LAFCo

Monitoring Frequency: Not applicable

Evidence of Compliance: Resolution by the GSD Board of Directors

Mitigation Measure No. 3. The GSD Board of Directors shall adopt a resolution stating that in the future, all new connections that are guaranteed through existing agreements that are outside of the GSD boundary must satisfy all planning and building regulations at the owner's cost and expense. Specifically, the area adjacent to the Connick Subdivision includes APN 222-156-012, which is a party to the agreement recorded on October 8, 2010, as Instrument Number 2010-22217-9. This APN does not have an existing water connection. No service will be provided until the property owner petitions the District for water service and appropriate approvals have been granted by all appropriate agencies including, but not be limited to the SWRCB DWR, County of Humboldt, and Humboldt LAFCo.

Exhibit E

Mitigation, Monitoring, and Reporting Program from Southern Humboldt Community Park Final Environmental Impact Report

DRAFT

Chapter IV

MITIGATION MONITORING AND REPORTING PROGRAM



This Mitigation Monitoring and Reporting Program (see Table IV-1) has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of a mitigation monitoring program when mitigation measures are required to avoid significant impacts. The monitoring program is intended to ensure compliance during implementation of the project.

This Mitigation Monitoring and Reporting Program has been formulated based upon the findings of the DEIR and the comments received on the DEIR and addressed herein. This Mitigation Monitoring and Reporting Program identifies mitigation measures recommended in the DEIR to avoid or reduce identified impacts, and specifies the agencies/parties responsible for implementation and monitoring of the measure.

The first column identifies the mitigation measure. The second column entitled "Party Responsible for Ensuring Implementation" refers to the person(s) who will undertake the mitigation measures. The third column entitled "Party Responsible for Monitoring" refers to the person/agency responsible for ensuring that the mitigation measure has been implemented and recorded. The fourth column entitled "Monitoring Timing" identifies when and/or for how long the monitoring shall occur. If an impact was found to be less than significant and did not require mitigation, no monitoring would be required.

TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
AESTHETICS						
<u>AESTHETICS-1a</u> : New landscaping shall be planted at the edge of the gravel parking area fronting on Kimtu Road in Area 5, the Sports Area. This landscaping shall be low evergreen shrubs that would partially screen parked cars from view from Kimtu Road. All vegetation planted as mitigation shall be planted outside the County-maintained road right-of-ways, meet the County visibility ordinance, not block county road drainage, or cause additional maintenance for the road crew. Prior to installing vegetation, the planting plan should be reviewed by the Department of Public Works.	SHCP	HCPBD and County Public Works	Prior to and during construction of ballfields in Area 5			
<u>AESTHETICS-1b</u> : Similar evergreen shrubbery shall be planted. After 5 years the shrubs shall be at least 4 feet in height and provide a visual screen for a minimum of 85 percent of the view of the parking areas for Area 5 adjacent to Kimtu Road adjacent to Kimtu Road to screen the proposed skate park and dog park in Area 5 from view. However, landscaping plans shall be reviewed and approved by the Public Works Department to ensure that landscaping would not interfere with sight visibility for safety reasons.	SHCP	HCPBD and County Public Works	Prior to and during construction of ballfields in Area 5			
<u>AESTHETICS-1c</u> : All new buildings and other built features at the project site shall be painted in neutral colors to blend into the surroundings and shall not include reflective materials.	SHCP	HCPBD	Prior to occupancy permit			
<u>AESTHETICS-2a</u> : The applicant shall prepare a lighting plan that shall address the facility lighting placement and design for ongoing operations. This plan shall be reviewed and approved by the County's Planning Department. To avoid intrusion into neighboring properties and visibility from nearby roads, all lighting shall be shielded and directed downwards, and shall use the minimum wattage to allow safe conditions. Pathway lighting shall be placed low to the ground to minimize excess lighting. Temporary lighting of parking areas during festival events shall be shielded and directed to minimize glare.	SHCP	HCPBD	Prior to occupancy permit			
<u>AESTHETICS-2b</u> : Lighting shall be on timers to minimize the number of hours of lighting at the project site.	SHCP	HCPBD	Prior to occupancy permit			
<u>AESTHETICS-2c</u> : During festival events, all concession participants shall be informed of the need to minimize lighting at the project site. This requirement shall be included in the Conditional Use Permit for the project site.	SHCP	HCPBD	During first year of on-site events			

Note: SHCP = Southern Humboldt Community Park staff and/or consultants; HCPBD: Humboldt County Planning and Building Department; HCDEH: Humboldt County Division of Environmental Health

TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification								
				Initial	Date	Project/ Comments						
AGRICULTURAL/FORESTRY RESOURCES												
AGFR-1: The 4-acre temporary parking zone in Area 3 shall be not be used for parking until after the hay crop is harvested. The project applicant shall remove all trash and debris from fields used for parking and return the field to productive use for the next season.	SHCP	HCPBD	Annually, prior to use of Area 3 for parking									
To protect the continued agricultural use of Area 3, the applicant shall record a deed restriction on the Area 3 part of the property that would convey to the County the development rights for any development other than the existing uses. This restriction shall preclude any improvements in the area except those for agricultural purposes, such as greenhouses and barns. The restriction would allow the use of the area for parking for temporary events, and the use of ranch roads for moving people and equipment associated with those events, because no new development would be needed for these temporary uses. The deed restriction may include a clause releasing the restriction at the time the zoning and general plan are changed to limit the use of the property to agricultural uses.	SHCP	HCPBD	Prior to Rezoning									
No additional mitigation is available for the loss of farmland. Two additional mitigation options—purchase of conservation easements on agricultural land and payment of fees to fund agricultural land preservation—have been found to be infeasible. The first option, purchase of conservation easements, appears to be economically infeasible for the project. According to the project applicant, purchase of an off-site easement would be economically infeasible because the applicant would not be able to afford the purchase cost. The applicant has investigated the possibility of establishing an on-site easement, but found that the property was not large enough to interest agricultural conservation groups and that the costs of an on-site easement (e.g., creating an endowment to fund the easement upfront, paying annual monitoring and reporting fees) would be too high for the applicant alone to afford. The second option, payment of mitigation fees, also appears to be infeasible, as the County does not have a mechanism for collecting and administering such fees.												
Therefore, while this mitigation measure would help reduce the farmland conversion impact, the project would still result in a net loss of farmland. The impact would therefore be significant and unavoidable.												
AIR QUALITY												
AIR-1: The project lies within the jurisdiction of North Coast Unified Air Quality Management District (NCUAQMD). All project construction and management shall comply with NCUAQMD ordinances for dust control. Project grading and construction shall use best available fugitive	SHCP	NCUAQMD	During construction									

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
dust control measures during operations in order to reduce the amount of particulate matter that is present in the air as a result of man-made fugitive dust sources.						
The following best management practices shall be implemented to reduce emissions and control dust during all project construction and grading activities that involve ground disturbance of 1,000 square feet or more:						
1. Water all active construction areas at least twice daily;						
2. Maintain at least 2 feet of freeboard for haul trucks;						
3. Cover all trucks hauling soil, sand, and other loose materials;						
4. Plant vegetative ground cover in disturbed areas as soon as possible;						
5. Cover inactive soil storage piles; and						
6. Treat accesses to a distance of 100 feet from the paved or gravel road with a 6- to 12-inch layer of wood chips or mulch, or treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.						
<u>AIIR-2a</u> : On-site access roads used for movement of people and goods shall be watered at least twice daily for large and medium-sized events to reduce PM ₁₀ emissions. Access roads shall be treated to a distance of 100 feet from the paved or gravel road with a 6- to 12-inch layer of wood chips or mulch, or accesses shall be treated to a distance of 100 feet from the paved road with a 6-inch layer of gravel.	SHCP	HCPBD	During medium and large events			
<u>AIIR-2b</u> : For large and medium-sized events, the Traffic Control Plan (see Appendix E) shall be implemented. The Traffic Control Plan demonstrates how shuttle ridership and carpools would be strongly encouraged in an effort to reduce traffic on Sprowel Creek Road; how the use of shuttle buses from both Redway, Garberville, Benbow, and Richardson Grove campground would help reduce the impact of vehicles on park properties, and how all attendees and volunteers would be encouraged to use the shuttle (e.g., by charging parking fees while shuttles would be free).	SHCP	HCPBD and County Public Works	During medium and large events			
BIOLOGICAL RESOURCES						
<u>BIO-1a</u> : Major construction activities and vegetation management for fire fuel reduction shall be performed in compliance with the Migratory Bird Treaty Act (MBTA) and relevant sections of the California Fish and Wildlife Code to avoid loss of bird nests in active use. This shall be accomplished by preferably scheduling vegetation removal for fire fuel management and major construction activities outside of the bird nesting season (which occurs from February 15 to August 31) to avoid possible impacts on nesting birds if new nests are established in the	SHCP	HCPBD	Prior to and during construction			

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
future.						
<p>Alternatively, if these activities cannot be restricted to the non-nesting season (September 1 to February 14), a pre-construction nesting survey shall be conducted depending on the proposed activity as defined below. The pre-construction nesting survey(s) shall include the following:</p> <ul style="list-style-type: none"> ▪ A qualified biologist (Biologist) shall conduct a pre-construction nesting bird (both passerine and raptor) survey within 7 days prior to major construction and fire fuel management activities. Construction activities requiring pre-construction surveys include: sports field improvements in the Sports Area; Environmental Camp and concession stand in the Commons Area; the new restroom, new parking, and roadway improvements in the Park Headquarters Area; and traffic circle and replacement restroom in Tooby Memorial Park. Major tree limbing and brush thinning for fire fuel management shall also require a pre-construction nesting survey when performed during the nesting season. Birds typically acclimate to on-going vegetation management practices associated with farming and property maintenance, such as hay crop harvest, field tilling, and mowing for trail clearance, special event area maintenance and other property maintenance, and no preconstruction surveys or special avoidance measures are typically considered necessary for these activities. ▪ If no nesting birds are observed, no further action is required and scheduled activities shall be initiated within 7 days of the survey to prevent take of individual birds that could begin nesting after the survey. ▪ Another nest survey shall be conducted if more than 7 days elapse between the initial nest search and the beginning of the scheduled major construction activities or fire fuel management activity during the nesting season. Follow-up nest surveys are not required for on-going maintenance activities and events because birds typically acclimate to these activities or would avoid nesting in the vicinity if sensitive to the associated noise, increase in human activity and other disturbance levels. ▪ If any active nests are encountered, the Biologist shall determine an appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged. Buffer zones vary depending on the species (i.e., typically 75 to 100 feet for passerines and 300 feet for raptors) and other factors such as on-going disturbance in the vicinity of the nest location. If necessary, the dimensions of the buffer zone shall be determined in consultation with the California Department of Fish and Wildlife. 						

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<ul style="list-style-type: none"> Orange construction fencing, flagging, or other marking system shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as occupied buildings, existing parking, and site maintenance may continue within this buffer zone where the nesting birds have acclimated to these activities. No restrictions on activities outside the prescribed buffer zone are required once the zone has been identified and delineated in the field and workers have been properly trained to avoid the buffer zone area. But additional controls on lighting, noise amplification and other possible disturbance sources that could affect the viability of nest success shall be considered by the Biologist, and recommendations and restrictions defined, if necessary. Construction activities shall be restricted from the buffer zone until the Biologist has determined that young birds have fledged and the buffer zone is no longer needed. A survey report of findings verifying that any young have fledged shall be submitted by the Biologist for review and approval by the County prior to initiation of major construction activities and major fire fuel vegetation management within the buffer zone. Following written approval by the County, restricted activities within the nest-buffer zone may proceed. 						
<p><u>BIO-1b</u>: Agricultural practices shall be performed in a manner that ensures compliance with the Migratory Bird Treaty Act (MBTA) and relevant sections of the California Fish and Wildlife Code to avoid loss of bird nests in active use. This shall be accomplished through preparation of an Adaptive Management Plan for Protection of Nesting Bird Habitat (AMPPNBH), focusing on management practices of the hayfields and pasturelands on the site. The AMPPNBH shall be prepared by a qualified biologist with experience in conservation and agricultural management practices, and shall be completed by the onset of construction of any playing fields or other conversion of grassland habitat on the site. The AMPPNBH shall include the following components to ensure avoidance of bird nests in active use:</p> <ul style="list-style-type: none"> If possible, defer agricultural mowing practices until near the end of the grassland bird breeding season (i.e., after July 15) on fields not used for intensive hay production. This includes areas such as fallow fields, edge habitats, marginal farmlands and weedy areas. Use flushing bars on haying equipment to alter and flush birds hiding in grass in advance of mowing equipment. Avoid nighttime mowing to reduce the risks of injury to roosting birds. Raise mower blades to 6 inches or more to minimize the potential for crushing ground nests and young. 	SHCP	HCPBD	Prior to and during construction of ballfields; on-going after construction			

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<ul style="list-style-type: none"> Train equipment operators to be alert for nesting birds during mowing and other operations. Avoiding locations where birds are frequently seen and leaving small patches of unmowed field can easily protect possible nest locations that are otherwise difficult to detect in dense cover. Mow hayfields "from the inside out" rather from the perimeter toward the center, which forces birds into a continuously smaller space as they try to avoid the harvester. Gradually working toward the field edges allows birds and other animals a greater opportunity to flush outward toward surrounding cover. Use staff and volunteers from local bird clubs or conservation organizations to assist in determining where and what birds may be nesting in hayfields prior to mowing. Careful observations can determine the approximate nest locations prior to intensive mowing and hay harvest, and when birds have successfully raised their young. Consider limitations on grazing intensity where grassland nesting birds may be present. <p>Prior to construction of the ballfields, in consultation with CDFW, prepare an Adaptive Management Plan for Protection of Nesting Bird Habitat (AMPPNBH), focusing on management practices of the hayfields and pasturelands on the site. The AMPPNBH shall be prepared by a qualified biologist with experience in conservation and agricultural management practices, and shall be completed prior to construction of any playing fields or other conversion of grassland habitat on the site. The AMPPNBH shall incorporate the above components as a long-term program for hayfield and pasture management that considers the possible disruptions that mowing, plowing, seeding, and rotation may have on grassland nesting bird species. As birds are typically faithful to nesting locations, altering management practices during the bird nesting season could have adverse consequences on nesting habitat suitability. The AMPPNBH shall be submitted to the Planning and Building Department and will be subject to the review and approval of the Planning Director in consultation with CDFW prior to authorizing any ground disturbance associated with the ballfields.</p>						
<p><u>BIO-2a:</u> A Wetland Protection and Replacement Program (WPRP) shall be prepared by a qualified wetland specialist and implemented to provide compensatory mitigation for modifications to any areas of jurisdictional waters affected by the project, and to ensure compliance with County General Plan policies and the SMA Ordinance related to stream and wetland protection and mitigation. At a minimum, the WPRP shall contain the following components:</p> <ul style="list-style-type: none"> If on-site avoidance of jurisdictional waters, streams and wetlands identified in the SMA 	SHCP, HCPBD, with involvement by applicable agencies	HCPBD	Prior to any modification to on-site wetlands and prior to construction			

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>ordinance is not feasible, the WPRP shall provide compensatory mitigation at a minimum 2:1 ratio (ratio of mitigation acreage or credits to affected jurisdictional waters, streams and wetlands identified in the SMA ordinance), subject to the review and approval by the Planning Director in consultation with CDFW and other regulatory agencies. Any habitat created as compensatory mitigation shall be monitored for a minimum of 5 years or until success criteria are met, as defined in the WPRP to ensure successful establishment. The WPRP shall specify success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures necessary to achieve a minimum survival rate of 85 percent of planted species following the first year of planting and 75 percent following the fourth year of planting.</p> <ul style="list-style-type: none"> ▪ Annual monitoring reports shall be provided to the Planning Director, CDFW and other regulatory agencies before December 31 of each monitoring year, summarizing the status of revegetation efforts, and any maintenance activities performed or required. Photographs of the location from either side of the treatment area shall be included. Maintenance and monitoring shall continue until the area is completely revegetated with a minimum of 80 percent absolute cover of plants comprised of species similar to the undisturbed affected area as reviewed and approved in writing by the Planning Director in consultation with CDFW and other regulatory agencies. ▪ Orange construction fencing shall be installed at the edge of adjacent jurisdictional waters to be preserved to ensure no disturbance to these features. The construction fencing shall remain in place for the entire duration of construction to ensure construction equipment avoids these areas. ▪ A qualified biologist/restoration specialist shall meet with heavy equipment operators prior to the beginning of site-disturbing activities to explain the required mitigation, and be available during the initial phase of construction to provide situation-specific avoidance measures. ▪ Installation of the pedestrian bridges and other seasonal creek crossings or modifications shall be performed during the summer and fall months when the channels are dry, to minimize disturbance to aquatic habitat and avoid the need for temporary coffer dam and possible dewatering during construction. ▪ Any areas to be retained as natural habitat and disturbed as part of construction shall be restored to prevent erosion and contamination of nearby receiving waters. Monitoring shall be provided as part of the larger WPRP for a minimum of 5 years to ensure the disturbed area is successfully revegetated. ▪ Authorization for modifications to jurisdictional waters on the site shall be obtained by the 						

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>applicant from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act, and the California Department of Fish and Wildlife (CDFW) under Section 1602 of the State Fish and Game Code.</p> <ul style="list-style-type: none"> All legally required permits or other authorizations shall be obtained by the applicant from the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NOAA Fisheries), and CDFW for the potential "take" of protected species under the federal and California Endangered Species Acts, if required. Although considered unlikely given the absence of suitable habitat for State- or federal-listed special-status species, the resource agencies make the determination on the need for any consultation or incidental take permits. This EIR specifically does not allow development that would require an incidental take permit. Subsequent environmental review would be required for approval of any development that requires an incidental take permit. Proof that all appropriate authorizations have been secured from the Corps, RWQCB, and CDFW and that adequate compensatory mitigation has been defined shall be furnished to the County prior to the issuance of a grading permit for any component of the project affecting jurisdictional waters. Provide over-story plantings along the western-most stream to the satisfaction of CDFW. 						
<p><u>BIO-2b</u>: To address potential indirect impacts on water quality and downgradient receiving waters in the vicinity of the site, the applicant shall implement best management practices under the Storm Water Pollution Prevention Plan (SWPPP) called for in Mitigation Measure HYDRO-1a and the Stormwater Control Plan (SCP) called for in Mitigation Measure HYDRO-1b.</p> <p>The combination of the two measures above would reduce this impact to a less-than-significant level.</p>	SHCP, HCPBD, & County Public Works	HCPBD and County Public Works	Prior to construction			
<p><u>BIO-3a</u>: A qualified landscape architect or restoration ecologist who specializes in native habitat restoration shall be retained to incorporate the following provisions into the Landscape and Revegetation Plans for the project:</p> <ul style="list-style-type: none"> Prohibit the use of highly undesirable species in landscape improvements on the site which could spread into the adjacent open space areas. Unsuitable species include: blue gum eucalyptus (<i>Eucalyptus globulus</i>), acacia (<i>Acacia</i> spp.), pampas grass (<i>Cortaderia selloana</i>), broom (<i>Cytisus</i> spp. and <i>Genista</i> spp.), gorse (<i>Ulex europaeus</i>), bamboo (<i>Bambusa</i> spp.), giant reed (<i>Arundo donax</i>), English ivy (<i>Hedera helix</i>), German ivy 	SHCP, HCPBD	HCPBD	Prior to use of the site for any medium or large event			

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>(<i>Senecio milanioides</i>), cotoneaster (<i>Cotoneaster pannosus</i>), and periwinkle (<i>Vinca</i> spp.), among others identified in the CalEPPC List.</p> <ul style="list-style-type: none"> Define maintenance and monitoring provisions to ensure the successful establishment and long-term viability of native plantings and the control and eradication of highly aggressive non-native broom and other noxious weeds. The maintenance and monitoring program shall be implemented during a minimum 5-year monitoring required as part of tree replacement and wetlands mitigation, and shall continue as part of long-term maintenance of open space areas. Provide adequate controls to prevent unauthorized vehicle access to natural areas to be retained. These can include appropriately placed bollards, gates, and wildlife friendly fencing that serves to control unauthorized vehicle access but allows for movement by larger terrestrial wildlife. Provide for reseeded of all graded slopes not proposed for roadways and other improvements with a mix of native grasses and forbs appropriate for the site rather than a conventional seed mix typically used for erosion control purposes to replace and improve existing habitat values of grasslands disturbed on the site. 						
<p><u>BIO-3b:</u> Measures recommended in Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3a, and BIO-4 would serve to partially protect important natural habitat on the site for wildlife, avoid the potential loss of nests in active use, and minimize disturbance to wetlands and provide for replacement of affected jurisdictional waters. The following additional provisions shall be implemented to further protect wildlife habitat resources that could otherwise be compromised as part of the project:</p> <ul style="list-style-type: none"> Permanent and temporary lighting shall be carefully designed and controlled to prevent unnecessary illumination of natural habitat on the site. Lighting shall be restricted to the immediate vicinity of areas necessary to provide the minimum level necessary for safety purposes to illuminate pathways and other outdoor areas. Lighting shall generally be kept low to the ground, directed downward, and shielded to prevent illumination into adjacent natural areas. Dogs and cats shall be kept on leash at all times when on trails and natural areas on the site. All garbage, recycling, and composting shall be kept in closed containers and latched or locked to prevent wildlife from using the waste as a food source. This shall include trash generated during temporary special events. 	SHCP	HCPBD	During project operation and prior to occupancy permit (for lighting)			

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<u>BIO-4:</u> Implementation of Mitigation Measures BIO-2a and BIO-2b would ensure adequate mitigation is provided for the direct loss of jurisdictional waters on the site, that protection and restoration of nearby waters is provided by the project, and that required authorizations are secured by regulatory agencies with evidence of compliance provided to the County prior to issuance of a grading permit. The following additional provisions shall be implemented to ensure conformance with relevant policies and standards in the County's General Plan and to meet with the intent of the SMA Ordinance:						
▪ Provide compliance with Section 314-61.1, Streamside Management Area Ordinance of the Zoning Code and secure all required permits for any modifications to regulated habitat areas along streams and other wet areas.	SHCP	HCPBD	Prior to construction of the pedestrian bridge in Area 4			
▪ Relocate the portion of the Environmental Camp in Area 4 so that it is sited outside of the 50-foot buffer setback along the adjacent seasonal creek to the east. Although potential impacts associated with the few tents and other improvements near the top of bank are relatively minor, the buffer area is important to minimize vegetation removal, trampling and concentrated human activity along the seasonal creek.	SHCP	HCPBD	Prior to use of Area 4 for camping			
▪ Restrict use of the Temporary Event facilities in Area 4 to the dry season (May 1 to October 31) to minimize disturbance to nearby seasonal aquatic habitat associated with the seasonal creeks. Exception to this restriction period may be authorized if field inspection verifies that surface water is no longer present in the spring months and that rains are not forecast in the fall months.	SHCP	HCPBD	On-going			
▪ Provide pedestrian bridge crossings over the seasonal creeks in the vicinity of the Temporary Event facilities and the Environmental Camp along designated trails to avoid concentrated pedestrian activity in the channel bottom.	SHCP	HCPBD	Prior to use of Area 4 for camping			
▪ Install split rail fencing and interpretive signage to direct park users to designated creek crossing locations and minimize the potential for concentrated informal crossings of the creek channels.	SHCP	HCPBD	(same as above)			
<u>BIO-5:</u> Recommendations contained in the Water Supply and Demand Analysis and Potential Impacts on Surface Water and Aquatic Habitat (WSDAPISWAH) shall be implemented to address the project's contribution to cumulative impacts on aquatic life in the South Fork Eel River. These consist of the following and are described in more detail below: 1) general recommendations for design and operation of the park, 2) adaptive management practices during times of water scarcity, and 3) controls on water availability through increased water storage capacity and restrictions on flow diversions from the South Fork Eel River during the dry season.						

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TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
General Recommendations						
The following are general recommendations to address the project contribution to cumulative impacts on aquatic life in the South Fork Eel River and to improve the beneficial effects of the project on improving habitat conditions. Some of these must be rigidly enforced, such as use of appropriate drought-tolerant turfgrass species and appropriate irrigation design that can substantially reduce water demand. These are very specific recommendations where compliance with the recommendation can be established as a performance standard for the measure.						
▪ Improvements to Water Storage Capacity – As a goal of improving habitat conditions, the applicant shall work with the appropriate specialists to improve water storage capacity on the site. The project vicinity typically receives an average of 58 inches of precipitation, but the majority of the precipitation occurs between mid-October and mid-May. Thus, retaining water on-site during the wet season and allowing it to discharge back into the river during the dry season is the best means of further enhancing the hydrologic benefits that the park already provides. Water can be retained on-site by enhancing wetlands, restoring riparian areas, constructing infiltration or water storage ponds, and storing water in tanks. It is likely that enhancing groundwater recharge by enhancing wetlands, and restoring riparian areas would be the least expensive and infrastructure-intensive means of accomplishing this goal and would bring with it a suite of additional environmental benefits.	SHCP	HCPBD	On-going			
▪ Installation of Drought-tolerant Turfgrass – Drought-tolerant cool turfgrass species, such as Native Bentgrass™ from Delta Bluegrass, Zoysia 'De Anza', and/or Buffalo grass 'UC Verde' shall be used for turf plantings in the playfields and other areas of irrigated turf on the site. Each species and cultivar has differing benefits and advantages, but factors that shall be considered when selecting the type(s) of grass to be planted include evapotranspiration potential, drought tolerance, dormancy, soils structure and fertility, fertilizer demand, mowing height, invasive weed potential, and durability. Species that are recognized as an invasive species by the California Invasive Plant Council shall not be used. A landscaping firm experienced in turfgrass cultivation in similar Mediterranean climate zones shall be consulted by the applicant in selecting the exact species and cultivars for the playfields. Hybridized drought-resistant grass species and cultivars typically use about 70 percent of the water required by non-hybridized species.	SHCP	HCPBD	During construction of the ballfields			
▪ Appropriate Design of Irrigation Systems – Irrigation systems shall be designed with best available irrigation technologies, and be low-to-the ground and subsurface to reduce the potential for evaporation. Generally, sprinkler systems that apply water as close to the ground surface as possible will result in less evaporative loss. In addition, watering shall	SHCP	HCPBD	During construction of the ballfields			

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occur at night or in the early morning hours, which also reduces evaporation.						
<ul style="list-style-type: none"> ▪ Seasonal Restrictions for Irrigation – Most importantly, the irrigation allowance shall be determined based on the characteristics of each water year (when and how much precipitation falls) as that should influence how playfields are managed. Deciding when to cease irrigating the playfields is one of the most critical adaptive management measures for mitigating the potential adverse impacts associated with turf irrigation, and restrictions are defined further below under recommendations for adaptive management. 	SHCP	HCPBD	Annually before irrigation			
<p>Adaptive Management Practices</p> <p>There is a hierarchy of need for water in most communities during times of water scarcity. While sports fields are important for communities to congregate, turfgrass can be replanted after a drought in which irrigation is halted and grass dies. Water needed for direct human consumption often overrides most other uses, trailed closely by irrigation for food crops, and water needed to support instream beneficial uses. However, while alternative water supplies may sometimes be available for human needs, requirements for aquatic organisms can only be met through maintenance of life-sustaining minimum flows and viable water quality. Given the drought conditions that have been ongoing for at least 3 years (at the time of this writing), irrigation of the sports field during extended drought conditions is likely to be highly scrutinized and of reduced priority compared to other needs.</p> <p>For this reason, the WSDAPISWAH recommends establishing a water budget for various irrigation demands on the site, as well as a triggering mechanism for the reduction or cessation of irrigation during periods of water shortage, based on higher priority uses. There are likely to be several tiers of demand within the beneficial uses that currently need to be serviced at the site including direct human consumption, residential uses, irrigation of trees and other established semi-permanent vegetation, irrigation of annual row crops, irrigation of turfgrass, and irrigation of pasture/wetlands. This water budget and management procedures would be defined as part of an Adaptive Management Plan for the site, as required below.</p> <p>The monitoring and management strategy defined in the Adaptive Management Plan shall consider current riverine, atmospheric, and antecedent precipitation conditions when determining the quantity of water available to irrigate turfgrass on the playfields. When the design and construction of new facilities is initiated, they shall be informed by the findings contained in the Adaptive Management Plan, and the findings shall be used in determining what type of and how many playfields are to be constructed. Phasing of the playfield</p>	SHCP	HCPBD	Prior to construction of any playing fields			

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construction would also allow field capacities to equilibrate with user demand and resource availability.						
<p>The WSDAPISWAH recommends that the irrigation cutoff threshold for the playfields be significantly higher than the 17-cubic-foot-per-second (cfs) flow conditions in the South Fork Eel River observed in July 2015. A threshold of 30 cfs beyond which the playfields could only be irrigated with stored or recycled water is recommended. This threshold would result in less vigorous turf at the onset of the wet season. One adaptation could be rotating the location(s) and layout(s) of fields in active use throughout the dry season in a manner that spreads the recreational impact on desiccated turf throughout the entire playfield area.</p> <p>The following measures are recommended to provide adaptive management in future water use at the site:</p> <ul style="list-style-type: none"> Develop an Adaptive Management Plan by a qualified hydrologist/landscape contractor that establishes a reliable means of determining the annual irrigation water diversion cutoff date. The Adaptive Management Plan shall be in place by the onset of construction of any playing fields. 						
<ul style="list-style-type: none"> Consult with turfgrass and sports field irrigation system experts before laying out sports fields and designing irrigation systems in order to determine the best drought-tolerant turfgrass and irrigation strategies to reduce water consumption. 	SHCP	HCPBD	Prior to construction of the ballfields			
<ul style="list-style-type: none"> Refine the water demand summary for agricultural areas and turfgrass (from the 2014 "Water Supply and Demand Analysis Memorandum" prepared for the project applicant by GHD; see Appendix G of the Draft EIR) using the WSDAPISWAH Estimated Water Demand to provide more detail for the site. 	SHCP	HCPBD	Prior to construction of the ballfields			

Future Water Storage and Restrictions on Flow Diversions

The Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) allows up to 2,000 gallons per day or 10 percent of the streamflow to be diverted from the spring currently used by the applicant between November 1 and July 1 of each year. The other diversion serving the site is from an infiltration gallery in the South Fork Eel River that is allowed to operate at a maximum diversion rate of 0.24 cfs. Use of the infiltration gallery currently does not have a specified period of diversion in the LSAA.

The following measures are recommended to improve future water storage and ensure adequate restrictions on in-channel diversions that could otherwise result in a cumulatively significant contribution to adverse effects on the aquatic habitat of the South Fork Eel River during the dry season:

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				Initial	Date	Project/ Comments
<ul style="list-style-type: none"> The applicant shall install additional non-potable water storage facilities on the site for irrigation and as a source of fire suppression water for the Main Agricultural and Forestland areas. 	SHCP	HCPBD	Prior to construction of the ballfields			
<ul style="list-style-type: none"> Diversion from the South Fork Eel River infiltration gallery shall cease when the flow at Sylvandale (USGS Gauge #11476500) is nominally less than 30 cfs. 	SHCP	HCPBD	On-Going			
<ul style="list-style-type: none"> SHCP staff will track streamflow at Sylvandale (USGS Gauge #11476500), available from USGS website) between July 1st and October 31st. If streamflow drops below 40 cfs, streamflow data will be checked daily before diverting water from the South Fork Eel River infiltration gallery for sports field irrigation. No diversion from the South Fork Eel River infiltration gallery will occur when the collected streamflow data shows the flow at Sylvandale (USGS Gauge #11476500) is less than 30 cfs. The LSAA with the CDFW requires that streamflow be measured prior to any diversion if water is diverted between July 1 and October 31. Measurements shall be taken at USGS Gauge 11476500. 	SHCP	HCPBD	On-Going			
<ul style="list-style-type: none"> A report consisting of streamflow measurements and diversion data will be submitted annually by December 31st to the Planning Director and the CDFW. The report shall also assess the effectiveness of the mitigation measure, and make recommendations for increasing the efficacy of the mitigation, if needed. This report shall be subject to the approval of the Planning Director in consultation with the CDFW. 	SHCP	HCPBD	Annually by December 31 st			
<ul style="list-style-type: none"> The applicant shall secure other funding to install additional water storage tanks and other on-site facilities to improve availability during the dry season. The additional water storage capacity can be defined as part of the Adaptive Management Plan, and preferably implemented in conjunction with construction of the future sports fields. Depending on the location selected for these tanks and other storage facilities, additional environmental review may be required. Any necessary environmental review shall be conducted before the facilities are installed. 	SHCP	HCPBD	On-going			
The combination of the measures above would reduce the project's contribution to the cumulative impact to less than significant.						
CULTURAL RESOURCES						
CULTURAL-1: Any remodel, reconfiguration, or rehabilitation of the ranch house, cabin, garage, or other contributing buildings to the historical Wood/Tooby Ranch Complex by the project shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation (Standards) and undertaken with the assistance of an individual meeting the	SHCP	HCPBD	Prior to construction, remodel, or reconfiguration of buildings in Area 2.			

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Secretary of the Interior's Professional Qualifications Standards for historic architecture (qualified architect). The qualified architect shall review the applicant's plans for work on the Wood/Tooby Ranch Complex buildings and provide written recommendations to the applicant and County to ensure that modifications to historical buildings are done in compliance with the appropriate standards. The qualified architect shall oversee remodeling, reconfiguration, or rehabilitation of the historical buildings to ensure that work is done in compliance with the standards. The County shall ensure that the recommendations of the qualified architect are followed as a condition of project approval.						
CULTURAL-2a: The Site Monitoring and Protection Protocols described in the Community Park Cultural Resources Management Plan (Verwayen and Whiteman, 2008) shall be implemented for the project. These monitoring and protection protocols include the following:						
1. Placement of Protective and/or Interpretive Signs: Signs shall be placed at strategic locations in the community park—such as near restrooms, at kiosks, and trailheads—prohibiting surface collection of artifacts or digging in archaeological sites.	SHCP	HCPBD	Prior to construction and prior occupancy permit for restrooms in Area 1 and Area 5			
2. Site Patrols: Community park staff shall routinely patrol archaeological resources, particularly during mid-size and festival-size events, to ensure that visitors remain on designated trails and away from archaeological deposits. Community park staff shall maintain a record of archaeological site inspections, including the date of inspection, observed damage or sources of potential damage (e.g., volunteer trails or cattle grazing) to archaeological resources. At its discretion, the County may request a copy of the inspection record(s) from the applicant. If damage or sources of potential damage to archaeological resources is observed, community park staff shall implement site-specific measures to mitigate or prevent further damage. Such measures may include fencing to prevent incursion on archaeological deposits, signs requesting that visitors stay on designated trails, and planting of dense vegetation near archaeological resources to reduce the potential for site incursion.	SHCP	HCPBD	During all medium and large events			
3. Fencing: A fence or section of fence shall be used to direct foot traffic away from archaeological resources on the project site. Temporary chain-link fencing or construction fencing could be used to keep people off archaeological sites during mid-size and festival-size events.	SHCP	HCPBD	Prior to and during all medium and large events			
4. Archaeological Survey: Prior to project ground disturbance within 100 feet of a recorded archaeological resource, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards shall conduct a survey to ensure that archaeological	SHCP	HCPBD	Prior to grading for ballfields and construction of any buildings			

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Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
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deposits would not be affected by the project. If an archaeological deposit is identified during the survey, project activities shall be redirected to avoid the deposit. If project activities cannot be redirected, the archaeological deposit shall be evaluated and mitigation carried out, as appropriate. Such mitigation may include a controlled excavation to recover archaeologically and historically significant information as well as public outreach and interpretation.						
<p>CULTURAL-2b: Prior to project approval, the County shall ensure that the following compulsory specification be included in the project construction contract plans:</p> <p>If cultural resources greater than 50 years old, such as chipped or ground stone, historical debris, building foundations, or bone are discovered during project ground disturbance, work shall be stopped within 20 meters (66 feet) of the discovery. Work near the archaeological finds shall not resume until a professional archaeologist has evaluated the materials and offered recommendations for further action.</p> <p>The combination of the two measures above would reduce this impact to a less-than-significant level.</p>	SHCP	HCPBD	During review of project construction specs, prior to construction			
<p>CULTURAL-3: Refer to Mitigation Measures CULTURAL-2a and CULTURAL-2b. Implementation of Mitigation Measures CULTURAL-2a and CULTURAL-2b would reduce this potential impact to human remains by (1) establishing controls and protocols that would decrease the likelihood of public intrusion or destruction of archaeological resources containing human remains, i.e., through the use of signs, site patrols, and temporary fencing; and (2) establishing notification procedures for construction personnel in the event that archaeological resources and/or human remains are identified during project implementation.</p>	SHCP	HCPBD	During review of project construction specs, prior to construction			
GEOLOGY AND SOILS						
<p>GEO-1: As a condition of approval for any grading or construction permits for the project, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the Humboldt County Building Department for review and approval. The geotechnical review shall verify that the project plans incorporate the recommendations for design contained in the preliminary geotechnical report, the current California Building Code (CBC), and other applicable design standards. All design measures, recommendations, design criteria, and specifications set forth in the design-level geotechnical review shall be implemented as a condition of project approval.</p>	SHCP	HCPBD	Prior to grading or construction of any building.			

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Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
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GREENHOUSE GAS EMISSIONS						
GHG-1: The project applicant shall implement the following measures to reduce greenhouse gas (GHG) emissions: 1. Design buildings to be energy-efficient. 2. Site buildings to take advantage of shade, prevailing winds, and landscaping to reduce energy use. The project shall make use of strategically-placed shade trees. 3. Limit the hours of operational outdoor lighting. 4. Install renewable systems where feasible, including solar and tank-less hot water heaters. 5. Create water-efficient landscapes. All landscaped areas shall be designed to reduce their water requirements. Landscaping shall make extensive use of drought-tolerant species. 6. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. 7. Control irrigation by systems designed to ensure water-efficiency.	SHCP	HCPBD	During plan review and prior to construction			
HAZARDS AND HAZARDOUS MATERIALS						
HAZ-1: As a condition of approval for project construction and demolition permits, a hazardous building materials survey shall be conducted by a qualified and licensed professional for all structures proposed for demolition or renovation as part of the project. All loose and peeling lead-based paint and asbestos-containing materials shall be abated by a certified contractor in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. The completion of the abatement activities shall be documented by a qualified environmental professional and submitted to the County with applications for issuance of construction and demolition permits.	SHCP	HCPBD	Prior to any demolition or renovation of any structure.			
HYDROLOGY AND WATER QUALITY						
HYDRO-1a: Consistent with the requirements of the statewide Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce impacts on surface water quality through the project construction period. The SWPPP shall be prepared by a qualified stormwater professional (QSP). The SWPPP	SHCP	HCPBD and County Public Works	Prior to grading and construction			

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<p>shall include the minimum best management practices (BMPs) required in Attachment C for Risk Level 1 discharges, Attachment D for Risk Level 2 dischargers, or Attachment E for Risk Level 3 dischargers (as applicable, based on final determination of the proposed project's Risk Level status [to be determined as part of the Notice of Intent for coverage under the Construction General Permit]). BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or similar guidance. BMPs shall include all measures necessary to prevent sediment from the project site from being discharged during drainage.</p> <p>The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations and, as appropriate, depending on the proposed project Risk Level, sampling of the site effluent and receiving waters. (Receiving water monitoring is only required for some Risk Level 3 dischargers.) If the proposed project is Risk Level 2 or 3, the project applicant shall also include requirements for Rain Event Action Plans as part of the SWPPP; a Rain Event Action Plan is a written document that must be prepared within 48 hours of any likely precipitation event, describing actions that will be implemented to protect all exposed portions of the site from the predicted precipitation. BMPs shall include measures for dust control, erosion prevention, sediment control, construction vehicle traffic controls and tire washes, and material storage, spill prevention, and housekeeping protocols.</p>						
<p><u>HYDRO-1b</u>: As a condition of approval for all grading and construction permits for the project site, the applicant shall prepare and implement a Stormwater Control Plan (SCP) for the project site consistent with all requirements of the MS4 National Pollutant Discharge Elimination System (NPDES) Permit as implemented by the Humboldt County Public Works Department. The SCP shall include, but not be limited to, BMPs designed into project features and operations to reduce potential impacts on surface water quality and to manage changes in the timing and quantity of runoff associated with development of the project site. The BMPs shall include Low Impact Development (LID) measures, such as minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, to the maximum extent practicable. The potential for irrigation water runoff containing sediment or other contaminants will be addressed in the SCP, and any BMPs and LID measures to address irrigation water runoff will be included. Increased stormwater runoff may not be channeled or directed to flow across the traveled section of a County roadway, and drainage must be contained at the edge of the</p>	SHCP	HCPBD and County Public Works	Prior to grading and construction			

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County road surface. Funding for the maintenance of all BMPs for the life of the proposed project shall be specified.						
<u>HYDRO-2</u> : As a condition of approval for building, grading, and construction permits at the project site, the applicant shall provide detailed plans for septic and wastewater disposal systems. The plans shall be prepared by a qualified professional and shall implement best available technology in the selection and installation of septic systems in compliance with state and county requirements. As a condition of approval for certificate of occupancy of the project site, the applicant shall provide evidence that the septic system is operating efficiently, that adequate capacity exists to address proposed site uses, and that a maintenance plan has been prepared and implemented for the system.	SHCP	HCDEH	Prior to construction of new restrooms and prior to occupancy			
LAND USE AND PLANNING						
<u>LAND-1</u> : The project applicant shall comply with all applicable mitigation measures identified in this EIR. Compliance with these measures would generally ensure that project conflicts with applicable Humboldt County General Plan policies would be reduced to less-than-significant levels. As indicated in Impact and Mitigation Measure AGFR-1, however, the loss of agricultural land that would result from the project would be a significant, unavoidable impact. The project's conflict with Humboldt County General Plan policies for protecting agricultural land would therefore be significant and unavoidable.	SHCP	HCPBD	As stated for other mitigation measures			
NOISE						
<u>NOISE-1a</u> : A dispersed (satellite speaker) sound system around the stage and audience area of large amplified music events at the main stage in Area 4A and medium-sized music events at the western stage in Area 2 shall be used to lower point-source sound levels from that of a stage only speaker system. Sound levels needed to produce acceptable sound coverage of an audience with such a system are typically lower than those using stage-mounted speakers. The combination of the measures above would reduce this impact to a less-than-significant level.	SHCP	HCPBD	Prior to and during on-site medium and large events			
<u>NOISE-1b</u> : The following sound level limits shall be employed for all outdoor events involving speech or voice/music amplification at the park: 1. Any outdoor speech or voice/music amplification at the main, secondary or southern stage areas in Area 4A after 10:00 PM shall be limited to a maximum noise level of 90 dBA at	SHCP	HCPBD	During events on the site ²			

² The County may choose to hire an outside consultant to do this monitoring and reporting during events or may request that the applicant monitor and provide results to County staff for the first 3 years of operation.

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100 feet from the sound source.						
2. Any outdoor speech or voice/music amplification at the western stage in Area 2 after 10 PM shall be limited to a maximum noise level of 85 dBA at 100 feet from the sound source.						
3. Daytime outdoor speech or voice/music amplification at the main, secondary or southern stage areas in Area 4A shall be limited to a maximum noise level of 95 dBA at 100 feet from the sound source; and						
4. Daytime outdoor speech or voice/music amplification at the western stage in Area 2 shall be limited to a maximum noise level of 90 dBA at 100 feet from the sound source.						
<u>NOISE-1c</u> : A Noise Management Plan, including the following provisions, shall be developed and implemented for use at the large- and medium-sized events that may generate noise levels in excess of the limits in the Humboldt County General Plan:	SHCP	HCPBD	Prior to occupancy permit			
1. The plan shall establish a position at which maximum event noise levels may be verified noise to show compliance with Mitigation Measure NOISE-1b;						
2. Park staff shall obtain and be trained in the use of a sound level meter so as to capable of determining compliance with noise limits;						
3. A member of the park's Board of Directors or management staff shall be designated as a complaint response coordinator and shall be responsible for responding to any local complaints about event-related noise;						
4. If noise complaints are received during any event, noise shall be monitored during the next (subsequent) event at the residence from which noise complaints were received, and appropriate measures identified to reduce the impact to a less-than-significant level; and						
5. Records of noise complaints shall be filed with the Humboldt County Planning Department at least once per year and included in any required annual report reviewed by the Planning Commission.						
<u>NOISE-1d</u> : The project shall be subject to the following annual reporting and review requirements:	SHCP	HCPBD	Annually when medium or large events occur			
1. By December 31 of each year a medium-sized or large-sized event is held, the applicant shall prepare and submit 15 copies of a post-event report discussing that year's concert. Verification of attendance levels shall be discussed.						
2. The report shall focus on assessing the effectiveness of the plan of operation, mitigation						

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measures, and monitoring program. The report shall also contain written correspondence from agencies participating in monitoring and/or affected by the event (i.e., Planning Department, Division of Environmental Health, Sheriff's Office, and Public Works).						
3. Responses to all concerns and issues identified in the report shall be provided and appropriate measures to be undertaken at the following year's event identified as needed. The annual report shall include sufficient data to assess the effectiveness of all required mitigation measures in relation to the total daily attendance and noise.						
4. The Humboldt County Planning Commission shall review the post-event report within 120 days of receiving the report. The total attendance levels for medium- and large-sized events shall be determined by the Planning Commission on an annual basis after review and approval of the annual report. The allowed attendance levels for medium-sized events shall range from a low of 800 to a maximum of 2,500 persons total. A large-sized event ranging from 2,500 to 4,000 attendees is not allowed until the Planning Commission has reviewed and approved two consecutive annual reports for medium-sized events with attendance levels of at least 1,800 persons. In consultation with the reviewing agencies, the Planning Commission may waive the annual reporting requirements for medium- and large-sized events for up to 5 years should the applicant demonstrate the use has been conducted in conformance with all the required mitigation, and no changes in attendance levels or mitigation measures are proposed.						
5. To address area concerns that may arise, the applicant shall hold a minimum of one community meeting in the vicinity of the site within 90 days of each large-sized event. This requirement may be waived by the Humboldt County Planning Director in consultation with the reviewing agencies if no significant community issues have been reported during that year's large-sized event.						
NOISE-2: The following best management practices shall be incorporated into the project:	HCPBD	HCPBD	During construction			
<ul style="list-style-type: none"> ▪ Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 AM to 5:00 PM, Monday through Friday, and to the hours of 10:00 AM to 5:00 PM, Saturday and Sunday. ▪ Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. ▪ Strictly prohibit unnecessary idling of internal combustion engines. ▪ Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. Construct temporary noise barriers 						

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Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
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<p>to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.</p> <ul style="list-style-type: none"> Use “quiet” air compressors and other stationary noise sources where technology exists. Route all construction traffic to and from the project site via designated truck routes, where possible. Prohibit construction-related heavy truck traffic in residential areas, where feasible. Designate a “disturbance coordinator,” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. <p>With the incorporation of these practices, the noise impact resulting from project construction would be reduced to a less-than-significant level.</p>						
PUBLIC SERVICES						
The applicant shall enter into an agreements with the Sheriff, CalFire, local fire agencies, and traffic control providers (CHP and CalTrans) to reimburse the affected agencies for unrecoverable expenses they will incur from increased service levels for all medium and large events.	SHCP	HCPBD	Prior to any medium or large event			
The Planning Division shall refer the annual report to the affected agencies for comments considered each year by the Planning Commission.	HCPBD	HCPBD	Prior to Planning Commission review of any medium or large event			
RECREATION						
<u>REC-1:</u> The project shall comply with all applicable mitigation measures identified in this EIR. Compliance with these measures would ensure that the impact of recreational facilities included in the project would be reduced to a less-than-significant level.	SHCP	HCPBD	As identified for other mitigation measures			
TRANSPORTATION/TRAFFIC						
<u>TRAFFIC-1a:</u> As indicated in the Traffic Assessment Management Control Plan for the project, for events that are expected to exceed 1,200 attendees, flaggers shall be stationed at	SHCP	HCPBD	During events exceeding 1,200			

Note: SHCP = Southern Humboldt Community Park staff and/or consultants; HCPBD: Humboldt County Planning and Building Department; HCDEH: Humboldt County Division of Environmental Health

TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
the intersection of Redwood Drive/Sprowel Creek Road at the conclusion of the event to direct traffic and to reduce delays.			persons			
<u>TRAFFIC-1b</u> : For events having more than 2,000 attendees, shuttle buses shall be employed to reduce the total number of vehicles leaving the site to a maximum of 700 outbound vehicles in a single hour.	SHCP	HCPBD	During events exceeding 2,000 persons			
<u>TRAFFIC-1c</u> : At medium-sized events, data regarding the number of attendees and resulting volumes of traffic shall be collected so that the number of trips can be monitored and thresholds adjusted if it is determined that attendance patterns or average vehicle occupancy are substantially different from what was assumed. These data shall be included in the annual report reviewed by the Humboldt County Planning Commission.	SHCP	HCPBD	Annual review of reports			
<u>TRAFFIC-1d</u> : During the large festival events, on-site parking shall be limited to 500 spaces for attendees and 200 spaces for vendors and others working the event. While the vendors and others employed during the festival would likely remain on-site for an hour or more after the event concludes, the limited parking would ensure that the amount of traffic generated during a single hour results in trips that can be adequately handled by the street network. All other attendees would need to arrive by shuttle from off-site parking fields. It is understood that this is how the festival currently operates in Benbow, where there is substantially less parking than could be made available at the project site.	SHCP	HCPBD	During large events			
<u>TRAFFIC-1e</u> : Festival parking passes shall be made available through advance purchase only, with a variety of purchase options, including buying them on-line or at the usual local ticket outlets where attendees purchase their event tickets. The number of parking passes that can be issued shall be limited for each day of the festival to 500. A separate pass shall be required for each day, with the passes to be displayed on the dashboard of the vehicle. The above requirements shall be addressed in the project's Traffic Management Assessment Control Plan (see Appendix E).	SHCP	HCPBD	During review of Traffic Management Assessment Control Plan			
<u>TRAFFIC-1f</u> : The project shall be subject to the following annual reporting and review requirements: 1. By December 31 of each year during which a medium- or large-sized event is held, the applicant shall prepare and submit 15 copies of a post-event report discussing that year's event(s). Verification of attendance levels shall be discussed. 2. The report shall focus on assessing the effectiveness of the plan of operation, mitigation measures, and monitoring program. The report shall also contain written correspondence from agencies participating in monitoring and/or affected by the event (i.e., Humboldt County Planning Division, Division of Environmental Health, Sheriff's Office, and Public Works Department).	SHCP	HCPBD	Annual review when medium or large events occur			

Note: SHCP = Southern Humboldt Community Park staff and/or consultants; HCPBD: Humboldt County Planning and Building Department; HCDEH: Humboldt County Division of Environmental Health

TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
3. Responses to all concerns and issues identified in the report shall be provided, and appropriate measures to be undertaken at the following year's event(s) identified as needed. The annual report shall include sufficient data to assess the effectiveness of all required mitigation measures in relation to the total daily attendance and traffic volume and intensity, and potential safety hazards to pedestrians and bicyclists.						
4. The post-event report shall be submitted to the Humboldt County Planning Commission for review. The total allowable attendance levels for medium- and large-sized events shall be determined by the Planning Commission on an annual basis after review and approval of the annual report. The allowed attendance levels for medium-sized events shall range from a low of 800 to a maximum of 2,500 persons total. A large-sized event ranging from 2,500 to 4,000 attendees is not allowed until the Planning Commission has reviewed and approved two consecutive annual reports for medium-sized events with attendance levels of at least 1,800 persons. In consultation with the reviewing agencies, the Planning Commission may waive the annual reporting requirements for medium- and large-sized events for up to 5 years should the applicant demonstrate the use has been conducted in conformance with all of the required mitigations, and no changes in attendance levels or mitigation measures are proposed.						
5. To address area concerns that may arise, the applicant shall hold a minimum of one community meeting in the vicinity of the site within 90 days of each large-sized event. This requirement may be waived by the Humboldt County Planning Director in consultation with the reviewing agencies if no significant community issues have been reported during that year's large-sized event.						
The above combination of mitigation measures would reduce this impact to a less-than-significant level.						
TRAFFIC-2: Refer to Mitigation Measures TRAFFIC-1a through 1f and Mitigation Measures TRAFFIC-4a through 4e.	See Mitigation Measures TRAFFIC-1a through 1f above and TRAFFIC-4a through 4e below	See Mitigation Measures TRAFFIC-1a through 1f above and TRAFFIC-4a through 4e below				

Note: SHCP = Southern Humboldt Community Park staff and/or consultants; HCPBD: Humboldt County Planning and Building Department; HCDEH: Humboldt County Division of Environmental Health

TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<u>TRAFFIC-3:</u> During events held in the Community Commons (Areas 4A and 4B), warning signs shall be posted along Sprowel Creek Road in advance of the driveway indicating that there is potentially stopped traffic ahead. While drivers would typically be able to make the left turn with little, if any, delay, this safety measure would ensure that there is adequate warning for drivers approaching the area.	SHCP	County Public Works	During medium and large events			
<u>TRAFFIC-4a:</u> For medium-sized special events and the festival, a temporary marked crosswalk shall be created connecting the Tooby Memorial Playground to the Park Headquarters area. The crossing shall be placed to maximize sight lines, and during periods of peak usage, there shall be a crossing guard or flagger available to assist pedestrians and control traffic. This measure is included in the Traffic Assessment Management Control Plan (see Appendix E).	SHCP	County Public Works	At review of Traffic Assessment Management Control Plan and checkups during events			
<u>TRAFFIC-4b:</u> "Share the Road" signs shall be posted, and consideration given to installing "sharrows" to indicate the potential presence of cyclists. Sharrows are markings that include a cyclist and arrows, and they are placed in the lane to identify the road as a shared use facility.	SHCP	County Public Works	At review of Traffic Assessment Management Control Plan and checkups during events			
<u>TRAFFIC-4c:</u> For large festival events, accommodations shall be made either on the shuttle vehicles or by dedicated vans to ferry cyclists to the top of the hill on Sprowel Creek Road.	SHCP	County Public Works	during large events			
<u>TRAFFIC-4d:</u> Bicycle racks shall be included in each of the park's major entrances to encourage bicycle travel.	SHCP	County Public Works	At review of Traffic Assessment Management Control Plan and checkups during events			
<u>TRAFFIC-4e:</u> To facilitate shuttle bus users, a temporary shelter shall be provided during events that use a shuttle bus, both to protect attendees and to provide guidance as to the location of the shuttle stop. The combination of the above mitigation measures would reduce this impact to a less-than-significant level.	SHCP	County Public Works	At review of Traffic Assessment Management Control Plan and checkups during events			
UTILITIES AND SERVICE SYSTEMS						
<u>UTIL-1:</u> The project shall comply with all applicable mitigation measures identified in this EIR. Compliance with these measures would ensure that the impact of the proposed water facilities included in the project would be reduced to a less-than-significant level.	SHCP	HCPBD	As identified for other mitigation measures			
<u>UTIL-2:</u> The applicant shall submit a plan for the management of solid waste and recycling for events that would attract 500 or more attendees. Prior to events attracting 500 or more	SHCP	HCDEH	Review when plan completed which shall			

Note: SHCP = Southern Humboldt Community Park staff and/or consultants; HCPBD: Humboldt County Planning and Building Department; HCDEH: Humboldt County Division of Environmental Health

TABLE IV-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
attendees, the applicant shall manage solid waste and recyclables a manner consistent with the approved plan.-The plan shall be subject to approval by the Humboldt County Division of Environmental Health. Prior to events attracting 500 or more attendees, the applicant shall manage solid waste and recyclables in a manner consistent with the approved plan. Approval of that plan is required prior to allowing any event on the site with 500 or more attendees, and implementation of the approved plan is required for all events with 500 or more attendees. For events attracting fewer than 500 attendees, the applicant shall manage solid waste and recyclables in a manner consistent with the approved plan.			be before any event of 500 or more persons			

Note: SHCP = Southern Humboldt Community Park staff and/or consultants; HCPBD: Humboldt County Planning and Building Department; HCDEH: Humboldt County Division of Environmental Health

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MEMORANDUM

To: George Williamson, Executive Officer
Humboldt LAFCo
From: James M. Underwood, Legal Counsel
Date: August 1, 2019
Re: Garberville Sanitary District – Out of Area Service Proposal

You recently asked me to review and provide my opinion regarding some issues pertaining to the above referenced and now impending Garberville Sanitary District (GSD) application. This memorandum outlines my preliminary assessment of those identified issues, including: (1) whether to, and if so how to, “update” the pre-existing mitigate negative declaration (MND) for the out-of-area services proposal; and (2) how, if at all, must any “updated” MND or resulting services approval be conditioned to ensure consistency with Humboldt LAFCo’s out-of-area service policy requiring that any such approval to be in anticipation to subsequent annexation.

1. **Whether and How to “Update” the Pre-Existing MND.** Given that the GSD previously prepared a Mitigated Negative Declaration (MND) to satisfy CEQA for the proposed project, but that environmental review occurred back in 2013 and there have been some intervening additions to the list of impact categories to be reviewed in an Initial Study/MND, how to manage this issue is presented. I understand that the new categories of CEQA impacts now required, as presented in the CEQA Guidelines Appendix (Title 14, Cal Admin. Regs., Section 15000 et seq.), are not expected to change the environmental analysis by identifying any potential new or intensified environmental impacts, but the intervening CEQA Guidelines change technically requires a more expansive initial study. With LAFCo serving as a Responsible Agency when the original MND was adopted by GSD, a related question is whether LAFCo itself can either circulate an addendum to the prior MND or otherwise “update” that environmental document, either with or without becoming the CEQA Lead Agency for the proposed project.

(a) *Out-of-Area Service Approval Requirements Generally.* As you know, Government Code Section 56133 generally permits a special district to provide new or extended services outside of its boundary only upon receiving approval for the LAFCo with jurisdiction. Such a LAFCo approval is permitted within the applicant district’s sphere of influence “in anticipation of a later change of organization.” (Gov. Code 56133 (a) and (b).) The governing Cortese-Knox-Hertzberg Act (CKH) statute also addresses the need for consistency with adopted LAFCo policy when considering such applications, and related matters. (Gov. Code 56133 (c).)

(b) *Consistency with Adopted LAFCo Policy.* As provided in Gov. Code Section 56133 (c), any out-of-area service approval must be consistent with related policy adopted by the Commission. Some such policies are as stated on page 5 of your staff report to the Commission dated July 17, 2019. These essentially provide that annexations within existing spheres of influence (SOIs) are preferred to out-of-area agency service agreements; but that such agreements for services may be appropriate in certain circumstances. Importantly, adopted Policy 4.2 (C) provides that “inclusion of an area to be served within the sphere of influence of the

serving agency shall be sufficient' to comply with the requirement that any out-of-area service request be in "anticipation of a later change of organization."

The adopted LAFCo policies and procedures also address "Environmental Review" when considering out-of-area service applications, in Policy 4.3 (5). That section basically states that CEQA must be complied with and that Humboldt LAFCo shall serve as the Lead Agency for CEQA purposes if there has been no environmental determination made by the applying agency. Additionally, however, even if there has been prior environmental review for the proposed out-of-area, if it has been determined by LAFCo to update the prior adopted MND in a way allowed by CEQA (i.e., either by preparing a Subsequent Negative Declaration per CEQA Guidelines Section 15162 or an Addendum per Guidelines Section 15164), LAFCo can assume responsibility for so proceeding.

(c) *LAFCo as the Lead Agency for Addendum Preparation.* In the circumstances presented here, with the prior adopted MND having analyzed the proposed GSD extension of services and with no intervening project circumstance changes of the nature described in CEQA Guidelines Section 15162 as I understand it (i.e., no substantial changes in the project requiring major revisions to the negative declaration, substantial changes in the circumstances under which the project will be undertaken, or new information of substantial importance that indicates new or more significant impacts may result from the proposed project), a Subsequent Negative Declaration is not required. Instead, with none of the conditions described in CEQA Guidelines Section 15162 apparent, but where minor technical changes or additions are needed or appropriate, an Addendum to the Negative Declaration can instead be prepared for the proposed LAFCo action by either the Lead Agency or a Responsible Agency.

Accordingly, as the Responsible Agency LAFCo could address the additional review categories of potential impact now required for all Initial Studies under CEQA, which were not required at the time the original MND was adopted, so long as no potential new or more intensive environmental impacts are expected and the factual basis for proceeding with a proposed Addendum is stated. Further, any resulting Addendum would not need to be circulated for public review, and could instead merely be included in or attached to the proposed negative declaration to be considered by LAFCo before considering the requested out-of-area service application on its merits (CEQA Guidelines Section 15164 (c) & (d)); but Section 15164 does not prohibit circulation of the proposed Addendum (together with the prior approved MND) if the agency preparing the Addendum chooses to do so in order to provide additional public opportunity to review and comment on the proposed project.

(d) *LAFCo as Lead Agency for Optional New MND Preparation.* While the preparation of an Addendum to the prior adopted MND is permitted if the prerequisites of CEQA Guidelines Section 15164 are demonstrated, as would appear to be the case here, LAFCo would not be prohibited from instead preparing, circulating for public review and considering adoption of an entirely new mitigated negative declaration. However, if LAFCo were to be inclined to prepare and circulate an Addendum to the MND for public review, that would have the same practical result as the preparation of a new MND for the proposed out-of-area service request, and there would be no apparent advantage to so proceeding. Simply put, if the proposed LAFCo approval and the circumstances in which the application is being considered have not changed in any significant manner, the MND addendum approach permitted by Section 15164 would appear to make the most sense.

2. Must an "Updated" MND or Resulting LAFCo Approval be Conditioned to Ensure LAFCo Policy Consistency. As above stated, the threshold LAFCo policy to be complied with in approving the proposed GSD

application is as provided in Commission Policy 4.2 (C), addressing anticipation of a later annexation. That policy simply requires a LAFCo determination that the proposed service is within the District's SOI. In other words, so long as the proposed service area is within the GSD sphere of influence it is LAFCo's stated policy that this CKH statutory requirement is presumed to have been satisfied. At the same time, however, neither existing LAFCo policy nor governing CKH law would prohibit LAFCo from conditioning the proposed out-of-area service approval such that affected area annexation is required in a time certain way, if LAFCo were to want to so condition its approval. In any event, LAFCo also needs to make the findings required by its Policy 4.3 (7) criteria, addressing service capacity and determining that future annexation is practicable.

In summary, it appears to me that Humboldt LAFCo can proceed to consider the GSD application for out-of-area services, if that is the final form of application, by merely preparing an Addendum to the prior adopted MND. While not required, I would recommend that such an Addendum be circulated for public review in the manner that a new supplemental MND would have to be circulated. As to compliance with applicable LAFCo policy, the fact that the proposed area of service is within the existing GSD sphere of influence makes consistency with CKH Section 56133 and LAFCo Policy 4.2 (C), each addressing anticipation of a later change of organization, achieved. The only other prerequisite to approval would be a determination that GSD has sufficient capacity to serve the affected area.

Please let me know of any questions, or additional related issues that you would like me to assist with.



Agenda Item 7A Attachment C

NOTICE OF FILING

DATE: August 13, 2019

TO: CAL FIRE Humboldt- Del Norte Unit
Southern Humboldt Joint Unified School District
Humboldt County Administrative Office
Humboldt County Assessor's Office
Humboldt County Auditor's Office
Humboldt County Environmental Health
Humboldt County Elections Office
Humboldt County Office of Education
Humboldt County Planning and Building Department
Humboldt County Public Works Department
Humboldt County Sheriff's Office
Humboldt County Resource Conservation District
Humboldt County Farm Bureau
Southern Humboldt Community Healthcare District
Redway Community Services District

FROM: George Williamson, LAFCo Senior Advisor

SUBJECT: APPLICATION RECEIVED – Garberville Sanitary District Water Service Extension to Southern Humboldt Community Park

APPLICATION INFORMATION

Project: Garberville Sanitary District Water Services Extension Outside the District's Boundary to Southern Humboldt Community Park

Location: 1 mile south of Garberville along Sprowel Creek Road. (See Figure 1)

APNs: 222-091-015

Notice: The above-referenced proposal has been submitted to LAFCo and this notice of filing is being issued in accordance with Government Code Section 56658(b)(1). If you wish to receive a copy of the application and supporting documents, please contact LAFCo at (707)445-7508. We request agency comments by **September 3, 2019**.

LAFCo has received a proposal submitted by Resolution of Application from the Garberville Sanitary District (GSD), Resolution No. 19-02, for a single out-of-agency water service extension to the Southern Humboldt Community Park (SHCP), APN 222-091-015, which is within the District's sphere of influence (SOI). SHCP has requested the water service connection from GSD and as the sole property owner involved in the application, the application has 100% property owner consent.

Pursuant to the California Environmental Quality Act (CEQA), Humboldt LAFCo, as a responsible agency, has completed an Addendum to the Garberville Sanitary District (GSD) Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration (IS/MND), SCH#2012032025. This addendum was prepared to support the subject out of agency service application. Humboldt LAFCo will hold a public hearing to consider the adequacy of the Addendum at its September 18, 2019 meeting. The Addendum and associated documentation may be found at humboldtlafo.org/public-hearing-notices/.

Reasons for Proposal

According to the LAFCo Application, the principal reasons for the water connection are as follows:

"This is a public park that needs potable water for the public users of the park. They are currently using bottled water which creates an excessive amount of plastic solid waste. The two existing residences on the property used to have water service from Garberville Water Company and would like to reestablish their service. We believe that an out of agency approval is more appropriate for the level and locations of service that we are willing to provide to this property."

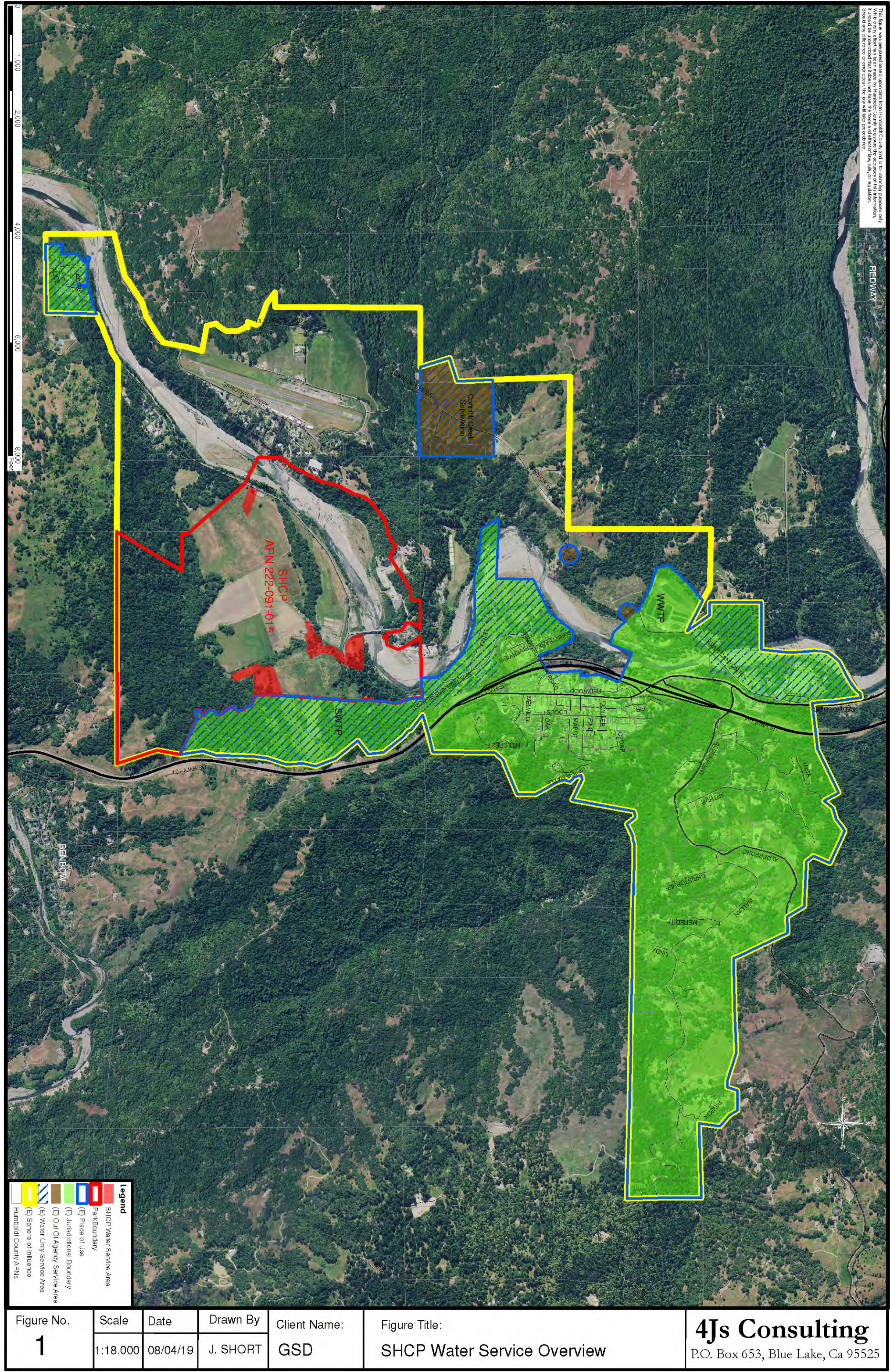
Provision of Public Services

SHCP would be given one new water connection (3/4" meter) from the District's 8" water line that runs along Tooby Ranch Road. The connection would be exclusively for residential use and public recreation drinking fountains (as identified in the service areas in Figure 2) and is not intended to be used to serve future development on the property. The connection would be limited to 2,000 cubic feet per month (20 units). Per District Resolution 19-02, the usage would be monitored monthly and would be shut off if it is more than 1.5 times (3,000 cubic feet per month) the allowable quantity for any 2 months in a 12-month period. Any future proposed uses other than the 2,000 cubic feet per month for the public drinking fountains and the identified existing structures would require additional LAFCo review and approval.

Land Use Designations

Land uses within the proposed service area are currently subject to the Humboldt County Framework General Plan (Volume 1), and Zoning Regulations (Humboldt County Code Title III, Division 1). The subject property is currently split into several zoning designations, Public Facility- Rural (PF2-Q) and Agricultural Exclusive (AE-R-Q, AE). The proposed water connection's identified service area is exclusively within the Public Facility designated areas of the property (See Figure 2).

If you have any questions regarding this proposal or wish to request a copy of the application, please contact LAFCo at georgew@humboldtlafo.org or (707) 445-7508.



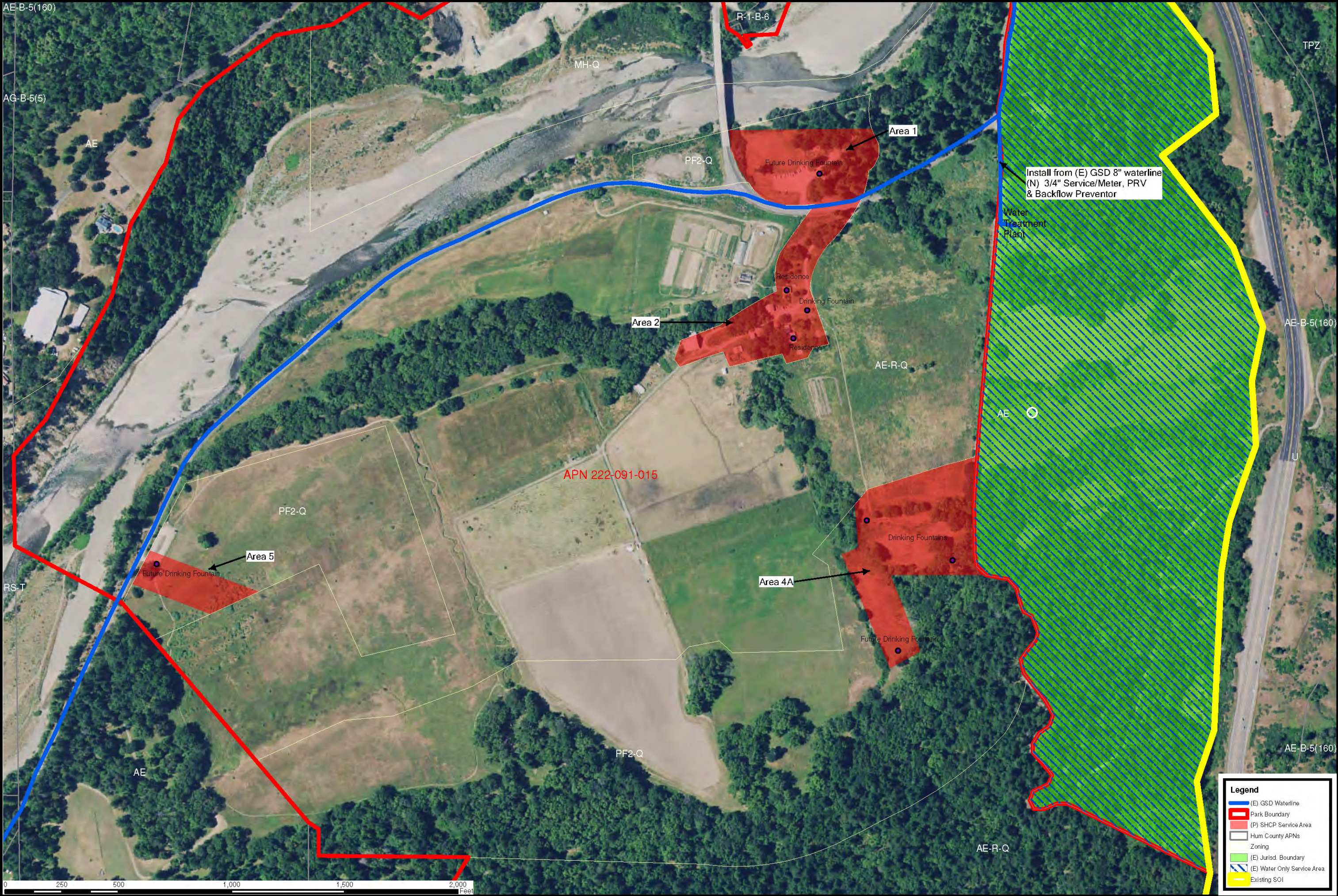


Figure No.		Scale		Date	Drawn By	Client Name:		Figure Title:		4Js Consulting	
2		1:4,500		08/04/19	J. SHORT	GSD		SHCP Water Service Areas		P.O. Box 653, Blue Lake, Ca 95525	

Agenda Item 7A

Attachment C

Humboldt County Planning Department Comments

Fri 8/16/2019 3:57 PM

Richardson, Michael MRichardson@co.humboldt.ca.us

RE: LAFCo Notice of Filing: Garberville Sanitary District Water Service Extension

To: Sarah West <sarahw@humboldtlaico.org>; George Williamson <georgew@humboldtlaico.org>;
Colette Metz colettem@humboldtlaico.org

CC: jmshort <jmshort@garbervillesd.org>; evoice@mchsi.com (evoice@mchsi.com)

Hi Sarah,

Thank you for the opportunity to comment on this project. On behalf of the Humboldt County Planning and Building Department, below are the comments from our agency:

The County's Environmental Impact Report for the General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit for the Southern Humboldt Community Park (SHCP) project (Planning Application #6111) did not consider provision for a water connection to Garberville Sanitary District (GSD). Should the water service extension be approved, the County will need to evaluate the potential environmental impacts any new discretionary project at the SHCP site in light of this change to the project description evaluated in the EIR. The EIR for the SHCP (SCH #2010092037) documents that as of 2014, the existing demand at the SHCP site was between 20,000 and 400,000 gallons per month which was provided from a combination of on-site and diversionary sources.

My understanding is the project involves all the following components:

- In GSD's 2018 Water Capacity Study, GSD accounted for the connection of SHCP to their system at a level of 2,000 cubic feet per month (approximately 15,000 gallons per month) from their existing water diversion from the South Fork Eel River. In the past, the GSD has documented their plans to connect the SHCP to the GSD system once they had completed the environmental review of General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit for the SHCP project.
- GSD & SHCP will execute an agreement prior to the connection being installed clearly laying out the conditions of service. The agreement will state that the meter will be turned off should the conditions be violated. Resolution 19-02 was adopted by the GSD Board in June, 2019 which describes all the conditions of approval for the connection that will be made part of the agreement between the SHCP and the GSD.
- The GSD's IS/MND for their 2012 Boundary Change application and the GSD's 2018 Water Capacity Study document that the GSD has set aside sufficient quantity of water from their existing sources to provide the amount of water to the SHCP specified in the proposed agreement between GSD and the SHCP.
- The GSD will not need to cultivate any additional water sources nor water treatment or distribution infrastructure for the proposed connection. To connect the GSD service to the SHCP waterline infrastructure GSD will require installation of a meter adjacent to the existing 8" water main directly upslope from the SHCP site and connection to the existing SHCP waterline at Tooby Ranch Road on the SHCP property. There will be minimal ground disturbing activities

needed to establish this connection and it will all be within the existing road right of way of Tooby Ranch Road.

If my understanding of the project as presented above is correct, the proposed new water service provision from GSD to the SHCP is of such a minor nature that it does not raise any major issues for our agency.

Please let me know if I can clarify any of this for you.

Thanks!

Michael Richardson

Supervising Planner

Long Range Planning

Humboldt County Planning and Building Department

(707) 268-3723



Redway Community Services District
P.O. Box 40
Redway, CA 95560
(707) 923-3101

Agenda Item 7A Attachment C Redway CSD Comments

George Williamson
Humboldt Local Agency Formation Commission
1125 16th Street Suite 202
Arcata, CA 95521
georgew@humboldtlafo.org
(707)445-7508
humboldtlafo.org

August 28, 2019

RE: Garberville Sanitary District (GSD) Water Service Extension to Southern Humboldt Community Park (SHCP or Park)

Dear Mr. Williamson:

The Redway Community Services District (Redway CSD) Board of Directors (BOD) met on Wednesday August 21, 2019 for the regularly scheduled business meeting. One of the agenda items for that meeting was to discuss the Garberville Sanitary District's proposal to extend service to the Southern Humboldt Community Park. This letter summarizes that discussion and the comments and sentiment of the Redway CSD BOD.

The general consensus of the BOD is that they support the SHCP as an organization and as an outdoor and events space that is open to the community. Additionally, the general consensus is concern about volumetric expansion of the connection and the impact to downstream users of the river as a water source. The primary concern here is that the Park will exceed the allocated volumetric usage and GSD will not have a regulatory mechanism to enforce volumetric limits.

The Redway CSD BOD has mixed feelings about supporting this project. Several board members indicated that they support the concept of providing drinking water within the park. There are concerns about the length of the necessary pipe runs to reach individual drinking fountains. These long run dead end systems may have an adverse effect on water quality. One board member felt that pointing to water bottles as the primary reason for bringing GSD water to the Park is a weak argument. Many of us live, work and/or recreate in areas without potable water and so we pack it in and pack out our trash. The Park could require people to bring their own water in reusable containers.

There is concern that the Park will agree to a volumetric limit and then challenge that limit in the future. According to the North Coast Regional Water Quality Control Board, the South Fork of the Eel River is an impaired watershed for water quality, sedimentation and temperature. Additionally, during the late summer and early fall, Redway CSD must throttle intake pumps and extend pumping hours to keep up with demand because flows in the South Fork Eel are so low, even in wet years. The Redway CSD water treatment plant is designed to receive water from the river at 350 gallons per minute. The pumps are currently throttled to 250 gallons per minute and we are pumping 18 to 20 hours per day to keep up



Redway Community Services District
P.O. Box 40
Redway, CA 95560
(707) 923-3101

with demand. Redway CSD had to throttle the intake pumps beginning on August 15th of this year. If the river continues to drop, we will not be able to produce enough water to keep up with demand.

In a letter dated June 13, 2019, the SHCP indicates that they owe approximately \$475,000 to two lenders. In this same letter, the SHCP was requesting that Humboldt LAFCo waive the fees associated with this service extension and cited the debt as a financial hardship. Members of the Redway CSD BOD expressed speculative concern that the SHCP BOD may decide to develop real estate as a source of revenue.

Northern Humboldt County has an abundance of fresh water because of the Humboldt Bay Municipal Water District. Southern Humboldt does not enjoy this luxury. The South Fork of the Eel River is a limited water source and, in order to provide water security to existing users, Redway CSD is considering a regional water storage project. Redway CSD feels that it would be irresponsible of us to significantly increase connections considering the impacts to the South Fork of the Eel River.

The Redway CSD BOD would like to see the process slowed down so that more time is spent considering the ramifications of this out of district connection. The Park has indicated that they could use considerably more water than the 2000 cubic feet that is currently being considered. This water would be used for irrigation of playing fields and for crop irrigation as well as future development. Additionally, the Park carries a significant amount of debt without a consistent and significant revenue stream. The main question is, what will happen if the Park re-organizes, uses more than the allocated water volume or tries to sell off land that is connected to the GSD system? Does GSD or LAFCo have ordinances in place to enforce the volumetric limits placed on the connection that will hold up in court?

We sincerely hope that Humboldt LAFCo will consider these comments when deciding whether to allow the SHCP to connect to the GSD water system

Regards,

Terrence Williams
General Manager

Agenda Item 7A

Attachment D

Addendum Comments Received

Humboldt LAFCo has not received any comments pertaining specifically to the project's CEQA Addendum. However, several comments pertaining to the CEQA process and items related to the Addendum may be found in Ed Voice's communication record, provided in Attachment G. Other communication from the general public regarding the project may be found in Attachment G and Attachment H. Agency comments regarding the project may be found in Attachment C.



GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

RESOLUTION NO. 19-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT
EVALUATING EXISTING CEQA DOCUMENTS FOR USE ON A WATER SERVICE FOR THE
SHCP AND APPROVING AN APPLICATION FOR AN OUT OF AGENCY SERVICE TO
REESTABLISH THE WATER SERVICE TO APN 222-091-015 (SHCP) AND MODIFY THE
SWRCB-DWR PLACE OF USE

Recitals

1. WHEREAS, in 2014 the Garberville Sanitary District (the "District") completed modification of its Place of Use for its surface water diversion permit and license and annexed certain areas of land into its jurisdictional boundary ("Annexation Project");
2. WHEREAS, as part of the Annexation Project, the District, with the assistance of its retained consultant SHN Consulting Engineers & Geologists, Inc., ("SHN"), performed an analysis of potential environmental impacts associated with the Annexation Project;
3. WHEREAS, the District prepared the Final Mitigated Negative Declaration dated September 2013, which is the Draft Mitigated Negative Declaration that was circulated for review and comment, and supplemented based upon the comments received; and
4. WHEREAS, the Final IS/MND included an accommodation for future reconnection of the SHCP to the GSD water system including conditions of service; and
5. WHEREAS, the SHCP would like to make minor revisions to these conditions of service to allow for public drinking fountains to be added to the allowable residential uses; and
6. WHEREAS, a Notice of Completion of the Draft Environmental Impact Report for the Southern Humboldt Community Park was filed with the State Clearinghouse on April 28, 2016 (State Clearinghouse No. 2010092037) was filed by Humboldt County as the lead agency; and
7. WHEREAS, a Notice of Availability was published in accordance with Public Resources Code section 21092 and CEQA Guidelines section 15087 on May 9, 2016 and was sent by mail to organizations and individuals who requested such notice by Humboldt County. The Notice of Availability provided for a public comment period commencing on May 9, 2016 and ending on June 27, 2016; and
8. WHEREAS, the County received public and agency comments on the draft document; and
9. WHEREAS, in accordance with CEQA, all comments received on the Draft EIR during the public comment period were responded to and included in a Final Environmental Impact Report (Final EIR) completed on November 14, 2016; and

RESOLUTION 19-02

10. WHEREAS, on January 5, 2017, the Humboldt County Planning Commission held a duly noticed public hearing to receive testimony on the adequacy on the Final EIR; and
11. WHEREAS, the Final EIR was reviewed and considered by the Planning Commission, consistent with the requirements of the California Environmental Quality Act (CEQA) prior to making its recommendations; and
12. WHEREAS, on January 5, 2017, the Planning Commission voted to recommend that the Humboldt County Board of Supervisors certify the Final EIR for the Southern Humboldt Community Park and approve the Project as proposed, with a minor modification; and
13. WHEREAS, the Humboldt County Board of Supervisors held duly noticed public hearings to review and consider and receive testimony on the Southern Humboldt Community Park and the Final EIR on March 28 and April 25, 2017; and
14. WHEREAS, the Board of Supervisors deliberated the matter on March 28, 2017, and directed County staff to prepare these findings supporting certification of the Final Environmental Impact Report for the Southern Humboldt Community Park, adoption of a Statement of Overriding Considerations, and adoption of the proposed project for final Board action on April 25, 2017; and
15. WHEREAS, on April 25, 2017, the Board of Supervisors completed its deliberations, and now desires to make environmental findings, certifying the Final Environmental Impact Report for the Southern Humboldt Community Park, adopt a Statement of Overriding Considerations, and approve the Mitigation Monitoring and Reporting Program (FEIR, Chapter IV) ; and
16. WHEREAS, the Humboldt County Board of Supervisors adopted Resolution 17-35 on April 25, 2017 which included:
 - a. adopting the Findings of Fact contained in Attachment A - Part 2,
 - b. certifying the Final Environmental Impact Report for the Southern Humboldt Community Park (consisting of the Draft EIR, Final EIR, and all appendices)
 - c. adopting the Statement of Overriding Considerations in Support of the Final Environmental Impact Report for the Project (Attachment A - Part 3)
 - d. incorporating and adopting all of the mitigation measures described in the Final EIR applicable to the Project including the Mitigation Monitoring and Reporting Program
17. WHEREAS, the GSD Board of Directors has reviewed and considered all of the environmental documents associated with the Humboldt County Board of Supervisors actions; and
18. WHEREAS, the GSD Board of Directors on January 29, 2019 received and reviewed the 2018 Annual Water Capacity Report, which documented on page 13-14 the Districts continued commitment to allocate 2,000 cubic feet per month; and
19. WHEREAS, the SHCP has requested that GSD make applications as necessary to LAFCo and SWRCB-DWR to reconnect the Park to the GSD water system for the existing residential uses and construction of several public drinking water fountains around the park property.

Resolution

NOW, THEREFORE, the Board of Directors of the Garberville Sanitary District hereby resolves as follows:

1. The condition of approval for service to the SHCP are amended to be as follows:
 - A. SHCP will be given one new connection (3/4" meter) to rectify the condition that both the yellow house and the park are served off the same meter. This condition was created in 2009 when the Lot Line Adjustment was recorded and the property line was moved so that the residential structures were split into two properties.
 - B. The SHCP will make application for this new service connection from Tooby Ranch Road off the 8" waterline that was constructed as part of the Drinking Water Improvement Project. A new meter would be set here for SHCP service.
 - C. No connection fee will be charged, but the SHCP would be responsible for all costs associated with the installation of the new meter, pressure reducer, and backflow preventer plus any associated appurtenances.
 - D. The one new 3/4" meter is for residential and public recreation drinking fountain uses only and is not intended to be used to serve future development on the Property contemplated by SHCP or shown in the Final EIR as adopted by Humboldt County.
 - E. The usage for the connection is limited to 2,000 cubic feet per month (20 units). The usage will be monitored monthly in conjunction with the reading of the meters. The SHCP will be notified each time the usage reading is in excess of the 2,000 cubic feet per month limit. The meter will be shut off if the usage is more than 1.5 times (3,000 cubic feet per month) the allowable quantity for any 2 months in a 12 month period. If the meter is shut off, the SHCP will have to petition the Board for reinstatement of service and obtain approval from LAFCo if necessary.
 - F. As part of the application for the new connection, the SHCP will be required to enter into a legally binding agreement that will be recorded for the parcel agreeing to the stipulated types and quantities of use as well as the enforcement methods."
 - G. The Final IS/MND prepared for the Annexation Project (State Clearinghouse No. 2012032025) identifies the circumstances described above and listed these conditions. As part of the impact analysis to determine sufficient water supplies, the CEQA document accounts for a future consumption quantity of up to 2,000 cubic feet per month (approximately 180,000 gallons per year) for APN 222-091-015.
 - H. Since the new SHCP connection is to be made at Tooby Ranch Road, the Park would be responsible for constructing the waterlines within Park property to bring the potable water to all locations that are to be served with potable water. This will mean constructing an extensive and expensive network of new waterlines to keep the potable water separate from the various other untreated water sources that the Park uses on their property. The County Public Health Department will determine which locations need potable water.
 - I. Any proposed uses other than the 2,000 cubic feet per month for the public drinking fountains, two residences and the existing outbuildings are not being approved by the District and will be evaluated based upon the District's available water supply at such time as the Park requests any expanded water uses. The SHCP will need to be specific about these additional uses so that GSD can determine if we have sufficient water capacity to supply those levels of use.

RESOLUTION 19-02

- J. The District has limited water sources and many not have water available for any expanded uses at the Park.
2. The Board of Directors hereby finds that the Final Mitigated Negative Declaration for the Annexation Project, along with the Final Environmental Impact Report and associated documents recited above are sufficient to use in making application to Humboldt LAFCo and the State Water Resources Control Board Division of Water Rights;
 3. The Board of Directors hereby approves the APPLICATION FORM FOR CITIES AND DISTRICTS TO PROVIDE SERVICES OUTSIDE AGENCY BOUNDARIES and authorizes the Chair of the Board to sign all documents necessary, including the indemnification, to process the LAFCo approvals, and to submit the Application to Humboldt LAFCo.
 4. The Board of Directors hereby approves the PETITION FOR CHANGE for the District's Place of Use on the License and Permit, and authorizes the Chair of the Board to sign all documents necessary to process the SWRCB-DWR approvals, and to submit the Petition to SWRCB-DWR.

On motion of Director Richard, and seconded by Director Julie, the foregoing Resolution is Passed and adopted this 18th day of June, 2019, by the following roll call votes:

AYES:	Directors	<u>Linda, Richard, Julie</u>
NOES:	Directors	<u>0</u>
EXCUSED:	Directors	<u>Rio Anderson</u>
		<u>Gina K. Brubaker</u> , Chairperson

ATTEST:

Ralph Emerson
Ralph Emerson, Clerk of the Board

Exhibit "B"
SHCP Water Service Areas

1" = 8,000 ft



GSD Out of Area Service Application – Communications August 2019

Email 8-13-19 Dear Humboldt LAFCo Commission

George Williamson, Acting Executive Officer,

In this addendum, page 1, (INTRODUCTION) it states in part:

"As verified in this Addendum, the 2013 IS/MND analyses and the conclusions remain current and valid. The proposed service extension would not cause new significant effects not identified in the 2013 IS/MND nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2013 IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2013 IS/MND. Therefore, no further environmental review is required beyond this Addendum."

http://humboldtlafo.org/wp-content/uploads/GSD-ISMND-Addendum_public-review-draft-8-12-19.pdf

However, in the 2013 IS/MND it states, in part, on page 24:

"The SHCP project is being analyzed in a separate EIR being prepared by Humboldt County as the lead agency. This project area is within the boundaries of the existing SOI, but the specific impacts of any changes to zoning and land uses will be included in the SHCP EIR and are not addressed in the GSD project. The SHCP application documents identify other sources of water for the property and the EIR will identify which areas would require public water service and which will be served by these other water sources (Richardson, 2013b). The Draft EIR is expected to be circulated by the Humboldt County Planning and Building Department sometime in the summer of 2013 (Richardson, 2013a)."

"On July 19, 2013, the schedule of the Draft EIR and project description was confirmed with Humboldt County Planning and Building Supervising Planner, Michael Richardson. According to Michael Richardson, the project as stated in the Notice of Preparation (NOP) is the project that will be analyzed in the Draft EIR. Any modifications to the project description described in the NOP will be addressed in the alternative analysis. The Draft EIR is currently scheduled for September 2013, rather than summer 2013 as included in the IS/MND."

<http://humboldtlafo.org/wp-content/uploads/20130920-FinalIS-MNDreduced.pdf>

So how can Humboldt LAFCo Staff claim:

"The proposed service extension would not cause new significant effects not identified in the 2013 IS/MND nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects."

And how would you know this, given the fact the 2013 IS/MND did not analyze or include review of this proposed new water service extension, that at the least induces growth outside of its review process.

The whole point of the 2013 IS/MND was to allow GSD to identify where they are serving water and sewer outside their approved LAFCo jurisdictional boundaries, e.g. to get back in compliance. If that is the case, why is GSD now including properties for future connections and services? It seems that by allowing these properties that have not been "inherited" by GSD since the purchase of the GWC, GSD is fostering development and inducing growth, which contradicts with the 2013 IS/MND and the effects on the environment, i.e. the South Fork Eel River. GSD framed 2013 IS/MND as a simple update of its boundaries to include areas currently provided with water service and, therefore, concludes that the project will not result in impacts to the environment or growth-inducing impacts from increased population.

And, there is this larger looming fact, that the SHCP did not include, review or analyze the use of GSD water as a public water source or include the 2013 IS/MND in SHCP 2016 FEIR, not one word, no mention whatsoever.

So how can you claim:

"No change has occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2013 IS/MND."

I would like to remind Humboldt LAFCo what we stated in our public comments to you on May 21, 2014, concerning 2013 IS/MND, in part we stated:

"(1) the Project be analyzed under an Environmental Impact Report due to the significant impacts that the project causes on the environment; (2) the EIR be a Programmatic EIR, due to the subsequent discretionary approvals that will be made pursuant to Mitigation Measure No. 1, 2 and 3; and (3) the District refrain from annexing any property that is not already using GSD services or infrastructure, e.g. water and sewer services."

http://humboldtlafo.org/wp-content/uploads/8A_Preview-of-GSD-Annexation.pdf

Just one aspect to think about, this is a public process, yes? Ed Voice

Email 8-15-10 Dear Humboldt LAFCo Commission Staff, According to this project referral: ***According to the LAFCo Application, the principal reasons for the water connection are as follows:***

"This is a public park that needs potable water for the public users of the park. They are currently using bottled water which creates an excessive amount of plastic solid waste. The two existing residences on the property used to have water service from Garberville Water Company and would like to reestablish their service. We believe that an out of

agency approval is more appropriate for the level and locations of service that we are willing to provide to this property."

Who can I contact to confirm or deny this statement is true, factual, documented and accurate? Thank you, Ed Voice

Email 8-15-19 Thank you Mr. Williamson,

I'll ask you what I asked Jennie:

"Is not GSD the lead agency for this addendum under CEQA (it's a yes or no answer)?"

Also, this is what was stated in the attachment you sent, first paragraph page 1:

"This Addendum was prepared to support an Application for Out of Boundary Service Extension submitted by GSD on June 21, 2019 to provide potable water service to portions of the Southern Humboldt Community Park (SHCP)."

So I ask you, are CEQA addendums to be prepared to "support" a project by the applicant (GSD) or should they be prepared in strict accordance of CEQA mandate and protect the environment?

Ed Voice

----- Original Message -----

From: georgew@humboldtlafo.org

To: evoice@mchsi.com

Cc: 'Mary Nieto' <m.nieto@garbervillesd.org>, 'Russ Gans' <RGans@mitchelllawfirm.com>, 'remerson' <remerson@garbervillesd.org>, sarahw@humboldtlafo.org, 'Colette Metz' <colettem@humboldtlafo.org>, 'Michael Richardson' <mrichardson@co.humboldt.ca.us>, jshortfor4@gmail.com, 'Jennie Short' <jmshort@garbervillesd.org>

Sent: Thu, 15 Aug 2019 19:16:06 -0400 (EDT)

Subject: RE: CEQA Review

Mr. Voice:

Answer: Humboldt LAFCo is distributing the IS/MND addendum as a responsible agency.

See attached Notice of Intent:

In order to be disseminated to Humboldt LAFCo for consideration during the hearing, written information must be submitted to Humboldt LAFCo no later than September 12 at noon.

George

From: evoice@mchsi.com <evoice@mchsi.com>

Sent: Thursday, August 15, 2019 3:56 PM

To: Jennie Short <jmshort@garbervillesd.org>

Cc: Mary Nieto <m.nieto@garbervillesd.org>; 'Russ Gans' <RGans@mitchelllawfirm.com>; 'remerson' <remerson@garbervillesd.org>; georgew@humboldtlafo.org; sarahw@humboldtlafo.org; 'Colette Metz' <colettem@humboldtlafo.org>; Michael Richardson <mrichardson@co.humboldt.ca.us>; jshortfor4@gmail.com

Subject: Re: CEQA Review?

Thank you again Jennie,

Is not GSD the lead agency for this addendum under CEQA (it's a yes or no answer)?

This was stated in the Humboldt LAFCo staff report, page 3 "Environmental Review":

"All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). GSD as the project applicant is considered the lead agency, however since Humboldt LAFCo is responsible for an action, it is considered a responsible agency under CEQA §21069 which states that a "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project".

<http://humboldtlafo.org/wp-content/uploads/8A-GSD-Service-Extension-to-SHCP-staff-report.pdf>

GSD is the "applicant" and GSD is the "lead agency". Humboldt LAFCo filed an addendum to GSD's 2013 IS/MND, of which GSD was the "lead agency". And GSD dictates to Humboldt LAFCo the term, conditions and direction Humboldt LAFCo staff proceeds. This is not just a Humboldt LAFCo liability, it was generated by GSD, starting with GSD BOD Resolution 19-02 and it will end with GSD using public funding from GSD ratepayers so the SHCP can have a private metered water connection from GSD.

Again, Thank you for your concern, Ed Voice

Email 8-16-19 Hi Sarah,

Thank you for the opportunity to comment on this project. On behalf of the Humboldt County Planning and Building Department, below are the comments from our agency:

The County's Environmental Impact Report for the General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit for the Southern Humboldt Community Park (SHCP) project (Planning Application #6111) did not consider provision for a water connection to Garberville Sanitary District (GSD). Should the water service extension be approved, the County will need to evaluate the potential environmental impacts any new discretionary project at the SHCP site in light of this change to the project description evaluated in the EIR. The EIR for the SHCP (SCH #2010092037) documents that as of 2014, the existing demand at the SHCP site was between 20,000 and 400,000 gallons per month which was provided from a combination of on-site and diversionary sources.

My understanding is the project involves all the following components:

- In GSD's 2018 Water Capacity Study, GSD accounted for the connection of SHCP to their system at a level of 2,000 cubic feet per month (approximately 15,000 gallons per month) from their existing water diversion from the South Fork Eel River. In the past, the GSD has documented their plans to connect the SHCP to the GSD system once they had completed the environmental review of General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit for SHCP project.
- GSD & SHCP will execute an agreement prior to the connection being installed clearly laying out the conditions of service. The agreement will state that the meter will be turned off should the conditions be violated. Resolution 19-02 was adopted by the GSD Board in June, 2019 which describes all the conditions of approval for the connection that will be made part of the agreement between the SHCP and the GSD.
- The GSD's IS/MND for their 2012 Boundary Change application and the GSD's 2018 Water Capacity Study document that the GSD has set aside sufficient quantity of water from their existing sources to provide the amount of water to the SHCP specified in proposed agreement between GSD and SHCP.
- The GSD will not need to cultivate any additional water sources nor water treatment or distribution infrastructure for the proposed connection. To connect the GSD service to the SHCP waterline infrastructure GSD will require installation of a meter adjacent to the existing 8" water main directly upslope from the SHCP site and connection to the existing SHCP waterline at Tooby Ranch Road on the SHCP property. There will be minimal ground disturbing activities needed to establish this connection and it will all be within the existing road right of way of Tooby Ranch Road.

If my understanding of the project as presented above is correct, the proposed new water service provision from GSD to the SHCP is of such a minor nature that it does not raise any major issues for our agency. Please let me know if I can clarify any of this for you. Thanks!

Michael Richardson

Supervising Planner

Long Range Planning

Humboldt County Planning and Building Department

From: Sarah West <sarahw@humboldtlafrco.org>

Sent: Tuesday, August 13, 2019 3:33 PM

To: George Williamson <georgew@humboldtlafrco.org>; Colette Metz <colettem@humboldtlafrco.org>

Cc: jmshort <jmshort@garbervillesd.org>; Richardson, Michael <MRichardson@co.humboldt.ca.us>;

Kurt.Dernedde@fire.ca.gov; district@sohumusd.com; donboyd@sohumusd.com; County Administrative

Office <cao@co.humboldt.ca.us>; Assessor <assessor@co.humboldt.ca.us>; County Auditor

<ctyauditor@co.humboldt.ca.us>; ENVHEALTH <ENVHEALTH@co.humboldt.ca.us>; Humboldt elections

<humboldt_elections@co.humboldt.ca.us>; commcenter@hcoe.org; superintendent@hcoe.org; Planning

Building <planningbuilding@co.humboldt.ca.us>; Merkel, Charlotte <cmerkel@co.humboldt.ca.us>; Mattson,

Tom <TMattson@co.humboldt.ca.us>; HSO-MAILBOX <HSO@co.humboldt.ca.us>; hcrd@yahoo.com;

jillhcrd@gmail.com; humboldtfb@sbcglobal.net; hjasper@shchd.org; redwaycsd@gmail.com

Subject: LAFCo Notice of Filing: Garberville Sanitary District Water Service Extension

Hello all,

This is to notify you that Humboldt LAFCo has received an application from the Garberville Sanitary District for a single water service extension outside of the District's boundary to the Southern Humboldt Community Park. Attached is a referral with a description of the proposed project. **Agency comments are requested by September 3, 2019.** Please contact me at 445-7508 if you have any questions.

Email 8-20-19 Mr. Williamson,

GSD is the lead agency for the Annexation IS/MND correct? This addendum is directly linked to that GSD Annexation IS/MND, of which GSD is the lead agency. So it does not matter who directly or indirectly produced the addendum for the Annexation IS/MND, since GSD is the lead agency under CEQA for the whole of its project, which includes the addendum.

Its amazing to me how Jennie Short (representing GSD) and now Humboldt LAFCo would avoid the question and not want to admit GSD is the lead agency, why is that?

Does the GSD Board know they are the lead agency for this addendum and hold the legal liability for a challenge? I would bet, if you asked the GSD Board, they would have no clue. Because they were told Humboldt LAFCo was taking all responsibility and authority with this action. Maybe Humboldt LAFCo could educate the GSD Board about this whole process for this action and advice them of their legal liability and Humboldt LAFCo exemption from legal liability, i.e. indemnification.

So, it ends up being a "yes" or "no" answer, I checked. Now, maybe you would like to try one more time to answer may question? Ed Voice

Email 8-30-19 Dear Humboldt LAFCo Staff and Commission,

Please read the following attached public document; it disputes the below statement and what was included in the public notice and referral for this project, prepared and circulated by Humboldt LAFCo Staff , i.e. "***The two existing residences on the property used to have water service from Garberville Water Company and would like to reestablish their service***".

As this public document (attachment) and GSD Board states in conclusion:

"This Board has made numerous efforts, expended funds, delayed the annexation project, and provided significant support to the SHCP in their endeavors to develop

their property into a park that would eventually have public water. That the SHCP Board now feels it is appropriate to assert that the Garberville Sanitary District is obligated to establish a new connection where no evidence of a separate historical connection exists is very disappointing."

Thank you, Ed Voice

Email 8-30-19 Dear Mr. Williamson:

I am emailing this document (attached) to ensure that your organization receives Redway CSD's comments before the September 3rd deadline. We have also mailed a hard copy for your review.

Sincerely, TK

Terrence Williams

General Manager

Office: 707-923-3101

twilliams.rcsd@gmail.com

<https://redwaycsd.org>

GSD Out of Area Service Application– Communications **September 2019**

Email 9-3 -19 Mr. Williamson,

Just so we're all on the same CEQA Guidelines page, what you're saying is that even though you filed an NOI under CEQA:

"The Addendum is appropriate pursuant to CEQA Guidelines § 15164 since only minor changes and additions to the IS/MND are necessary to address the Project and no circumstances exist calling for the preparation of a subsequent or supplemental Mitigated Negative Declaration pursuant to CEQA Guidelines § 15162 and § 15163."

Then Humboldt LAFCo did not have to comply with CEQA because "This is not considered growth inducing in our review process.". Wow, so Humboldt LAFCo has its own "review process" that supersedes CEQA?

And all this time I thought it was a CEQA process, I had no idea it was just an "informational" item for Humboldt LAFCo Commissioners, I thought you had to follow strict CEQA Guidelines and analysis everything that was being included in the addendum as if it was a new initial study. Guess I was wrong, my bad, sorry for the confusion. Have a great day, Ed Voice

Email 9-4 -19 Mr, Williamson, Your rhetoric to justify this GSD/SHCP project, i.e. only being proposed on PF not AE, is somewhat hypocritical, don't you think. As if Humboldt LAFCo cares about the protection of AE?

Since back in 2016 when it was still AE, Humboldt LAFCo did not have a problem with the Park converting and rezoning AE to PF. So its not like its been PF for a long period of time. If the protection of AE was so important and critical to Humboldt LAFCo, why didn't Humboldt LAFCo include those concerns into your comments, e.g. Humboldt County Farm Bureau:

"After reviewing the Draft EIR for the Southern Humboldt Community Park, we feel the environmental document does not properly address the conversion of Prime Ag Land in the open fields nor does it appropriately mitigate their loss. If the county chooses to convert Prime agricultural soils the "No Net Loss" policy of the county should address the mitigation of this loss. We believe some of the park project, like the Tooby Memorial Park and the athletic area, should be reclassified as Public Recreation. However, the Prime Agricultural Soils / Prime Farmland which are in the other open fields should remain zoned as Agriculture Exclusive. This is consistent with all of our comments for the past 16 years."

No, Humboldt LAFCo's comments only wanted to provide a misinformed and unfactual chronicle concerning the Parks illegally obtained water connection with GSD. However, you did try to include the GSD annexation narrative into the process and on the record, but we know how that figured into the scheme of things.

Also, please try and remember, the remaining AE zoning at the Park has a Public Recreation overlay and land use classification, with a "Q" zoning designation as apart of their GPA approval process, you may have forget to recognize this fact, that is, the Parks AE zoning and land use is less restrictive now, more than anywhere else in the county. Ed Voice

Email 9-5 -19 Thank you George,

As nice as all that sounds, and for as much as Humboldt LAFCo and GSD insisted (comments by both, SHCP GPA/DEIR 2016) the Park should only serve GSD potable water to the public and for that should be annexed into GSD jurisdictional boundary and place of use. Again, not one word from Humboldt LAFCo opposing the Park's rezoning and converting 86.6 acres of Agriculture Exclusive (AE) into Public Facilities (PF). However, now I can see why, because it makes it that much easier for Humboldt LAFCo to justify and expand services from GSD for development in those area's of the Park that replaced AE with PF zoning.

Just to be clear, I have attached a single page summery from the 2016 SHCP DEIR/FEIR (page 2-2). I have added checks to the left of each area's designation, the same area designation as indicated in the Humboldt LAFCo draft Addendum (Figure 2). As you can see, all these area's have intense and major new development planned, with the most intensive in Area 2 (Park Headquarters), which just so happens to be the most intensive use of water from GSD and included in this application and addendum.

This new development at the Park could NOT be accomplished or achieved without the use of potable water from GSD, approved by Humboldt LAFCo and State Water Rights. So there is no doubt in anyone's mind, common sense tells everyone, connecting a metered water serve to the SHCP (restricted or not) from GSD will induce growth. However, the sad part, Humboldt LAFCo does not want to recognize that fact or even analysis it under CEQA. So for all Humboldt LAFCo's rhetoric, annexation is off the table and not included in this application or addendum.

"[T]he way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."
~ CEQA Guidelines §15126.2(d)

And let me finish by adding, according to email(s) between Ralph Emerson and Jennie Short (July 2019), legally obtained through a California Public Records Act request, GSD "anticipated expansion" at the Park with use of GSD potable water and anticipating increasing the meter to the Park from 3/4" to 2". And on July 21, 2019 Ralph Emerson stated in an email to Jennie Short: *"We can leave 3/4 meter in but I feel to better serve them, it should be a larger meter. Lets leave 3/4 meter in if it makes process easier"...*
See you on September 18th and please bring your "A" game...

Ed Voice

----- Original Message -----

From: georgew@humboldtlafo.org

To: evoice@mchsi.com

Sent: Wed, 04 Sep 2019 16:36:13 -0400 (EDT)

Subject: CEQA/ SHCP fee waiver request/Ag preservation

Mr. Voice

This is a single response to your last 3 emails.

CEQA: while not required, Humboldt LAFCo chose to prepare an Addendum, to provide more information about proposed out of area service environmental effects. Yes, Wow, we use CEQA tools to provide more than just the basic requirements!

SHCP fee waiver request: no decision has been made, we're responding to a Southern Humboldt Community Park letter related to Humboldt LAFCo fees charged for the GSD application. This will be on the September 18 meeting agenda.

Agricultural preservation: Humboldt LAFCo has clear Agricultural preservation policy & an undisputable protection record supported by annexation and sphere decisions.

George

From: evoice@mchsi.com <evoice@mchsi.com>

Sent: Wednesday, September 4, 2019 9:12 AM

To: George Williamson <georgew@humboldtlafo.org>

Subject: SHCP fee waiver request, agenda item 8B, July 2019

Dear Humboldt LAFCo Commission and Staff.

I wanted to ask about Humboldt LAFCo agenda item 8B, from July Commission meeting:

http://humboldtlafo.org/wp-content/uploads/8B_SHCP-Fee-Waiver-Letter.pdf

Something maybe you can help me understand; since this is a "Garberville Sanitation District Out of Agency Water Service Extension Application" and not a Southern Humboldt Community Park application; i.e. why would you waive the fee for the Park and not GSD, since its GSD's application? Wouldn't the applicant make the request? And can you send me a link where on the Humboldt LAFCo website I can read the waiver disclosure information? Or is this it:

"Refunds of Fees: Except for unused portions of deposits, all fees paid to Humboldt LAFCo are nonrefundable. Payment of fees is not a guarantee of approval of the submitted proposal."

"Waiver of Fees: The Commission may waive a fee in special circumstances or if it finds that payment would be detrimental or contrary to the public interest. Fees may be waived or reduced for applications filed in response to a condition imposed by or a recommendation made by the Commission. A request for waiver, including an explanation for the request, must be submitted in writing to the Commission. Staff will present the request to the Commission, along with analysis and recommendation, for its determination."

http://humboldtlafo.org/wp-content/uploads/Fee-Schedule_Updated-05-16-18.pdf

Thank you, Ed Voice

Email 9-6 -19 Dear Humboldt LAFCo Commission and Staff,

Another question I have concerning the "GSD Change in Jurisdictional Boundary & Place of Use Humboldt LAFCo IS/MND Addendum"; is Exhibit E, "Mitigation, Monitoring, and Reporting Program" from Southern Humboldt Community Park Final Environmental Impact Report (starts on page 23).

http://humboldtlaftco.org/wp-content/uploads/GSD-ISMND-Addendum_public-review-draft-8-12-19.pdf

Is Humboldt LAFCo proposing to incorporate this "Mitigation, Monitoring, and Reporting Program" (that came directly from the SHCP 2016 Final EIR, with NO reference, analysis or discussion concerning GSD provide a metered water serve connection to the SHCP property) into the GSD 2013 Annexation IS/MND? Or is it just being presented as a unrelated reference and unrelated informational item?

Thank you, Ed Voice

Email 9-6-19 Dear Humboldt LAFCo Commission and Staff,
In the Draft GSD Change in Jurisdictional Boundary & Place of Use Humboldt LAFCo IS/MND Addendum public notice for public comments, I noticed the following narrative, assertion or deception included in almost all "Evaluation of Potential Environmental Effects" sections of the Draft Addendum (starts on page 6). These sections state, in part:

"Future annexation of SHCP may result in further development of the park area which may have an impact on... These impacts were discussed in detail in the 2016 EIR prepared for SHCP land use changes and several mitigation measures were put in place."

http://humboldtlaftco.org/wp-content/uploads/GSD-ISMND-Addendum_public-review-draft-8-12-19.pdf

This mantra and or pretense was repeated over and over in almost all, "Evaluation of Potential Environmental Effects" sections of the Draft Addendum. Which makes the reader believe the "Future annexation...may have an impact" was included in the SHCP 2016 EIR and those "impacts were discussed".

Can Humboldt LAFCo please reference the page and or section in the SHCP 2016 EIR where this was "discussed in detail" or discussed whatsoever, e.g. "Future annexation", i.e. metered water connection from GSD?

Each one of these sections that included the above wording should have stated, as a disclaimer i.e. However, the SHCP 2016 EIR did not consider or analysis future annexation or potential connection to GSD for a potable metered water connection or service. Thank you, Ed Voice

Note: Deception is an act or statement which misleads, hides the truth, or promotes a belief, concept, or idea that is not true. It is often done for personal gain or advantage. Deception can involve dissimulation, propaganda, and sleight of hand, as well as distraction, camouflage, or concealment.

Email: 9-8-19 Dear Humboldt LAFCo Commission and Staff,
Please see and review attachment.

I wanted to discuss the differences between how the SHCP could not be included in the GSD Annexation IS/MND back in 2012, vs how it is now under an out of area service application, if that makes sense.

My question is simple; how does this addendum to the GSD Annexation IS/MND exclude all or portions of the remaining property, i.e. APN 222-091-015 other than area's 1, 2, 4A, 5 and treated as "Service Prohibition Zone" in attachment from 2012?

The reason I ask, this addendum does not specifically state or specify the whole of APN 222-091-015 is restricted, other than water use in area's 1, 2, 4A, 5 and or that each area is restricted to a specific usage of water as a whole. So in other words, this out of area service includes all of APN 222-091-015?

As stated in the NOI, page 2 of 4, "Provision of Public Services" :

The connection would be exclusively for residential use and public recreation drinking fountains (as identified in the service areas in Figure 2) and is not intended to be used to serve future development on the property. The connection would be limited to 2,000 cubic feet per month (20 units).

So lets discuss both of those statements:

1. The problem with the language in the first sentence, its simply not factual; since the area's in "Figure 2" already have approval and are "intended to be used to service future development on the property" (APN 222-091-015), which was discussed and analyzed ad nauseam in the SHCP EIR.

2. The "connection" is not "limited to 2,000 cubic feet per month", its limited to 3,000 cubic feet per month. However, the only restriction is for more than 3,000 cubic feet per month for any 2 months in a 12-month period, i.e. SHCP could use more than 3,000 cubic feet (10,000 or 20,000) or more water in 1 month out of a 12 month period and nothing would or could happen.

The confusing part, since 2012, nothing has changed, other than the SHCP has completed its EIR. Which I might add, did not discuss, describe, reference or analyze the GSD Annexation IS/MND, i.e. future use or proposed connection to GSD and one 3/4" metered water service connection.

So how does Humboldt LAFCo restrict all the remaining acres of APN 222-091-015 for this out of area service vs the annexation that was discussed in the attachment? I hope this out of area service is somehow legally binding and included in the property deed for APN 222-091-015?

Thank you,

Email: 9-8-19 Dear Humboldt LAFCo Commission

So this process GSD and Humboldt LAFCo is currently presenting and preparing is a conundrum to me; in the sense that back in 2012, when this whole crazy scheme was cooked up, to somehow include the Park into the GSD Annexation process and supply them with water at the same time, without the Park having to pay anything out of pocket. It was a win win for the Park and GSD? Boondoggle maybe, win win, not so much. Here's my problem I have with two of the main narratives in this current addendum and out of area service application:

Back in 2012, when that GSD Board dreamed up the first conditions for the SHCP, it had no idea what development was planned for the Park and so as a condition, included in the agreement, its stated, in part:

The one new ¾" meter is for residential use only and is not intended to be used to serve future development on the Property contemplated by SHCP in the application for a General Plan Amendment (and associated applications for a conditional use permit, the Operational Plan, and the CEQA Initial Study Checklist as submitted to the Humboldt County Planning Department by SHCP) currently on file with the Humboldt County Planning Department.

Beside the word "intended", it sounded very restrictive, even though they had no clue what would be included or what the final approval would stipulate in the Park's rezone GPA/EIR.

Fast forward to 2017, everything was a done deal for the Park Board, celebration and dancing in the streets, they got everything approved and then some or did they? It must have dawned on someone at the Park Board, holy cow, what about potable water!

So we have come full circle in 2019, with one major difference, future development, we now know what is planned and approved for future development at the Park. However, it's still the same language in the current out of area service application, agreement and addendum. So how can you state:

The new three-quarter inch (¾") water meter and associated waterlines shall be used for residential purposes only at the existing facilities and for public recreation drinking fountain uses, as described in Section 1 of this Agreement, and shall not be used to serve future development on the SHCP Property.

So the old area and new area(s) that are currently listed for water service at the Park are apart of that future development approved for future development, so which "future development" during this current process are you referring to (I know, End Game, right?); the past future development from 2012, the approved future development from 2017 or some other new future development for 2019? In other words, you are restricting future development where future development has now and already been approved in the past (2017)? Thank you, Ed Voice

Dear all concerned and to who it may concern,

Attn: Humboldt LAFCo Commission, Garberville Sanitary District Board and Southern Humboldt Community Park Board;

Email: 9-12-19 After absorbing all the interviews, misinformation, alternative facts and assertions that were included in this week's Independent (Indie) newspaper article (9/10/19) and KMUD News interviews and broadcast yesterday 9/11/19 (see attached Indie article and link to KMUD News below), i.e. Carolyn Hino-Bourassa, George Williamson, Supervisor Fennell and Ralph Emerson, it begs the question, why are they being so defensive and willing to misinform the public before this Humboldt LAFCo Commission meeting on September 18, 2019 (see link and attached Indie article). So let's do a deep dive into this and stay out of the weeds, just stick to the facts and what was stated.

<https://soundcloud.com/kmudnews/southern-humboldt-community-park-water-hookup-request-causing-controversy>

From the KMUD New interview(s) SHCP Board Treasurer Carolyn Hino-Bourassa was asked and answered questions on Public Radio KMUD News, in part stated:

1. KMUD News: "So from those two residences and four drinking fountains you're estimating 2000 cubic feet of water?"

Carolyn Hino-Bourassa: "No, actually our usage is going to be significantly less than that but that was the amount that the GSD was comfortable saying, and that would be a trigger if we ever got to that point where we were using about that much on a monthly basis, that would be the red flag I guess you would say, for us to have to go to the next level of service which would require a lot more paperwork and a lot more permission application with LAFCo and the State water department."

So does anyone at GSD or Humboldt LAFCo know what she is talking about, especially GSD, is that true, that using more than 2000 cf a month would "trigger" or be a "red flag" and go to the next "level of service", "require a lot more paperwork...permission applications with LAFCo and the State water department"? I don't recall any of this language or stated in any documents discussed by either GSD or Humboldt LAFCo, do you?

2. KMUD News; "But Park treasurer explained, the Park lacks safe drinking water for its residences and wants to provide drinking water to Park patrons without exceeding its limits."

Carolyn Heino Bourassa: "The community, and especially the Redway Service District, that all of a sudden all this high water usage is going to occur and that can't, because we have rezoned it. So we cannot develop that property unless we were to reverse and go through the whole procedure all over again in the reverse direction and as I said, that's not going to happen. We have our own water source for irrigating our farm of crops and if and when the baseball fields are developed we would not use potable water for that either. So I want to just reassure the community that it is just for four drinking fountains which everyone has a right to safe drinking water especially if they're going to be taking a hike in the Park."

I wonder, has Carolyn Hino-Bourassa read her own Boards GPA/EIR/CUP, its that 800 plus page document that was approved in 2016 by the Humboldt County Planning Commission and in 2017 by the Board of Supervisors. Took over 10 years to prepare, produce, complete and according the Carolyn Hino-Bourassa, the Park is now \$475,000.00 in debt because of it. Has she read it? Because if she did, she would have read and recognised, as did many of the public comments and public agency comments did, the Park Board is planning intense and major planned development at the Park, in all the same area's that have been included for GSD water connections (islands of service). And given its stated in this Humboldt LAFCo Addendum (page 16):

"The Water Supply and Demand Analysis Memorandum referenced in the 2016 EIR provided estimated water use by park area for Phase 1 and Phase 2 of the SHCP proposed project in Tables 8 and 9 of that

document. The tables also break down the demand into baseline use, event use, and irrigation use. While the total annual demand after complete buildout in Phase 2 is estimated at 11,578,537 gallons, much of this water is proposed for irrigation of sports fields and agricultural areas. The total annual demand without irrigation is estimated at 679,828 gallons. This is the potential amount of potable water that will be needed for expanded park use as outlined in the 2016 EIR."

I also guess Carolyn Hino-Bourassa does not understand all the water she claims is only for "irrigating our farm of crops and if and when the baseball fields are developed we would not use potable water for that either" comes directly from the same water source for Garberville and Redway (South Fork Eel), which in the SHCP 2019 "Supplemental Statement of Water Diversion and Use" for 2018, it was more than 21 acre feet a year of use or over 7 millions gallons of water use directly from the South Fork Eel River for use at the SHCP. So yeah, if I was a down stream user and provided water to the public aslike GSD and RCSD do, I would be very concerned someone like the Park is going to use all the water from the river before they can provide it to the public as safe drinking water. And do not forget, GSD and RCSD are public agencies and a community benefit, unlike the SHCP, which is a private land owner and private corporation!

https://rms.waterboards.ca.gov/StatementPrint_2018b.aspx?FORM_ID=419298

3. KMUD News: "But Southern Humboldt Community Park treasurer, Heino Bourassa said the Park will not be developing more residences as that would require another rezoning process. Heino Bourassa shared her estimates of the Park's water use and its potential impacts on the community."

Carolyn Hino-Bourassa: "We estimate the four drinking fountains to use the equivalent of about one shower a day and right now GSD has a little over four hundred rate payers but they are at less than half of their capacity so by adding the Park which would be the equivalent of the two residences and four drinking fountains it's not even really barely a drop in the bucket to what they are able to provide the community. So we should not be any kind of a threat to anybody, especially Redway. It just no reason to question providing for drinking fountains and restoring service to two residences that already had it from way back."

Again, if Carolyn Hino-Bourassa had read her own Boards EIR, the Park Board claims 46,000 people visit and use the Park each year, on top of all the unlimited small events under 800 people per day year round, the 5 medium events with up to 2500 people per day and the one weekend festival with up to 5000 people per day. And like what Humboldt LAFCo pointed out, the Park is estimated using 679,828 gallons of potable water a year, on top of irrigation for farming, wine grapes, cattle grazing, sports fields etc, which we know is over 7,000,000 gallons of water use in 2018 without 5 to 10 acres of athletic sports fields irrigation, which was estimated at between 1 to 2 million gallons a month from May thru October. Again, read the SHCP EIR!

And let me ask GSD; is GSD only using "less than half of their capacity"? As Carolyn Hino-Bourassa claims? It was my understand, and what was stated in the Humboldt LAFCo Addendum and GSD 2018 Water Capacity Report; GSD is down to 8.8 million gallons of water in

reserves per year, out of the 80 million gallons of water per year it is permitted and licensed to divert from the South Fork Eel. And now given the fact the new Garberville Hospital is going to need 5 million gallons of water a year from GSD, that beings the water reserves down to 3.8 million, with ever more requests for "will serve letters", County approved development and future development from GSD for new project in Garberville requiring new infrastructure and larger volume of water and wastewater requirements i.e. MORE water and wastewater use. So Carolyn Hino-Bourassa's analogies don't hold water, I can take allot of showers with 679,828 gallons of water per year.

I have also included (see attachment) one page from the SHCP 2016 EIR, showing the development planned for the Park and checked the areas to the left that are proposed for connecting and using GSD water. Doesn't seem like "barely a drop in the bucket", to me, unless your "bucket" holds 12,000,000 gallons of water...

Please include these comments and attachments as to my public comments into the Public Administrative Record for the Humboldt LAFCo Commission "To Adopt CEQA Addendum to the Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration; and Notice of Public Hearing" for September 18, 2019.

Thank you, Ed Voice

Email 9-12-19 George, Please don't support the Southern Humboldt Community Park. It's that simple. We residents knew it from the start. At this point we can take time to see just how the aquifer responds to the next 5 years of climate change. It's so disheartening to see the river and its surrounding habitat suffer so. There is no new normal. Only degradation from poor resource management and Humboldt's recent love affair with It's beloved illegal marijuana growers. What a mess. Don't contribute to it Thank you Ron Angier



SAXTON & ASSOCIATES
WATER QUALITY AND TOXICS ENFORCEMENT

July 8, 2013

Jennie Short
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA 95542

Re: Public Comments on Garberville Sanitary District Boundary Change (Annexation) –
Recirculated Initial Study/Mitigated Negative Declaration

Dear Ms. Short,

Thank you for the opportunity to submit comments on the Project identified above. I write today on behalf of my client, Mr. Ed Voice and the Voice Family. We write to ask the following, as discussed in detail below: (1) the Project be analyzed under an Environmental Impact Report due to the significant impacts that the project causes on the environment, particularly water resources and land use; (2) the EIR be a Programmatic EIR, due to the subsequent discretionary approvals that will be made pursuant to Mitigation Measure No. 1; and (3) the District refrain from annexing the Community Park until after the Park's EIR is completed and the District is informed about the water and sewer services needed.

PROJECT IS DISCUSSED INACCURATELY

The project starts from the wrong baseline. The baseline is the point that the Garberville Sanitation District ("District") must determine whether a project will have a significant impact on the environment. The project should have looked at the physical impacts to the environment (namely the water diversion from the South Fork of the Eel River and groundwater and prime agriculture land use) from the point when the District took over the GWC contract in 2004, along with the new connections that will be added at River Ranch and the Community Park. Instead, the District framed the project as a simple update of its boundaries to include areas currently provided with water service and, therefore, concludes that the project will not result in impacts to the environment or growth-inducing impacts from increased population.

In the past nine years since the District took over GWC's water service contract, the District has undergone an expansion to its waste treatment facility and is currently undergoing an expansion to its water production facilities. (In fact, we understand that the District's funding for the facility is dependent upon the completion of this project and, specifically, the expansion to the current Place of Use area.) These expansions were needed, in part, because of the expanded jurisdictional boundary and the Place of Use area which is now, after the fact, under environmental review.

The central tenet of the California Environmental Quality Act (Public Resources Code

§21000 *et. seq.*, 14 CCR 15000 *et. seq.*) (“CEQA”) is to provide an environmental document for the public and decision makers to review *before* decisions are made. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 355.) Moreover, sufficient information is required in order to adequately assess the environmental impacts. The District deprived both the public and its Board important information about the true direct and cumulative impacts of this project by analyzing it nine years after the fact. Furthermore, as discussed below, the analysis should have been conducted in an Environmental Impact Report (“EIR”), rather than a Mitigated Negative Declaration (“MND”), as was done here. (Public Resources Code §21100.)

In Section II. Agriculture and Forestry Resources, the District concludes that impacts from development of lands with prime agricultural soils and lands zoned agriculture exclusive will be less than significant with mitigation because the project is restricted to areas that have had historical water service, *i.e.* areas which the District has been providing service since at least 2004. This is circular analysis. More importantly, it fails to provide the actual environmental impacts (direct and cumulative) of expanding the District’s jurisdictional boundary and Place of Use area.

In fact, the MND repeatedly states “The project does not include any physical change to the environment.” (MND, p. 30, 35, 39, 42.) This is untrue. The expansion of the District boundary and Place of Use area does impact the physical environment, specifically water diversion from the South Fork Eel River and groundwater and land development on agricultural exclusive zoned lands and lands with prime agricultural soils. The District must analyze environmental effects based on the actual impacts that the expansion will have on the environment.

Last, the District uses the wrong standard to determine if the project will have significant impacts, pursuant to CEQA. The MND states “the project as mitigated... will not have any environmental effect that will cause substantial adverse effects on human beings, either directly or indirectly.” (MND, p. 52.) The correct standard is whether the project will have significant impacts on the *physical environment*, such as needing to divert more water from the South Fork of the Eel River or groundwater or whether development will occur on lands zoned agricultural exclusive or on lands with prime agricultural soils.

PROJECT DESCRIPTION

The project description should clearly and specifically describe the maximum capacity of the annexation and Place of Use, the expected maximum demand – both directly and cumulatively – and identify any remaining capacity within the proposed annexation and current District service boundary. This is important information in considering the degree to which the project could induce growth.

The project description should also describe the development potential of the proposed annexation and current District Service Boundaries and disclose how many additional dwelling units the General Plan Update would allow to be constructed. In addition, the project description should include a summary of the projects that are planned and proposed in the area of the

project and their environmental effects for this project, e.g. Goldeen, Johnson and SHCP. It is important that these other related projects be fully discussed because they, in combination with the improvements associated with the proposed Annexation, will induce growth in the Garberville area.

THE PROJECT SHOULD BY ANALYZED UNDER AN EIR

All lead agencies shall prepare, or cause to be prepared, an environmental impact report on any project which they propose to carry out or approve that may have a significant effect on the environment. (Public Resources Code 21100.)

A Mitigated Negative Declaration is only appropriate when the initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. (Public Resources Code §21151; 14 CCR §15070.) The decision to adopt a negative declaration and dispense with an EIR is essentially a determination that a project will have no meaningful environmental effect. (*Sierra Club v. California Depart. of Forestry and Fire Protection* (2007) 150 Cal.App.4th 370.)

CEQA is a comprehensive scheme designed to provide long-term protection to the environment. (*Napa Citizens*, 91 Cal.App.4th at 355.) The foremost principle under CEQA is that the Legislature intended the act “to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Id.*, quoting *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 533, 563-564.)

The EIR has been aptly described as the “heart of CEQA.” Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. (*Napa Citizens*, 91 Cal.App.4th at 355 (emphasis in original).) Thus, the EIR “protects not only the environment but also informed self-government.” (*Id.*, quoting *Citizens of Goleta Valley*, 52 Cal.3d at 563-564.) The ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA. The error is prejudicial “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*Napa Citizens*, 91 Cal.App.4th at 355-356, quoting *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.)

Thus, the validity of the MND depends in large part upon whether it provides the information necessary for the District’s Board and the public to understand the nature and environmental consequences of the project.

In fact, the project should be analyzed as a Programmatic EIR because, as stated in Mitigation Measure No. 1, any change to the existing uses is subject to approval by the District, ensuring that adequate water supplies are available. These subsequent approvals will be discretionary decisions that impact the environment. These subsequent decisions are subject to CEQA and, presumably, will be tiered off of the current project. Thus, the current project should be analyzed as a Programmatic EIR.

In addition, the MND doesn't discuss actual impacts to land use, particularly the Agricultural Exclusive and Prime Agricultural soils. For example, Bear Canyon Road (APN 223-171-023) is in an area zoned Agriculture Exclusive, yet it's able to develop 3 single family residences on the property. This is a significant environmental impact that requires an EIR. (Public Resources Code §21100.)

The Community Park is also zoned Agriculture Exclusive but the anticipated development there is anything but. This too is a significant environmental impact that should be discussed in terms of the current project. As discussed below, review of the likely environmental effects of the annexation and expanded Place of Use cannot be postponed until such effects have already manifested themselves through requests for amendment of the general plan and applications for approval of Park development. (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 158-159.)

Next, the MND states that the water system's storage has sufficient capacity to meet the average dry day water demand. It is silent regarding the average wet day water demand. It also states that the current system has sufficient production based on the maximum daily demand of 427,780 gpd recorded during the month of July in 1999. Under the District's permit, the District has a maximum daily diversion from the South Fork Eel River of 484,700 gallons. However, the MND fails to discuss how the new connections (Connick Creek, River Ranch, Community Park and future development) would impact water storage and production. The MND states later that the Water System Improvement Project "is to meet existing water demands." However, this fails to adequately address the impact that 61 additional connections will have on the South Fork of the Eel River and groundwater, let alone the development that is opened up as a result of the annexation and expanded Place of Use.

The document states that there will be 85 APNs that will be added to the District boundary, 27 of which can be further developed. It does not state how many water or sewer connections could potentially be added.

THE PROJECT INDUCES GROWTH

Under CEQA, the District is required to analyze indirect or secondary effects which are later in time or farther removed but still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induce changes in the pattern of land use, population density, or growth rate, and related effects on water and other natural systems. (Public Resources Code §21151; 14 CCR §15358; *see also Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263 (approval by local agency of city annexation of agricultural land proposed to be used for residential, commercial and recreational purposes was a project that may have a significant effect on environment and required an EIR due in part to resulting population growth).)

CEQA Guidelines §15126(d) requires an EIR to discuss the Growth Inducing Impact of the Proposed Project. Guidelines §15126.2(d) elaborates:

...Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment... Increases in population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

It is well established that a CEQA document must discuss growth-inducing impacts even though those impacts are not themselves a part of the project under consideration, and even through the extent of the growth is difficult to calculate. (*Napa Citizens*, 91 Cal.App.4th at 368; citing *City of Antioch v. City Council* (1986) 187 Cal.App.4d 1325.) In *City of Antioch*, the question was whether an EIR was required (as opposed to a Negative Declaration). The Appellate Court found that the project required an EIR notwithstanding that the project itself involved only the construction of a road and sewer project which did not in and of themselves have a significant effect on the environment. The Court recognized that the sole reason for the construction was to provide a catalyst for further development in the immediate area. It held that because the construction of the project could not easily be undone, and because achievement of its purpose would almost certainly have significant environmental impacts, the project should not go forward until such impacts were evaluated in an EIR in the manner prescribed under CEQA. (*Napa Citizens*, 91 Cal.App.4th at 368, discussing *City of Antioch*, 187 Cal.App.3d at 1337-1338.)

The same rationale holds here. The expansion of the District's boundaries and Place of Use, regardless that the environmental analysis was conducted after the fact, has the effect of increasing water and sewer connections and, by virtue of annexing property into the District's boundary, increasing the potential for future connections. This cannot be undone. In fact, as a result of the expansion, in part, the District has expanded its waste treatment and water production facilities and infrastructure.

In *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, the Court considered a proposed construction of a country club and golf course and attendant facilities. It was contended that an EIR was not required because the growth-inducing impacts of the proposed project were too remote or speculative, and EIRs would be prepared in connection with any application for a housing development. The Court responded, "The fact that the exact extent and location of such growth cannot now be determined does not excuse the County from preparation of an EIR... [R]eview of the likely environmental effects of the proposed country club cannot be postponed until such effects have already manifested themselves through requests for amendment of the general plan and applications for approval of housing developments." (*Napa Citizens*, 91 Cal.App.4th at 368-369, discussing *Stanislaus Audubon Society*, 33 Cal.App.4th at 158-159.)

Likewise, the fact that the Community Park and other contemplated future development will require additional approvals does not preclude the need for an EIR at this time to analyze the actual impacts of the expansion of the District's boundary and Place of Use.

The MND acknowledges that the project “could result in future development” (MND, p. 26), but fails to adequately assess the impacts of the development on the physical environment – namely the need for greater water diversions from the South Fork Eel River, extraction of groundwater and development of agriculture exclusive zoned land and lands with prime agricultural soils.

This project looks to add 69 partial or entire APNs to the Place of Use. Simultaneously, 85 APNs will be added to the District boundary, 27 of which can be further developed. Eight of those 27 are new water service users. It is adding 61 housing units to the District’s boundary. The document does not adequately address growth inducement and the impacts on the physical environment.

The MND concludes that: “It is difficult to summarize the additional development potential as a result of the proposed project because the majority of APNs that could support additional development are within, or a majority within the exiting POU.” (MND, p. 19.) However, pursuant to the decision in *Stanislaus Audubon*, discussed above, the fact that the exact extent and location of such growth cannot now be determined does not excuse the District from preparation of an EIR at this time. (*Stanislaus Audubon Society*, 33 Cal.App.4th at 158-159.)

Moreover, as soon as the APN is in the jurisdictional boundary, the property is then open to water and sewage connections. This will induce growth. Connick Creek, for example, has a 105 acre parcel that is anticipated to be developed.

The Community Park, too, intends to undergo significant development. Only 5 acres for Community Park water service are included in the Project. However, as noted, 430 acres are to be added to the District’s jurisdiction, providing opportunity for future development and service connections. Impacts of future water service were not discussed in the MND. Nor were they discussed in the Water Improvement Project, as the Park was outside of the District’s then-current jurisdiction. Also, the MND fails to adequately discuss anticipated development on the 5 acres. According to the Park’s Notice of Preparation, the 5 acres is deemed the Park headquarters and, among other things, public bathrooms and a commercial performance stage will be added. The music events that are anticipated could have a substantial impact on water usage. This is a significant cumulative impact that requires an EIR for the current project. (See *Stanislaus Audubon Society*, 33 Cal.App.4th at 158-159; *City of Antioch*, 187 Cal.App.3d at 1337-1338; *Napa Citizens*, 91 Cal.App.4th at 368-369.)

The MND concludes:

According to the District, there is limited available land for new residential and commercial development within the District boundaries due to existing development densities and physical constraints. Significant additional growth in the future would likely need to occur outside the District’s boundary, and would likely be dependent upon construction of water distribution and wastewater collection infrastructure. The area to meet these additional housing units will need to be annexed into the Boundary once the

location for this future development has been identified. The location will be highly dependent upon property owners desiring to develop their property to meet the need for the additional housing units.

However, this doesn't adequately address the probable growth inducement of the project. First, apparently this is a discussion of the current district pre-annexation. Second, it doesn't discuss the General Plan Update that is currently underway and the Housing Opportunity Zone Density designation changes that are expected. This is a significant cumulative impact that should be addressed in an EIR.

Moreover, the MND fails to adequately address the fact that once the properties are included into the District's boundary, they will be open to receive water and sewage connections, including any neighboring property owners. This will induce growth, which is a significant environmental impact requiring an EIR.

The MND states: "The GSD serves approximately 847 residents and 353 connections within its existing boundaries. It is estimated that the 2030 projected population potentially served by the District would be 936 residents and 390 housing units, or an additional 89 residents and 37 housing units. (Humboldt LAFCo, 2013d). (MND, p. 43.) It is understood that Humboldt LAFCo obtained this information from the District and it is unclear where the District obtained these figures.

The MND further states that there is only a 0.05% projected growth rate. However, this appears to underestimate the true growth projection based on known projects and known potential development in the District. For example, there are three new connections anticipated for the River Ranch properties. The Connick Subdivision approval allows the development of four new single family residences. It apparently would allow for second dwelling units that are subordinate to the existing structure.

In addition, the Community Park seeks two additional connections for this project. Future projects, such as building of public bathrooms on the 5 acres, will involve additional connections. Moreover, the project will bring the 430 acres of the park into the District's boundary, which substantially increases the Park's access to water and sewer connections in the future. This project induces growth far greater than has been described in the MND. An EIR is appropriate to analyze the significant environmental impacts that will occur due to the direct and cumulative growth inducement from this project. Moreover, as discussed above in the *City of Antioch* decision, it is not appropriate to wait for future environmental reviews to determine the impact of the current project. (*City of Antioch*, 187 Cal.App.3d at 1337-1338.) In other words, the District cannot wait until the Park's CEQA review has been completed to find out the impact of the annexation and the water and sewer services that will likely be required.

Furthermore, the function of CEQA is to provide the information regarding impacts *before* decisions need to be made. Thus, if the District does not conduct a complete environmental analysis on the cumulative impacts of annexation of the Community Park and expansion of the Place of Use at this time, the District should refrain from annexing the Community Park until after its EIR is complete and at such time that the District knows what

kinds of service and infrastructure is needed.

In addition to the River Ranch, Community Park, Connick Creek, Meadows and Hillcrest connections, there has been additional growth in Garberville. For example, APN 032-111-024 has made an application to the District from a developer named David Winters for a 12 to 16 unit multi-family low income housing complex(s) in downtown Garberville. Humboldt County Planning Department is expected to receive a “Will Serve Letter” from the District for this project. In addition, this year, Garberville had additional water and sewer connections for 5 new apartments that were build atop of a business called Chautauqua Natural Foods in downtown Garberville. These projects are mentioned here because they draw question to the District’s conclusion that there is only a 0.05% project growth per year and, therefore, that this project will not induce significant growth.

Moreover, the MND states that the project will add 85 APNs to the District boundary. However, this number does not take into account the Meadows Subdivisions Phases 3 and 4. The District’s environmental analysis should factor in the growth potential from this development.

The MND acknowledges additional potential for grown. It states that “there are several APNs that are vacant and/or not currently fully developed under current regulations that could be further developed... This includes an additional 15 [single family residences] on a combination of vacant or underdeveloped APNs, 14 APNs within “Housing Opportunity Zones,” and 10 APNs that are allowed second dwelling unit.” (MND, p. 43.)

Part of the District’s basis for its conclusion that the project won’t induce population growth is because parcels “could already have been further developed within the existing boundary if the property owner was interested. The infrastructure and service to these parcels has been available for more than a decade and there has been very little development of second dwellings and no use of the density bonus.” (MND, p. 43.) However, this statement doesn’t take into account that, for many years, the District has been required to ban any new sewer connections, which prohibits growth. This ban was lifted now that the waste treatment facility has been expanded. Moreover, the waste treatment and water production capacity have both been expanded in recent years, providing capacity for additional connections. Thus, the annexation and expansion of the POU has significant impacts on both surface and groundwater that should be analyzed in an EIR. (Public Resources Code §21100; 14 CCR §15064.)

The District’s rationale for concluding that population growth is not expected is that: “The project is not anticipated to result in a significant impact to population and housing because the development potential is not significant comparatively to the existing population. Population growth is expected to be low; therefore, the project will not induce substantial growth...” (MND, p. 43.) This reasoning is circular.

Under Section X. Land Use Planning, the MND states that there will be less than a significant impact. The District’s reasoning is that the purpose of the project is to make the planning boundaries and service boundaries consistent with the existing services provided. (MND, p. 40.) However, this fails to take into account the fact that, even though conducted

after the fact, the expansion of the District's boundaries has an impact on the physical environment, specifically surface and groundwater and land zoned agriculture exclusive and lands with prime agricultural soils. The District's reasoning also fails to take into account the fact that the project induces growth. Instead, the District states that future projects will be subject to approvals by other agencies, such as Humboldt County. This lack of analysis is inappropriate under CEQA. This is a significant impact which requires analysis under an EIR. (Public Resources Code §21100.)

Under Section XIV. Public Services, the MND concludes: "The project does not induce significant population growth or propose service in areas not currently provided service..." (MND, p. 44.) However, the project does induce growth and thus whether such growth impacts public services should be analyzed. Moreover, the MND states: "The project will not require any new neighborhood park, or expansion to an existing park or other public facility." (MND, p. 44.) This is untrue, as the project will allow for the expansion of the Community Park by providing new water connections and, further, open the door to allowing future water and sewer connections by bringing the Park into the boundaries of the District and the SWRCB's Place of Use. The District should refrain from annexing the Park until after the Park's EIR has been completed and the District is clear of what services the Park will need.

The same arguments applies to Section XV. Recreation.

Based on the arguments above, the District should prepare an EIR to study the growth-inducing impacts of the project. (Public Resources Code §21151.) Under CEQA, the party seeking to require preparation of an EIR based on growth-inducing effect does not have the burden of presenting evidence that the project will have growth inducing effect or present evidence demonstrating that it has already spurred growth in surrounding area. Rather, the party is required only to demonstrate that the record contains substantial evidence sufficient to support a fair argument that the project may have significant growth inducing effect. (*Stanislaus Audubon*, 33 Cal.App.4th 144.) As discussed above, the Voice Family has pointed to sufficient evidence in the record that this project will have a significant growth inducing impact and an EIR should be prepared in compliance with CEQA.

DEVELOPMENT ON AGRICULTURAL EXCLUSIVE LANDS AND PRIME AGRICULTURAL SOILS

This MND fails to discuss the environmental impacts of development on agriculture exclusive and agricultural grazing zoned land and agricultural and prime agricultural soils that are located within the District's proposed boundary. As stated in the MND, all of the agricultural and prime agricultural soils are within areas of existing development or are within areas that have been approved for future development. Known future and potential development are also anticipated to occur on agriculture exclusive and agricultural grazing zoned land. The purpose of these designations is to protect these lands and soils, in part from development. The District should conduct an EIR to explain the direct and cumulative impacts of expanding its boundary and expanding the Place of Use area has on these protected lands and soils.

BIOLOGICAL RESOURCES

The MND fails to address the impact that the expansion of the District boundary and Place of Use have on the South Fork of the Eel River, including the impacts on the fish and habitat therein from larger water diversions. As discussed above, the project induces growth both directly and cumulatively. The project allows for new connections to River Ranch, the Community Park and additional connections at Connick Creek, in addition to future development that was discussed above. An expanded boundary of water service and growth means an increased amount of water must be diverted from the South Fork of the Eel River. This impact should be studied in an EIR. (Public Resources Code §21100.)

In addition, in relation to the District's Streambed Alteration Agreement, which conditions that the District "shall not divert more than 0.75 cfs or 10% of the streamflow as measured at the USGS Gauge Station No. 11476500 at Miranda," the MND states:

"Furthermore, based on United States Geological Survey (USGS) historical records for the South Fork Eel River at Miranda, bypass flows of 90% of the upstream discharge or greater during the low flow season are likely, because the lowest daily mean flow is 10 cfs."

(MND, p. 29.) It is unclear what the District means by this statement. Does it intend to violate this condition during low flow seasons? The MND goes on to state that the "purpose of the annexation is to change the existing District boundary to achieve consistency with the actual area being served." However, as discussed above, the project is to expand the boundary and Place of Use area, which in turns requires that more water be diverted from the South Fork Eel River. The reality that this project is being conducted 9 years after the fact does not change the District's requirement under CEQA to discuss the environmental impacts of the expansions on the river.

HYDROLOGY AND WATER QUALITY

The MND states that "GSD is not proposing new groundwater wells. However, use of groundwater from the District's existing well may be necessary in the future if there is demand. Therefore, Mitigation Measure No. 1 has been proposed to address new connections and changes to existing connections." (MND, p. 39.) Mitigation Measure No. 1 requires that any approval for new water or sewer service by Humboldt County must be approved by the District prior to approval. (MND, p. 56.) Such approvals, as they will impact both groundwater and surface water, should be subject to CEQA and, presumably, will rely on this environmental document. Thus, this document should analyze these known cumulative impacts through a Programmatic EIR.

In fact, the MND states that "The project does not include any physical change to the environment." (MND, p. 39.) This is untrue. Even though the environmental analysis of the annexation and expanded Place of Use is occurring 9 years after the fact, they are expansions nonetheless. These expansions have impacts on the physical environment, namely surface and groundwater and lands zoned agriculture exclusive and prime agricultural soils. The District is

required, pursuant to CEQA, to analyze these environmental impacts as they occur both directly and cumulatively.

In addition, the MND states that it does not need to analyze whether there will be degradation to water quality because “the project does not include any physical change to the environment” and because future development will be subject to other regulations by other agencies, such as Humboldt County. (MND, p. 39.) This lack of analysis is inappropriate under CEQA, which requires the District to look at known cumulative impacts. (14 CCR 15064.)¹ Moreover, as discussed above under *Stanislaus Audubon*, review of the likely environmental effects of the annexation and expanded Place of Use cannot be postponed until such effects have already manifested themselves. (*Napa Citizens*, 91 Cal.App.4th at 368-369, discussing *Stanislaus Audubon Society*, 33 Cal.App.4th at 158-159.)

The same argument applies to Section XVII. Utilities and Service Systems. (MND, pp. 47-49.)

CONCLUSION

As discussed above, the Ed Voice Family asks the District to analyze the matters above under the Environmental Impact Report. Moreover, this EIR should be in a Programmatic EIR to account for the future discretionary approvals impacting surface and groundwater, which are anticipated due to Mitigation Measure No. 1. Last, we ask that the annexation and expansion of the Place of Use for the Community Park be postponed until after the Park’s EIR has been completed and the District knows the types of services that will be needed.

Thank you for your consideration of the matters discussed above. Please feel free to

¹ Pursuant to 14 CCR §15064(d):

In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

contact me or my client, Mr. Ed Voice, if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynne R. Saxton". The signature is fluid and cursive, with the first name "Lynne" and last name "Saxton" clearly distinguishable. It is positioned above a thin horizontal line.

Lynne R. Saxton
Attorney at Law



SAXTON & ASSOCIATES

WATER QUALITY AND TOXICS ENFORCEMENT

May 21, 2014

Humboldt Local Agency Formation Commission

1125 16th Street, Suite 202

Arcata, CA 95521

Phone: (707) 445-7508

Fax: (707) 825-9181

LAFCo Administrator: Colette Metz

Executive Officer: George Williamson

Re: Garberville Sanitary District Boundary Change (Annexation) Application – May 21,
2014 Humboldt LAFCo Commission Public Meeting Agenda Item

Dear Executive Officer Williamson,

Thank you for the opportunity to submit comments on the Project identified above. I write today on behalf of my client, Mr. Ed Voice and the Voice Family.

We write to ask the following, and be discussed in length during the July 16, 2014 meeting in detail, that: (1) the Project be analyzed under an Environmental Impact Report due to the significant impacts that the project causes on the environment; (2) the EIR be a Programmatic EIR, due to the subsequent discretionary approvals that will be made pursuant to Mitigation Measure No. 1, 2 and 3; and (3) the District refrain from annexing any property that is not already using GSD services or infrastructure, e.g. water and sewer services.

New and significant information has been revised and added to this GSD Annexation Application since the final adopted GSD Annexation MND without adding any corresponding mitigation measures.

The project starts from the wrong baseline. The baseline is the point that the GSD must determine whether a project will have a significant impact on the environment. The Annexation Application should look at the physical impacts to the environment (namely the water diversion from the South Fork of the Eel River and groundwater and prime agriculture land use) from the point when GSD purchased the Garberville Water Company (GWC) in 2004, along with the new connections that will be added. Instead, GSD framed the project as a simple update of its boundaries to include areas currently provided with water service and, therefore, concludes that the project will not result in impacts to the environment or growth-inducing impacts from increased population.

The whole point of the annexation was to allow GSD to identify where they are serving water and sewer outside their approved LAFCo jurisdictional boundaries, e.g. to get back in compliance. If that is the case, why is GSD now including properties for future connections and

services? It seems that by allowing these properties that have not been “inherited” by GSD since the purchase of the GWC, GSD is fostering development and inducing growth in including these properties in the Annexation which contradicts with the Adopted GSD Annexation MND and their effects on the environment, i.e. the South Fork Eel River.

In the past ten years since GSD purchased GWC, the District has undergone an expansion to its waste treatment facility and is currently undergoing an expansion to its water production facilities. (In fact, we understand that the District’s funding for the facility is dependent upon the completion of this project and, specifically, the expansion to the current Place of Use area.) These expansions were needed, in part, because of the expanded jurisdictional boundary which is now, after the fact, under environmental review.

Under CEQA, the District is required to analyze indirect or secondary effects which are later in time or farther removed but still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induce changes in the pattern of land use, population density, or growth rate, and related effects on water and other natural systems. (Public Resources Code §21151; 14 CCR §15358; *see also Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263 (approval by local agency of city annexation of agricultural land proposed to be used for residential, commercial and recreational purposes was a project that may have a significant effect on environment and required an EIR due, in part, to resulting population growth).)

CEQA Guidelines §15126(d) requires an EIR to discuss the Growth Inducing Impact of the Proposed Project. Guidelines §15126.2(d) elaborates:

...Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment... Increases in population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

In the Annexation Application, the GSD concluded:

” No development is proposed by the proposal. The areas being annexed have had water service available to them for many decades, and either have been developed or could have been developed. The proposed change in the GSD Boundary only changes the agency that has jurisdiction over the water service to those areas. The purpose of this project is not to facilitate additional development. Rather the project is intended to update the boundaries with areas of existing service”

However, as discussed above, the project is to expand the jurisdictional boundary area, which in turns requires that more water be diverted from the South Fork Eel River. The reality that this

project is being conducted 10 years after the fact does not change the District's requirement under CEQA to discuss the environmental impacts of the expansions on the river.

We believe that there is substantial evidence before Humboldt LAFCo that the project, as revised, may have a significant effect on the environment which cannot be – or which is not being – mitigated or avoided. Thus, GSD should prepare a draft EIR, pursuant to 14 CCR §15073.5.

How can GSD now, in this Annexation Application include new properties that they did not know about before and properties that have not or are not receiving water from either GWC before 2004 or GSD after 2004 and include these properties in the annexation? If these properties are not receiving water or sewer services they need to be left out.

The point to this annexation was to make GSD identify where they are serving water and sewer outside their approved LAFCo Jurisdictional boundaries. If that is the case, why are they now including properties for future connections and or services?

We also have requested more time during the July Humboldt LAFCo hearing to argue our points with GSD's request for more connections to the Kimtu Waterline that was also included in the Annexation Application.

GSD has been working on these different projects for more than 5 years and we feel 3 minutes will not cover our talking points and presentation.

Thank you for your attention to these matters. Please feel free to contact me or my client, Ed Voice, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynne R. Saxton", written in a cursive style.

Lynne R. Saxton



SAXTON & ASSOCIATES
WATER QUALITY AND TOXICS ENFORCEMENT

June 27, 2016

Michael Richardson
Senior Planner
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
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Re: *Public Comments for Southern Humboldt Community Park Draft Environmental Impact Report*

Dear Mr. Richardson,

I'm writing to you today on behalf of Ed Voice and the Voice Family to provide public comments concerning the Southern Humboldt Community Park Draft Environmental Impact Report ("DEIR"). The Voice Family appreciates the opportunity to provide comments to the proposed changes to the park and generally encourages an improved park for the community's use and enjoyment. However, the Voice Family is concerned about several aspects of the project, particularly water supply demands and impacts on water quality, and believes the DEIR should be amended and recirculated. These concerns are underscored by the fact that there is now discussion about the annexation of the park by the Garberville Sanitation District (GSD) in order to supply the park with potable water. If that occurs, the DEIR must be amended to discuss the impacts of annexation. At such time, the Voice Family respectfully requests that the other matters discussed below also be addressed in the amended DEIR prior to recirculation.

Introduction and Relevant Background Information

The park project covers 405-acres and the parcel contains approximately one mile of river frontage on the South Fork Eel River.

The park has four sources of water, which are an infiltration gallery located on the right bank of the South Fork Eel River, a developed spring that contributes to a Class III stream that runs through the park, a well near Tooby Memorial Park and an upland well that is currently not in use. The largest increase in proposed water use is for irrigation to service the agricultural area and the 10-acre Sports Fields. The future plans propose a several-fold increase in the amount of water to be drawn from the South Fork Eel River at the infiltration gallery during summer low-flow periods, particularly for irrigation of the Sports Fields. However, as discussed below, the Pacific Watershed Associates' (PWA) report states that flow from the South Fork Eel River during low summer months in drought conditions is too low for the irrigation of the ball fields. It further states that any significant increase of water during summer low flow conditions will exacerbate, however slightly, the undesirable conditions that already exist (high water temperatures, low dissolved oxygen, and elevated nutrient concentrations) and would contribute

to the creation of conditions that could be lethal for salmonids. Notably, the South Fork Eel River is habitat for threatened coho and Chinook salmon and steelhead trout.

The proposed land use designation changes for the park and conditional use permits should take into consideration the people and environment which may be affected by those changes, which include water diversion from the South Fork of the Eel River and the spring, disposal of human waste, contaminants which may enter the river, traffic and the health and safety of anybody using the park's water due to the current lack of an adequate potable water supply. In addition, there should be more detailed discussion about, and an ultimate cap on, the number of events that allow up to 800 attendees and how many of these events will occur after sunset. These events have lights and amplified music, which are potential significant impacts on birds and wildlife.

For the reasons discussed in more detail below, the Voice Family believes the scope of the proposed changes to the park are too broad and should be narrowed. For example, the DEIR estimates that there will be an increase of 800 visitors a day during peak seasons (late spring, summer and early fall), the spring (which the DEIR cites as the primary source of potable water) is not potable, and there is insufficient water supply to irrigate the ball fields during summer low flow periods, particularly during drought conditions. The Voice Family requests that the DEIR be amended and recirculated after proposed changes have been scaled back to account for the actual environmental impacts and limitations on water supply.

Water Quantity and Supply

The two primary water sources are the South Fork of the Eel River and the spring. However, these sources have limited capacity to provide water. The park can divert 0.24 cubic feet per second (cfs) for irrigation from the South Fork of the Eel River. The river water diversion is under riparian rights and it is understood that water from this source cannot be stored. The park can also divert up to 2,000 gallons per day or 10% of flow, whichever is less, from the spring between November 1 and July 1 of each year. Water from the spring is stored in a 55,000 tank for use during off-season months.

Under CEQA Guidelines, the project would have a significant impact on water facilities if it would have insufficient water supplies available to serve the project from existing entitlement and resources or if it would require new or expanded entitlements. The DEIR states that it has sufficient water and therefore the project has a less than significant impact. However, the amount of water the park currently uses and the water demand needed for the project vary significantly according to different sources. All told, it does not appear that the park has sufficient water capacity to satisfy the needs of all the proposed changes, particularly the irrigation of the ball fields in the summer. New agricultural projects, such as the new 10-acre vineyard, discussed in more detail below, will also be water intensive and the DEIR does not discuss these new agricultural projects in sufficient detail to analyze their water demand.

First, the estimated water demand in the DEIR is substantially less than the Park Board provided to State Resources Control Board, Division of Water Rights on January 27, 2014 (Initial Statement of Water Diversions for 2012). The DEIR states that the current peak demand at the site for diversion from the South Fork Eel River is 328,015 gallons per month (May 1 through

October 31), mostly attributable to irrigation, and the total off-peak demand is 167 gallons per month (November 1 through April 30), for a total of approximately 1.97 million gallons per year. However, the Park Board reported to the Division of Water Rights that the diversion from the South Fork Eel River in 2012 was 560,000 gallons in June, July and August; 360,000 gallons in September; 250,000 gallons in May; 45,000 gallons in April; and 15,000 gallons in March and October, for a total of 2.365 million gallons for the year 2012.

Moreover, the water demand needed for irrigation of the ball fields and agricultural varies substantially according to different documents. The GHD, Inc. study (Water Supply and Demand Analysis) and the study provided by Pacific Watershed Associates (PWA) vary significantly. One reason for the discrepancy between GHD and PWA is because the PWA report (which estimates substantially less water demand) anticipates conservation practices, many of which are not likely to be adopted according to the DEIR, such as substantial water storage management and low impact development (LID) practices.¹ (PWA Report, pp. 14-15.)

In the GHD report, the estimated water demand from the South Fork Eel River in July for Phase I of the project is 23,591 gallons. (See GHD Report, Appendix B, Proposed Water Demands Summary.) Phase I of the project is pre-installation of the ball fields. However, the DEIR states that the *current* demand for water from the South Fork Eel River is 328,015 gallons in July and the Park Board reported to Water Rights Division that in July of 2012 the actual water demand for the South Fork Eel River was 560,000 gallons. Thus, GHD's Phase I water demand estimates for the SF Eel River are very low and suspect, which puts into doubt GHD's estimated water demands for Phase II, when the ball fields have been installed and the water demand significantly rises. The DEIR states that the final (post-Phase II) monthly demand for water from the South Fork Eel River will be 1.475 million gallons (it doesn't specify which month). (DEIR, pp. 4.17-7 and 4.17-8.) However, the GHD report states that the water demand for the South Fork Eel River for Phase II in July will be 2.366 million gallons. (GHD Report, Appendix B, Proposed Water Demands Summary.) These are dramatically different estimations.

To further the confusion, PWA estimates the water demand solely to irrigate the ball fields (this water would be diverted from the South Fork Eel River but does not include diversion for other uses, such as agriculture) for the month of July will be 1.318 million to 1.327 million gallons, depending on drought conditions. This is significantly less than the 1.475 million and 2.366 million gallons estimated in the DEIR and the GHD report, respectively. Moreover, as stated, these numbers reflect only water needed to irrigate the ball fields, which the DEIR states will come from the South Fork Eel River infiltration gallery.

However, it was PWA's opinion, based on their on-site observations in July of 2015, that **“flow in the SF Eel River was too low to allow turf grass irrigation at the river stage that was occurring at the time of our initial site visit.** Based on the extreme low flows in the SF Eel River channel during current drought conditions, it is conceivable that flows in the SF Eel River

¹ The PWA report states, “In our opinion, the water demands identified by GHD are upper-bound estimates and do not reflect water conservation measures that have been mandated by the State in lieu of the declared drought emergency.” (Draft Water Resources Report – Southern Humboldt Community Park, dated January 12, 2016, p. 4.)

will become hyporheic, creating isolated pools and possibly stranding fish. 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, emphasis added.) As discussed in more detail below, coho and Chinook salmon and steelhead trout are threatened species and are found in the South Fork Eel River. The low-flow conditions that have existed for the past several summers are a limiting factor for survival of juvenile coho and Chinook salmon, and steelhead trout. (PWA Report, p. 10, citing NOAA, 2014.)

Thus, according to GHD, during each July the draw from South Fork Eel River’s infiltration gallery is estimated to be 23,591 gallons for the project’s first phase (compare that to the reported *current* use of 560,000 gallons) and shoots up to 2.3 million gallons for the second phase, which involves the irrigation of the Sports Fields. On the other hand, PWA estimates the usage in July during Phase II to be 1.3 million gallons, rather than GHD’s 2.3 million. GHD’s annual use of water is estimated to be 152,000 gallons for Phase I (again, compare this to the park’s reported *current* usage of 2.365 million), which jumps to 10.9 million gallons during Phase II. According to PWA, annual usage for Phase II would be 6.1 million gallons, rather than 10.8 million. Considering the Phase I estimate is substantially off from the reported current usage, the accuracy of the estimated Phase II demands are suspect, unreliable and likely to be significantly underestimated.

Furthermore, the DEIR contends that the demand from the South Fork Eel River can be met by the supply, but that conclusion is not supported by the facts. The DEIR states that the demand from the South Fork Eel River’s infiltration system would be 1.475 million gallons per month, compared to a supply of 2.388 million gallons. However, as stated above, the maximum diversion rate from the infiltration gallery in the South Fork Eel River is 0.24 cfs. If diversion from the South Fork Eel River is ceased at 30 cfs, as recommended by Garberville Sanitation District (GSD) and recommended in the DEIR, according to PWA’s water use analysis, irrigation for the Sports Fields would have been ceased for periods in calendar years 2008, 2009, 2010, 2013, 2014 and 2015. (PWA Report, p. 16.) Note that the water demand from PWA’s estimates is much less than that estimated by GHD. (PWA Report, p. 4.) Under GHD’s estimates, irrigation of the ball fields would likely need to be ceased for longer periods for more years when the 30 cfs limitation is applied. Thus, the DEIR is incorrect when it states that the water demand from the SF Eel River is met by water supply, particularly for irrigation of the ball fields. Under CEQA Guidelines, this is a significant environmental impact and must be discussed as such in the DEIR. Specific mitigation measures must be discussed and adopted. The DEIR’s generalized recommendations do not suffice for mitigation.

It should be noted that the DEIR states that up to 2,000 gallons per day can be diverted from the spring between November 1 and July 1, but doesn’t acknowledge that the diversion is limited to 2,000 gallons per day or 10% of streamflow, whichever is less. This restriction is important to protect fish and wildlife and the DEIR should be changed to reflect this requirement, pursuant to the park’s Lake or Streambed Alteration Agreement (LSAA), Provision 20.

Lastly, Mitigation Measure BIO-5 in the DEIR recommends general improvements to water storage capacity. However, the document lacks sufficient information about the quantity, type and season of storage to determine what measures will be employed or how they will protect fish and wildlife resources. First, the PWA's report discusses significantly more recommendations for water conservation, including water storage. (PWA Report, pp. 8-16.) However, the DEIR provides only generalized recommendations and leaves to the future any decision on which recommendations, if any, will be adopted. Many of the recommendations in the PWA report are not even discussed in the DEIR. This is significant not only for mitigation purposes, but also because PWA's significantly lower water demand estimates were based on the assumption that recommended conservation practices would be adopted. Thus, the DEIR should be amended to adequately adopt specific mitigation measures.

Lastly, Mitigation Measure BIO-5 should specifically state that under the LSAA, a water conservation strategy to reduce dependence on direct diversion during low flow periods must be submitted to the Department of Fish and Wildlife by August 15, 2016 and implemented by August 15, 2019.

Potable Water

The DEIR states that the spring will provide potable water. However, it appears that this water source is in fact not potable. The park submitted an Application for Pre-Planning Funding to the California Department of Public Health, November 12, 2013 ("Application"), stating that the well is used for agricultural purposes. The untreated spring is available from December 1 to June 30 and water from the spring is currently stored in one 55,000 gallon tank to serve water demands from July 1 through November 30th. However, according to the Application, water quality sampling has not been conducted on the water sources on the park's property. The Application states that it is understood that when Humboldt County conducted testing on the spring in the past, the water tested high for iron and managanese. Currently, water from the spring comes out of the tap brown and the Tooby Park caretaker must run the system for an hour before it clears. Moreover, while the water has not been sampled, "there is concern about contamination of the spring water from bacteria from animal waste and other sources." (Application, p. 4.) The Voice Family understands that there is currently a discussion about the annexation of the park to the Garberville Sanitation District (GSD) to supply potable water to the park. If this is the case, the DEIR should be amended to discuss the environmental impacts of this development and then be recirculated.

In addition, the DEIR states that the Community Commons Area will include up to 5 potable water tanks. However, the DEIR does not accurately or adequately discuss the sources of this potable water. The spring cannot be the source of potable water and it is unclear from the DEIR if water from the well near Tooby Park and/or the upland well have sufficient capacity for storage of up to 5 potable water tanks.

Water Quality

The South Fork Eel River is a state and federally designated Wild and Scenic River and a regionally-important fish-bearing stream that currently supports three listed salmonid species.

Coho salmon is a state and federally listed threatened species pursuant to the California and federal Endangered Species Acts. Chinook salmon and steelhead trout are federally listed threatened species pursuant to the federal Endangered Species Act. According to the Department of Fish and Wildlife, the South Fork Eel River coho salmon population is identified as a key population to maintain or improve as part of the *Recovery Strategy of California Coho Salmon* (DFG 2004). Coho salmon has undergone at least a 70% decline in abundance since the 1960's.

During the on-site assessment of PWA in July of 2015, water temperatures for the South Fork Eel River were approaching the lethal zone for some salmonids. Along with the high water temperatures, abundant algae covered most of the wetted channel, which can cause large diurnal fluctuations in dissolved oxygen concentrations that often result in hypoxia and anoxia, conditions that are deleterious to fish. At the time of the on-site assessment, it was PWA's opinion that flow in the South Fork Eel River was too low to allow turf grass irrigation. PWA further stated that based on the extreme low flows in the South Fork Eel River channel during current drought conditions, it is conceivable that flows in the river will become hyporheic, creating isolated pools and possibly stranding fish. As stated above, it was PWA's opinion that any significant increase of water drawn from the park's infiltration gallery during summer low flow conditions will exacerbate 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, pp. 9-10.)

The DEIR states that recommendations contained in the GHD's Water Supply and Demand Analysis "shall" be implemented to mitigate potential significant impacts, such as the cumulative reduction in the surface water flows to the South Fork of the Eel River, which creates a significant impact on water quality and aquatic life, including threatened salmonids. However, the DEIR makes only generalities about what recommendations may or may not be adopted and does not provide any specifics on management or monitoring. Moreover, different recommendations were provided in the Water Supply and Demand Analysis conducted by GHD, Inc. than those recommended by PWA. As noted above, this is particularly significant because the water usage calculations provided by PWA were based on assumptions about the adoption of certain conservation techniques, many of which are not included in the general recommendations identified in the DEIR to mitigate impacts due to reduced water flow in the South Fork of the Eel River.

Moreover, the DEIR proposes the drafting of an Adaptive Management Plan to facilitate mitigation of the cumulative reduction of surface water flows to the South Fork Eel River. The DEIR provides generalities, but no specifics are identified. However, the specifics are incredibly important to determine if the mitigation measures are appropriate and will be effective. For example, the DEIR should definitively state the cut-off level of surface water flow from the spring and the South Fork Eel River that will trigger diversions from these water supplies to cease. There should also be specifications on irrigation, including a more accurate estimate of needed water supply, current usage, irrigation systems for the ballfields and agriculture to mitigate demand, water budget and the methods of water storage that will be implemented. There are significant variations that can be adopted for irrigation and storage, any of which are equally variable in terms of their effectiveness. The DEIR should provide much more specificity on what it plans to do in order to provide adequate information to the public, the Park Board and

other regulatory agencies. The Adaptive Management Plan and its monitoring and management strategies should be part of the DEIR. The DEIR should be amended accordingly and recirculated.

The Voice Family greatly appreciates that the project proposes to use drought sensitive grass. However, it is understood that these types of grasses are more susceptible to weeds and the DEIR does not discuss if, what kinds, or how much herbicides are expected to be applied to the fields. This may have a potentially significant impact on the South Fork Eel River, groundwater and the spring. More specificity is required in the DEIR in order to inform the public and decision makers about the potential significant environmental impacts of the project and appropriate mitigation measures.

In addition, according to the Department of Fish and Wildlife (DFW), the Project will encroach on several of the mapped 100-foot buffer areas recommended by DFW, and in some cases will encroach on the 50-foot setbacks required by the Humboldt County Streamside Management Area Ordinance. Moreover, according to DFW, the mitigation measures proposed are insufficient. The DEIR proposes mitigation measures that include moving the Environmental Camp outside the 50-foot buffer area, to restrict use of Temporary Event Facilities to the dry season (May 1 to October 31), and to provide signage, fencing, and dedicated paths for pedestrians. Some of these measures may be helpful, but they cause other problems. For example, the pedestrian paths and crossings will create their own impacts within the stream buffer areas. It is also unclear what mitigation will result to limiting use of the Temporary Event Facilities to the dry season for the protection of a seasonal creek, particularly if measures are taken to keep people out of the creek with signs and dedicated paths.

The Voice Family requests that the Park Board adopt, as recommended by DFW, strategies proposed in the Water Supply and Demand Analysis conducted by GHD, which recommends stream and riparian improvements of the westernmost stream on the project site. The westernmost stream is degraded and lacks any overstory vegetation. The Water Supply Analysis states that “Maintaining and elevating the grade of this stream, while adding some sinuosity to the channel, will promote development of a more natural riparian corridor with increased potential for wildlife habitat, while increasing seepage of surface water into groundwater. It is apparent that this stream was ditched at some point in the past, and has since entrenched itself.” (Water Supply Analysis, p. 11.) As DFW explains in their own comments on the DEIR, there is a direct linkage between in-stream and near-stream biological communities, with near-stream riparian communities providing vital in-stream ecological services such as bank protection, reduction of sediment delivery to downstream receiving waters, habitat complexity, shade, microclimate, and woody debris, as well as providing habitat for invertebrates, birds, mammals, and amphibians. It is imperative to protect and restore near-stream riparian habitat to maintain or achieve properly functioning stream ecosystems. Thus, the Voice Family request the Park Board adopt mitigation measures recommended by the DFW, which include riparian plantings with appropriate native species in this area to mitigate for encroachment and disturbance to riparian and stream buffer areas as a result of project activities. Further, overstory riparian planting on the western-most stream must be made a condition of permit approval by the Lead Agency.

Bathrooms and Water Supply and Quality

The DEIR is lacking necessary specifications regarding the type of bathrooms that it will construct, which in turn have significant impacts on water demand and potential water quality for the South Fork Eel River and the spring. According to GSD, as of June 21, 2016, there has been no discussion between the park and GSD about the disposal of restroom waste, but if such an agreement is to be entered into in the future, there will need to be an agreed upon contract, fees and approved lab testing to ensure that there will be no negative impact on GSD's wastewater treatment process. PWA proposed that an alternative to the bathrooms with sewage would be to have vaulted toilets in order to remedy some of the concerns regarding wastewater disposal on the site. However, it should be noted that GSD stated in a recent letter to the Park Board that it will not accept the materials pumped from the vaults and the park will need to find an alternative site to dispose of these materials. In addition, according to PWA, vaulted toilets in flood zones should be pumped clean prior to the onset of a predicted flood. What is not discussed by PWA or in the DEIR is the environmental impact of an unpredicted flood should the toilets have not been recently pumped. Such environmentally significant foreseeable situations should be discussed in the DEIR and mitigation measures should be adopted.

Bird and Wildlife Species and Habitat

As recommended by the Department of Fish and Wildlife, Mitigation Measure BIO-1 should be amended to include pre-disturbance nesting bird surveys no more than seven days prior to any project activity (rather than 14 days, as recommended in the DEIR) that could result in the taking of nests (including but not limited to haying, mowing, tilling, and other agricultural activities).

In addition, the DEIR does not provide enough information to determine where grasshopper sparrows are nesting on-site, and thus does not ensure that project activities will not result in a take of active nests of the threatened species, which is a potentially significant impact identified in the DEIR. Therefore, Mitigation Measure BIO-1 should also include a survey and avoidance plan for grasshopper sparrows and other grassland nesting birds. This plan should be submitted to DFW for approval.

Furthermore, noise and light mitigation measures are insufficient to protect birds and other wildlife, particularly those that are nocturnal. The DEIR states that one large, multi-day festival and five large events will occur per year and will not end until midnight. In addition, these events will include camping for 1,000 people and 500 people, respectively, which will include noise and lights all night. Moreover, there are an unspecified and unlimited number of events that may occur with up to 800 people, an unspecified number of which may also proceed until midnight. There should be limits on the number of events of up to 800 attendees and on those that may proceed after sunset due to the impact on birds and wildlife.

Noise

The Noise Study states that the proposed mitigation will not be adequate for the yet unknown quantity of possible events, particularly of those that will have up to 800 attendees. Noise from

amplification even with mitigation cannot be kept from being heard outside the park. More importantly, the Noise Study focuses on impacts to neighbors and lacks any meaningful discussion on impacts to birds and other wildlife in the park.

It is understood that the everyday events that may include up to 800 people will also have amplified music. As there is no cap on the number of these events or on the number of these events that can proceed after sunset, this is a significant noise impact on birds and other wildlife.

Lights

The DEIR needs more specific information concerning the impacts of light pollution, particularly for the multi-day festival, the five large events, and the unlimited number of events with up to 800 attendees that may continue after sunset. Particularly for the latter, it is unknown how temporary the lighting for these events will be if it is unknown how many such events will occur. Light pollution is a potential significant impact on birds and wildlife, particularly those that are nocturnal. In addition, the DEIR states that lighting between buildings in Area 3 may be installed. This would be permanent lighting features and the DEIR should state whether this will occur, what type of lighting will be adopted and what mitigation measures will be taken to protect birds and wildlife. The lighting for the sporting events that will occur at night also needs to be discussed in the DEIR.

Campgrounds

The DEIR is lacking adequate information to assess the potential environmental impacts from the campgrounds. It is assumed, but not entirely clear, that camping is allowed on a daily basis and not just for special events, such as the one festival and five large events per year. It is unclear from the DEIR the number of people expected and the capacity at any given time for camping on a daily basis, assuming this is the proposal. More specifically, it is unclear how and when the park would provide services such as potable water, portable toilets and lighting. The DEIR states that portable toilets and potable water will be provided only as needed depending on the number of campers, but later the DEIR states that pipelines would be installed that would connect the upland well to the Environmental Camp in Area 4. The water source and management in the camping area should be discussed more clearly and with detail. In addition, since lighting would be 24 hours a day, an estimated volume and frequency of use of the campground is necessary to analyze the potential impact, particularly to birds and wildlife from light and noise in order to determine if any mitigation measures are appropriate and should be adopted.

Traffic

The Traffic Study failed to address the important concerns raised by the CHP over the Plan of Operation in September of 2010. These concerns are substantial as they invoke public safety and need to be adequately addressed. In addition, the Traffic Study is inadequate to address the unknown volume of traffic for the unspecified number of events of attendees of up to 800 people per day.

In 2010, CHP commented on the Plan of Operation, stating that they did not support the size of the proposed events to be held at the park. It was the expressed opinion that Sprowel Creek Road leading down to the park is narrow and in its current condition is not adequate to allow for increased traffic flow that would occur from the proposed events. In addition, CHP believed there would be real public safety issues with vehicles exiting US 101 southbound and northbound. S/B US 101 Sprowel Creek exit event traffic would have the potential to back up onto US 101, causing a hazard. On the N/B US 101 Redwood Drive exit, traffic has the potential to back up as well. According to CHP, the Plan of Operation failed to address the other US 101 exists, N/B and S/B, or signs and traffic control on US 101. Furthermore, CHP stated that Garberville traffic is already congested on Redwood Drive with businesses, especially during the summer months. The addition of event traffic could produce real problems as vehicles travel S/B and N/B on Redwood Drive and have to stop at Sprowel Creek Road and make a right/left turn onto Sprowel Creek Road. CHP stated that this intersection is especially congested with businesses on each corner.

The mitigation measure of using shuttle buses and limiting the parking for events having more than 2,000 attendees to 700 spaces (attendees and vendors/employees) does not address the traffic concerns raised by CHP for events with less than 2000 attendees, even though traffic from such events will have a significant effect on traffic and public safety. Moreover, even when shuttle buses are used, the remaining allowed number of vehicles plus the shuttle bus traffic would still trigger the concerns raised by CHP above.

In addition, CHP expressed that the alternate emergency route of using Old Briceland Road to Briceland would not be in the best interest of public safety due to being narrow and curved. CHP stated that allowing these types of events is going to increase traffic flow on these roads even when there is not an emergency, as there will be a certain percentage of traffic that will want to avoid the congestion in Garberville and the possibility of having law enforcement encounters.

CHP further expressed that the Plan of Operation failed to adequately address traffic concerns in the town of Garberville, the lack of parking in Garberville and/or Redway, traffic on US 101, the amount of traffic proposed traversing down Sprowel Creek Road to the park and the public safety issues of event goers leaving the park at night and traversing these roads, especially if alcohol is being served to event goers. Moreover, the use of shuttle buses will not mitigate the lack of parking in Garberville, even for events with more than 2000 attendees as many of the attendees would need to park in Garberville to ride the shuttle buses. CHP's concern is not addressed for events with less than 2000 attendees.

Lastly, CHP stated that if the re-zoning of this area is allowed, the Garberville CHP Area would be taxed with traffic control at Redwood Drive and Sprowel Creek Road intersection, US 101 S/B exists at Sprowel Creek and Redwood Drive, both US 101 N/B exits, on Sprowel Creek Road to enforce no pedestrians, bicyclists and equestrians who normally have the right to traverse Sprowel Creek Road, the intersection of the park entrance and extra patrol in the area due to the increased traffic flow and potential of under the influence drivers. In addition, the CHP would be called upon to mitigate concerns of property owners who cannot access their

property, illegal parking, illegal camping, and provide assistance to the HCSO and local/state fire agencies.

Utilities and Service Systems

The DEIR states that the Humboldt County Division of Environmental Health has identified the potential for impacts resulting from the handling of solid waste and recycling at the project, especially during events attracting 500 or more attendees. As a mitigation measure, the Park Board proposes UTIL-2, stating that the Board shall submit a plan for the management of solid waste and recycling for events that would attract 500 or more attendees. However, the DEIR states that it estimates 800 attendees per day during peak seasons (late spring, summer and early fall). Thus, a plan for the handling of waste and recycling should already be in place and should be part of the DEIR. The DEIR should be amended accordingly.

Vineyard

The impact of the new vineyard is not discussed in the DEIR and it has potential significant environmental impacts. The new 10-acre vineyard is not a public use, but is for private enterprise. The vineyard will take substantial amounts of water for irrigation for at least the first five years, before it matures. This use is in addition to the river water that will be used to irrigate the 10-acres of ballfields during the summer dry season. The cumulative effect is significant and not discussed in the DEIR. In addition, it is unknown if/what weed herbicides will be used and it is of concern whether they will migrate into the South Fork Eel River, affecting threatened fish species and other wildlife.

Annexation

All reasonable and foreseeable potential significant environmental impacts must be included in DEIR. The DEIR cannot be done piecemeal and must include the totality of the project. Both GSD and LAFCo recommend that the park be annexed into GSD in order to provide a reliable potable water source for the park. The GSD specifically recommends that the park NOT provide potable water for public use unless the park is annexed into GSD. (June 2, 2016 comments from GSD regarding Community Park Land Use Designation.) It is understood that the County Division of Environmental Health is reviewing the project and if they determine that annexation to the GSD is required, additional analysis would be needed in the DEIR. Ed Voice and the Voice family strongly contend that analysis of annexation be included in an amended DEIR and then recirculated for comment. While the Voice Family are concerned that annexation would open the door to more large events, which will have significant and cumulative environmental impacts, the environmental impacts of such a decision must be discussed.

As part of the annexation discussion, GSD recommended that to ensure sufficient water for the customers of GSD, GSD would require when drought conditions cause the river flow to fall below ten cfs at the Eel River Gauge, at the Sylvandale Bridge, all river diversion will stop. GSD further recommends that all recreational irrigation be discontinued when the river flow is below 30 cfs, which is proposed in their DEIR. The Voice Family contends that 10 cfs and 30

cfs, respectively, is far too low and that diversions, particularly for watering the ballfields and other non-essential water uses, be stopped far above 30 cfs for recreational irrigation and 10 cfs for all diversions. These levels are not protective of fish and wildlife, particularly threatened species such as the coho and Chinook salmon and steelhead trout, and water quality of the South Fork Eel River. The PWA report stated that any significant diversion from the SF Eel River during summer months, particularly under drought conditions, would exacerbate the already undesirable conditions (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.)

Development

Since the NOP meeting in September 2010, the Park Board has taken housing development out of the DEIR discussion, but wants to retain its rights to develop parcels on the park property. Either the development should be included in the DEIR or the rights should be excluded. Projects under CEQA cannot be done piecemeal and the totality of the project must be discussed in the DEIR. The park should be used solely by and for the public and be kept a natural and open space.

Gravel Mining

Randall Sand and Gravel has a lease with the park on 36 acres for surface mining on the gravel bar in the Riverfront Area. The gravel mining operation is not discussed in the DEIR. However, gravel mining has a significant impact on the water quality and the impacts of the gravel mining operation on the South Fork Eel River should be discussed in the DEIR as part of the cumulative impact discussion, particularly since the South Fork Eel River is designated a Wild and Scenic River under both state and federal acts. Wild and scenic rivers are designated as such to protect their free-flowing nature and the extraordinary value (such, in the case of the South Fork Eel River, its cold water fisheries and habitat for salmonids, including threatened coho, chinook and steelhead) for which the river segment was designated a wild and scenic river.

Gravel mining involves the use of dump trucks and front loaders to remove gravel bars during summer low flows. The sand and gravel is then stockpiled on the rivers’ edge until it can be hauled away in dump trucks. Numerous environmental studies have shown that gravel mining has short-term and long-term detrimental impacts on rivers, including impacts on river geomorphology (banks, bed complexity and scouring), fish and their habitat and the food web. Effects directly related to sand and gravel extraction and changes in geomorphology include increased sedimentation, turbidity, bank widths, higher stream temperatures, reduced dissolved oxygen, lowered water table, decreased wetted period in riparian wetlands and degraded riparian habitat. PWA’s analysis of the impacts of the diversion of water from the South Fork Eel River, as directly observed in July 2015, included temperature elevation to near lethal zones for salmonids, reduced dissolved oxygen, increased sedimentation, turbidity and the formation of toxic algae. PWA concluded that any additional diversion of water from the South Fork Eel River, particularly during low flow summer months, would increase these impacts. Considering the substantial amounts of water diversion the Park Board proposes for irrigation of the ball fields, a discussion of the cumulative impacts from the sand and gravel mining operation on 10’s

of thousands of acres of park property should be included in the DEIR. The DEIR should thus be amended and recirculated.

Conclusion

Thank you for the opportunity to provide comments on the proposed changes to the park. If you have any questions, please feel free to contact me or Ed Voice.

Sincerely,

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

Lynne R. Saxton
Saxton & Associates

Shelton Florens
PO BOX 263
Garberville, CA 95542

9/10/2019

Attachment H
S.Florens Comments

TO WHOM IT MAY CONCERN,

I, Shelton Florens, Resident and Store Front Business owner
in Redwood, go to the SO-HUD COMMUNITY PARK for RECREATIONAL AND
WORK PURPOSE - IT'S THE ONLY PLACE WE HAVE, AS REDWOOD RESIDENT,
TO ENJOY NATURE, WALKS, BIKES RIDE, PLAY WITH OUR CHILDREN AND HELP
LOCAL NON PROFIT TO RAISE MONEY BY HAVING EVENTS WHERE POTABLE
WATER IS NEEDED. BY LAW, HEALTH DEPT MNT. REQUIRES POTABLE
WATER ON SITE, SO WHEN I GO TO THE PARK I HAVE TO BRING MY OWN WATER
FROM REDWOOD. IT CAN, AT TIMES, PROVE TO BE UNCONVENIENT!!

THEREFORE, IT WILL BE FANTASTIC IF POTABLE WATER WAS
TO BE AVAILABLE AT THE SO-HUD COMMUNITY PARK -

WE, THE PEOPLE, NEED POTABLE WATER AVAILABLE
AT THE SO-HUD GARBERVILLE COMMUNITY PARK -

THANK YOU FOR YOUR CONSIDERATION and I HOPE
TO SEE THIS MATTER COME THROUGH, YOU HAVE MY BEST
REGARDS -

SHELTON



Attachment H

K.Vogel Comments

Attachment H To: Humboldt LAFCo Sept. 12, 2019

Please include these comments into the Public Administrative Record for the Humboldt LAFCo Commission "To Adopt CEQA Addendum to the Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration; and Notice of Public Hearing" for September 18, 2019.

My concern about this request by GSD to serve water to SHCP is that it is not really about discarded plastic water bottles. Most people do not mind bringing in their own water bottles to the Park. It requests a significantly larger "island of service" than the one described in 2012-13 GSD Annexation. It requests more water in more areas of the Park than ever before. It sets up water in each of the commercially zoned areas of the Park. These are zoned Public Facilities, (PF) which allows for heavy impact uses. The PF zones mapped out in the Park's EIR are for concerts and festivals, public restrooms, campgrounds, a public meeting center, a sports center and ball fields. My concern is that piping GSD water out to all these areas of the Park creates the opportunity to use it for PF purposes without any CEQA review or mitigations to significant impacts. Please add strict enforcements to the limits placed on the (2000 to 3000 cubic ft per month) connection that will hold up in court.

The recent application submitted to you through GSD contains Resolution 19-02. This a new Resolution that compares the application that is in front of you today with one that GSD offered to the Park in 2012. The truth is that they are quite different because the wording was changed in Resolution 19-02 and does not match the original 2012 "island of service" offer. The new wording blurs the boundary between residential and commercial uses of water on the SHCP property and opens the door to impacts that should be analyzed under CEQA in a normal annexation process.

The river is the source of drinking water for over a thousand people that are ratepayers of the Garberville Sanitary District and downstream, of the Redway Community Services District. An "out of area service connection" is not adequate to the responsibility owed to the ratepayers who need a river that can last through droughts and very low flows in summer. The Park is already taking 7million gallons out of the river for private for profit crops, grapes and cattle-raising. The demand by new businesses for even more high volumes of water uses are growing in Garberville. One of the most important projects that must be addressed is the 2030 new hospital which will consume at minimum five million gallons a year according GSD's consultant, 4JS Consulting, Jennie Short. Other projects in GSD's pipeline include more legal marijuana growers, the renovated Six Rivers Bank building on Redwood Drive, the bubble hash processing plant going in on Redwood Drive, and a lifestyle motel next to the Highway 101 at the north end of Garberville. These businesses are lining up for water service at a time that the Garberville Sanitary District is already using over 70 million of the 80 million gallons it is allocated yearly from the State. A complete GSD capacity study is needed that accounts for all of the upcoming projects before the best decision can be made on this change in place of use. Please do not rush into this decision. It needs time for deliberation. Thank you for your work. Kristin Vogel Garberville, CA 95542

I urge LAFCo to follow its regular policy of requiring annexation for applicants who are already within their District's SOI. Kristin M. Vogel Garberville, CA 95542

Attachment H
L.Sutton Comments



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FAX COVER SHEET

Date: 9.9.2019

Fax Number: 707 825.9181

To: HUMBOLDT LOCAL AGENCY
FORMATION COMMISSION

From: LINDA SUTTON
707.923.2574

Re: COMMENTS FOR LAFCO MEETING 9.18.2019
PLEASE CONFIRM / RECEIPT RE: SACP
CELL: 707.223.2182

Thank you.
J.

Total number of pages (including this page): 9

If a problem occurs during transmission,
Please call (707)443-3158

To: George Williamson, staff and commissioners. Humboldt Local Agency Formation
Commission 1125 16th Street, Suite 202, Arcata, CA 95521.

Re: Garberville Sanitary District Proposal for a single out-of-agency water service connection to
the Southern Humboldt Community Park (SHCP).

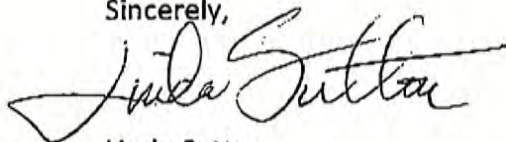
This proposal sounds like an informal and piecemeal substitute for annexation that
seeks to avoid scrutiny, CEQA and a formal annexation process that would provide information
about the many questions and considerations regarding water and wastewater for now and in
the future for the huge entire park. Please support the normal policy of annexation.

Picking up plastic water bottles is not the issue here. The issue is opening the door to
quick development in the SHCP which is now zoned for heavy impact public facilities.

As a longtime resident in Redway downstream from the SHCP, I protest the inadequate
plan for water ^{for} the SHCP, for its huge non-sustainable and non-essential commercial
development in this very rural area that has limited resources and infrastructure to
accommodate a private non-profit entity with a self-appointed board that to date is not
transparent nor accountable to this community.

Annexation is the correct way to go.

Sincerely,



Linda Sutton

PO Box 631

Redway, CA 95560

707.923.2574

P.S. There have been some excellent letters of comment regarding the SHCP over the past 14
years along with letters to the editor. Three pages of letters are attached. Also I'm sending my
two previous letters.

LETTERS TO THE EDITOR

Friends of Park Seek Better Understanding

Dear Editor,

My response to SHCP Director Peter Ryce's letter to the editor(s) from Nov. 16:

It's time to sit down and share each other's documents in a public forum, because as you know, my documents back up all my information and all you have are words in a narrative. So let's do this, demonstrate to people in this community that you can back up on paper what you say in public. Can you do that?

You could start by posting the 2008 and 2009 SHCP 990 tax returns on the Park's website. Also put your River Parkways and State Parks Prop. 84 Grant applications on the SHCP website or the library. What risk would there be in that?

How about this, we could debate this on Monday Morning Magazine, or some other KMUD talk show since you have not wanted to have a town hall type meeting/debate open to the public. We could call it "Show Me the Money." If everything you have stated in the newspapers (Nov. 16) is just that, a documented fact, there should be no problem. What do you say?

Thank you again for keeping our concerns fresh, open and alive. We are Friends and Neighbors of the Southern Humboldt Community Park and Tooby Memorial Park and would like to thank you for this opportunity to work toward a better and open understanding of the park board. Let's hope this will bring us closer together as neighbors and a community to resolve these differences.

FYI: My donation offer still stands for installation of two tournament style horseshoe pits at Tooby Memorial Park (at NO cost to SHCP) and a large number of auction items for SHCP fundraisers. You should still have what I submitted to the park board from last year and this year.

Thanks again,

Ed Voice and Voice family

Neighboring home and property owner since 1966.

Garberville/Vallejo

Community Should Be Involved in Growth Plans

Dear Editor,

I have been hearing complaints from some friends in Garberville about the more than doubling of their GSD bills in the last couple of years. This is due in part to the Garberville Sanitary District Board's priorities. Rather than upgrading the old infrastructure (leaky old lead-jointed pipes and asbestos cement pipes) for their existing customers in town, the GSD board has decided to more than double their yearly capacity for water treatment and sewer. Most of this new capacity is slated to be used in their new "Sphere of Influence." This area is outside of the GSD current service district. The Garberville ratepayers are paying for this new development up front. Did the Garberville ratepayers approve this increase? Or even know about it?

A GSD ad hoc committee that has been formed to revise the Sphere of Influence includes members of the GSD board and the SHCP board. This process will add about 2,500 acres for future development if and when the sewer and new water mains are extended. Some of this area is already served by de facto water service extensions (the SHCP is one of these). The GSD board has big plans already in the works. One plan is to expand water service to the SHCP from the proposed water treatment plant.

I find it ironic is that three of the current GSD board members reside outside of the GSD service district, and that board members are selected by the sitting GSD board members for appointment by the Board of Supervi-

sors,

Another troubling aspect is that these five un-elected board members wish to expand the SOI to include the last remaining agricultural land in our area. This is to enable speculative development that will lead to urban sprawl. Although the GSD claims the proposed expansion is not for development, I question this claim. I also question how an un-elected board is granted the power by our Board of Supervisors over this huge part of our county and the already "fully allocated" South Fork of the Eel River.

There has to be a way to include the whole community in decision-making regarding the growth plans of our community. There is no water for large developments for this new SOI.

The GDS plan will create serious problems for downstream users, which includes fish and wildlife. Requesting information from the GSD board president has proven to be a task. He tells me that his business and professional life is consuming all of his time and he will respond soon, but it has been more than five weeks now.

I am hoping this letter will speed up his response to my questions. On a different but related issue regarding Peter Ryce's letter last week, has he looked at the map? Not only is the park board's proposed housing development site on prime agricultural land, it is also a protected wetland area.

The GSD meeting is Tuesday, Nov. 23 at 5 p.m. That's tonight, see you there.

Don "Frenchy" Courtemanche
Garberville

SHCP, EPIC-related Letters Found Irsksome

Dear Editor,

There were two letters in last week's issue that I found offensive enough to want to respond. The first letter was by SoHum Community Park Board member Peter Ryce who wrote a long letter lambasting Ed Voice and Don Courtemanche for criticizing way the SHCP Board has gone about their business. As most anyone who has followed the discussions on the Community Park over the years it is still highly apparent there are at least two sets of values in collision, one, the privatization of a community funded enterprise that seems to be thoroughly in the control of essentially two businessmen through their hand-picked board, and the other, people living in the area who are worried about undue commercialization of the CP leading to big concerts, lots of noise and lots of unwanted traffic. I am among those siding with the community on developing a Community Park for the community's benefit and not as a "community" project that's running as a private party stealth campaign in order to use the community for funding further private development profits.

The second offensive letter was Robert Sutherland's bragging about EPIC's work as a lawsuit organization. Since Sutherland boasts of his role I will too and point out that I started criticizing EPIC 20 years ago for its token addressing of the most critical environmental problem in Humboldt County, which was the degradation of SoHum creeks and streams caused by virtually unregulated homestead development. It was due to headline hunting and courtroom battles of organizations like EPIC and Earth First that almost all environmental protection energy in Humboldt County for nearly 20 years was focused on corporate targets as the only bad guys. This naturally led to homesteaders financially supporting these organizations into thinking of themselves as the "good guys" because EPIC and other enviro orgs never told them otherwise until it was too late. This pass given to homesteaders has

led to such eco-disasters as the Mattole drying up and several severe diesel fuel spills polluting Solum creeks. Who knows how many springs and creek headwaters have been diverted into holding tanks for pot gardens and households, leaving wildlife devoid of critical dry season water sources. It's plain to see by Sutherland's praising another EPIC activist for his "noble works" that these guys are looking for historic fame as anti-corporate activists more than as activists actually protecting the environment.

Stephen Lewis
Rio Dell

LETTERS TO THE EDITOR

12-21-2016

Park Friends Need Not Be Friends of 'Shaky' Plan

Dear Editor

Eric Kirk's letter of Nov. 2 appears to suggest that a person cannot at the same time be a friend of the Southern Humboldt Community Park and also be a person who opposes the park board's request to Humboldt County for a major rezoning of the property. I beg to differ. In fact, I believe that one can even be a friend of a member of the park board of directors while opposing the proposed environmental devastation of 100 acres of open space.

There is no doubt that many good things have occurred on this property for the last decade since the private non-profit organization assumed control and there also is no doubt that more could come, such as the brilliant idea for a trail to the park grounds from the top of Sprowl Creek Road. Members of the park board appear to always be in unanimous agreement in their public statements concerning this rezoning but it is a mistake to assume that all residents and concerned parties share this enthusiasm or that some sort of general consensus exists. The claim is frequently made that, unless all of the aspects of their proposal are granted, there will no other choice left for them than to close the park to the public. This is an action that would seem to be both unwarranted and petty. Mr. Kirk bemoans the fact that those who have stated their opposition to any or all parts of the scheme may not be "up" on all of the issues and are therefore not really to be taken seriously.

The SHCP board could alleviate this perception by being more willing to answer important questions regarding their plans rather than dismissing those who ask the questions as unfriendly cranks. For instance, exactly how much revenue is expected to be earned by the construction of new housing on what has been agricultural land? Will this be a one-time gain or some sort of annual income? When will we all be told exactly how many units will be erected for housing a heretofore unspecified number of people, and how will this erection be financed? What will the annual income from the mining project total? Mateel Community Center reported earning some \$79,000 from the most recent Summer Arts Fair.

That seems like not very much buck for the bang. Are higher figures anticipated in exchange for the general chaos that will ensue if the event is switched to the Tooby site? In other words, what is the business plan that will supposedly make sense out of all the sacrifices to water, plants, animals and humans in our neighborhood that would result from the rezoning? Most importantly, how can any of us be assured that, once the rezoning would be somehow permitted, the property owners would not then feel justified in asking for more and more as time goes on and the new income never seems to be sufficient?

The park board has been very public when it is time to seek financial contributions or political support for the rezoning scheme but so far it has been very private about how the money is spent and why other revenue sources have not been considered. Let's not confuse being a friend of the park — the land itself and the life it supports — with being a friend of this shaky plan.

Jerry Latsko
Garberville

LETTERS TO THE EDITOR

June 28, 2016

Park Property Should Remain Zoned As It Is

Dear Editor,

The proposal to rezone the private property called the Southern Humboldt Community Park must be denied as it would have permanent, devastating effects on all living things in our community, including people.

Developing land for real estate interests in this time of almost certain permanent drought conditions is the total opposite of what we should be doing. The harmful effects of the proposal if permitted would last forever and make Humboldt County a less attractive place for tourists to visit as well as for residents to live in. The owners want to have 800 people per day visiting the park and would establish parking space for 850 vehicles. All by itself this proposal will create problems along Sprowel Creek Road and Kimitu Road, which are narrow two-lane country roads more suited to horses and buggies and already challenged by cement and gravel trucks as well as the daredevil drivers of big pickup trucks. As one who walks this road frequently I would not welcome the invasion of huge numbers of vehicles and neither would the wildlife, save for the turkey vultures.

The sports fields proposed might look good on paper but are essentially a disaster. No one likes sports, especially youth sports, more than I do but the scope of what is proposed by park owners is preposterous to say the least. Two baseball fields, a soccer field, and a football field with no restrictions on use will require 2-3 million gallons of water monthly. That will be both insult and injury to the river and to all sentient beings in the area. It's a shaky idea anyway because there are already enough playing fields in Southern Humboldt that the same handful of people struggle to maintain.

Who will maintain the mostly unused fields? The proposal doesn't say but I'd be willing to bet that they will lay dormant before long as a memorial to wasteful thinking. I suspect that what the park owners really desire is a lot of water at their disposal for other reasons such as overpopulated "events." And how will the water be treated if it is to be available to drink?

The proposal has another ludicrous idea — camping. The owners want two acres rezoned just for this and they want it to be available all year, 24 hours a day, seven days per week. Who will provide security and fire protection? The proposal doesn't say. I wonder how the sheriff's office and the California Highway Patrol will feel about all of this.

The building and paving and lighting along with the requested five music festivals for 2,000 people and one festival for 4,000 people lasting two days will make for non-beneficial water wasting, hellish traffic that will thwart emergency vehicles when needed, noise pollution day and night, and light pollution that will affect owls, foxes, humans, bears, and many other innocent victims of thoughtlessness.

Worse, even though the rezoning would take place, the park owners have not relinquished their right to develop further in the future.

This property should remain zoned the way it is now. The owners argue that it was purchased in order to be preserved. That is very far away from the proposal as it stands. Another reason for us all to be opposed is that the park has a board of directors appointed by and responsible to only the owners and that the board is not responsive to the public in any way unless they are being offered money. It's not a "community" park at all.

Thank you,
Jerry Latsko
Garberville

Comments Offered On Community Park DEIR

Dear Editor,

(Open letter to the Garberville Sanitary District Board of Directors dated June 18)

Enclosed is a copy of my comments to the county on the Community Park DEIR.

The Community Park will never have enough potable water unless they utilize their large well which is located in the Tooby Memorial Park. I mean they need to use that well to distribute water to the whole property. The Memorial Park well has an 8-inch steel casing, approximately 65 feet deep and is probably pulling water from depths below your municipal intake. A sanitary well (no water treatment is needed), it has been providing potable water for at least 50 years. There is antidotal evidence that this well may have provided all the water for the ranch sometime in the past.

Secondly, the north end of the Community Park has large areas of wetland soils which do not percolate well.

This entire area of the park drains to the seasonal stream which flows to the river within the Memorial Park a short distance upstream of your fresh water intake. The NRCS soil scientists who conducted the most recent soil survey told me in private conversation that it was doubtful the septic systems for the ranch house would meet modern standards. The park proposes to install two public bathrooms with new leach fields in this area. There could be an issue of septic contamination of your fresh water intake and I believe it would be irresponsible if your district does not look at this issue very, very carefully.

Were it for me to decide, like

washing hands after using the bathroom, prudence and common decency dictate that new leach fields should not be located in this area. Vault toilets such as are found in many public parks have been mentioned but are more costly to construct than leach fields.

There were other ways to approach this project. A simpler approach might have been approved with a mitigated negative declaration. The Community Park has gone the route of an expensive EIR. They painted themselves into this corner.

Thank you.
John LaBoyteaux
Redcrest

P. F. M. A

ENVIRONMENT

Buy You the World

Can you guess how much the earth is worth? Recently, a team of ecologists, economists, and geographers calculated the estimated dollar value of the earth's natural services (approximately \$33 trillion annually). Try your hand at earth economics and guess how much it would cost for humans to provide these services supplied by mother nature:

1. New York City's water is purified through the soil

of the Catskills. How much would a comparable water treatment plant cost?

2. Sewage waste in Thibodaux, Louisiana, is treated in a 130

acre area of coastal wetlands. How much would a man-made treatment system cost?

3. Each year the world's forests provide numerous services, including

climate control, erosion control and recreation. How much would it cost to provide these same services if the forests didn't exist?



World Trade: Earth charges nothing for its services.

ANSWERS: 1. \$3-4 billion; 2. approximately \$2 million; 3. \$4.7 trillion

FOR PLANNING Commission Meeting
JAN. 5, 2017

Several descriptive words come to mind when talking about this DEIR & FINAL DEIR for the SH Comm Park such as

CONFUSING: There are approximately 1400 pages in the DEIR including the various appendices on a CD. Next are the 170 pages with the final DEIR. The staff report from Planning is another 100 pages. Obviously, reading that many pages within short deadlines on a computer is virtually impossible. Obtaining paper copies was a real challenge in time and money. So it seems the DEIRS and additional documents are not meant to be read and discussed publicly. I found the letters from local residents and other interested parties commenting on the Notices of Preparation in 2010 and 2016 very articulate and informational reading but these letters do not seem to be in your packets. More confusion.

CONTROVERSIAL is another word that seems applicable here. Some of the proposed projects are highly controversial such as the amplified music, private events for large groups of people that disrupt traffic on local roads and that disturb this sensitive, rural neighborhood. Higher up the list of controversies is the rezone which appears to dedicate public resources such as sheriff, highway patrol, county public works, county planning and building to a private corporation which has no accountability to this community. The most controversial issue is water usage for non-essential needs. As many local residents learn more about the impaired status of the South Fork of the Eel River and seriously work on conserving daily water usage for 4 months of the year, it is imperative for the county to support equitable water usage for everyone in Southern Humboldt and to understand water in terms of what is essential and sustainable and to support restoration of the South Fork of the Eel River.

In the 70's, Southern Humboldt Working Together, a local ^{PUBLIC} non-profit, would sponsor a Community Congress which would bring together local residents to discuss local issues with county department heads from northern Humboldt and to prioritize solutions. It was a great way to understand the issues and to have a say.

Please adopt a no project alternative.

JAN. 5, 2017
Julia Sullivan
Linda Sutton
PO Box 631
Redwood CA
95560
Pg 7 of 9

TO: Humboldt County Board of Supervisors, March 28, 2017

Good Morning.

I'm Linda Sutton. I'm here as a resident and property owner in Redway. As you may know, many people in Southern Humboldt support the IDEA of a Community Park, a park that is public, serves local residents and has a low impact on the neighborhood. But this is not what is in this plan. This plan is huge with enormous impacts on the local habitat.

I'm concerned about all the projects the Southern Humboldt Community Park is proposing for this rural area and all the demands the Park is making from Humboldt County on the basis of an incomplete Draft Environmental Impact Report and Final EIR. These reports have not been vetted nor understood by local communities, particularly Redway and Garberville who rely on the South Fork of the Eel River for water. This river is already impaired by human activity and acutely in need of restoration and protection.

In the past 15 years, the wish list for the Park has grown but has failed to articulate management plans for all the mitigations that are needed to meet the problems and needs created by the Park plan such as:

1. THE LACK OF WATER SECURITY- There are significant water shortages in summer months that require all residents to conserve. Several years ago when Redway CSD had mandatory water conservation the soccer field @ Redway School, because it was a high water user, died, and a great deal of time and money was lost. Extremes in weather patterns and years of drought conditions make it imperative to evaluate water usage in terms of whether it is **ESSENTIAL & SUSTAINABLE**. Sports fields are high water users as are large public events that need water and sewage- neither are essential or sustainable. Water issues cannot be mitigated.

2. THE LACK of a SAFE and ADEQUATE ENTRY ROAD and the fact that there is NO ALTERNATE ROAD to and from the Park is particularly relevant and cannot be mitigated. High traffic for park events impacts residents on Sprowel Creek and Kimtu Roads.

*Page 8 of 9
TSCC 2*

3. THE LOSS OF TRADITIONAL OPEN SPACE RECREATIONAL OPPORTUNITIES and HABITAT for local residents. These already exist and define this area from birding, hiking, picnicking and family activities.

4. THE LOSS OF SERENITY in the neighborhood from the amplified music which can travel for several miles. Over 600 people signed petitions opposing AMPLIFIED MUSIC at the Park over the past several years.

5. THE LOSS & DEGRADATION of PRIME AGRICULTURAL LAND which the state supports saving and preserving.

6. A LIMITED PUBLIC SAFETY staff such as Sheriff, CHP, public works, planning and building who are stretched far too thin now.

For many years my family and I have supported public non-profit corporations that serve the public interest in a transparent and accountable manner. An example was Southern Humboldt Working Together which held public meetings at various times and locations to form the SH hospital district.

As a non-membership, private, non-profit corporation, the SH community Park does not have this transparency. This has led to a Park plan and EIR that is very controversial. It has divided past and present residents in the area. People who have brought up legitimate questions and concerns have been bullied, vilified and threatened.

I oppose this Rezone and the "discretionary entitlements" requested by the Park because the Park is a private non-profit corporation that has no accountability to the local community and no oversight in the future by this community. How can we justify these giveaways to a non accountable private non profit corporation? I believe this will set a precedent that will create problems and liabilities in the future for Humboldt County. We cannot afford this.

Thank you for your attention.

Jude Sutton
PO Box 631
Redway, CA 95560

Pa 9 of 9
Rezone

Agenda Item 7A

Attachment I

**Recording Requested By and
When Recorded Return To:**

Garberville Sanitary District
P.O. Box 211
Garberville, CA 95542

APN: 222-091-015

Space Above this Line for Recorder's Use Only

WATER SERVICE AGREEMENT

THIS WATER SERVICE AGREEMENT (this "Agreement") is entered into as of _____, 2019 (the "Effective Date"), by and between the Garberville Services District (hereinafter "GSD" or "District"), a California public entity, and the Southern Humboldt Community Park (hereinafter "SHCP"), a California non-profit public benefit corporation. Where collective reference is intended, SHCP and the District are referred to as the "Parties" in this Agreement.

Recitals

A. WHEREAS, SHCP is the owner of that certain real property commonly known as the Southern Humboldt Community Park located at 1144 Sprowel Creek Road, Garberville, California (APN 222-091-015) and more particularly described in **Exhibit A** attached hereto and made a part hereof (the "SHCP Property").

B. WHEREAS, the SHCP Property is used as a public park

C. WHEREAS, an "Application Form for Cities and Districts to Provide Services Outside Agency Boundaries to LAFCo" has been submitted and is currently pending before the Humboldt Local Area Formation Commission (the "Outside Service Application"), which, if approved, would allow the District to supply water to SHCP;

D. WHEREAS, SHCP would like a metered water connection to the District's existing treated waterline, if and when the Outside Service Application is approved by LAFCo, for the purposes of providing potable water to the existing residences and outbuildings at the SHCP Property and to public water fountains for public users of the park;

NOW, THEREFORE, incorporating the foregoing recitals of fact and for good and valuable consideration the adequacy and receipt of which is hereby acknowledge, the Parties agree as follows:

Agreement

1. Water Meter Connection. Contingent and conditional upon (i) LAFCo's approval of the Outside Service Application and (ii) the California State Water Resources Control Board's ("SWRCB's") approval of the SHCP Property as part of GSD's Place of Use permit and license, the District shall allow SHCP, at SHCP's sole cost and expense, to install one (1), three-quarter inch (¾") meter for one (1) new service connection from Tooby Ranch Road off of the existing 8" waterline that was constructed adjacent to the Tooby Ranch Road, to serve only the existing residences and outbuildings on the SHCP Property existing as of the Effective Date and public water fountains to be constructed on the SHCP Property in the area depicted as the "Proposed Water Service Areas" on the Diagram attached hereto as **Exhibit B**. This meter will be billed as a multi-family residential account. SHCP will directly pay and/or reimburse GSD for all fees, costs and expenses, of every type and nature, including, without limitation, costs for environmental and engineering studies and application fees, incurred from or with retained consultants, public agencies, and other persons or entities related to the assessment and inspection of the meter. These obligations include, without limitation, reimbursement for all consultant's fees, LAFCo charges, administrative costs, staff time, and costs and fees for any environmental studies or assessments required by SWRCB and/or LAFCo, and/or any other authority related to the SHCP application for water service.

The District will pay for the first \$5,000 of consultant costs associated with Jennie Short preparing and processing the application to LAFCo and SWRCB for water service. SHCP shall provide a \$2,000.00 deposit towards these fees and will be billed monthly (or quarterly at the District's option) for actual expenses incurred. SHCP will reimburse GSD for all amounts billed beyond the deposit. Once the total amount due is known, an amortization schedule (with a 0% interest rate, quarterly payments for a thirty-six (36) month repayment term) will be prepared by GSD and provided to SHCP.

SHCP agrees to accept the District or consultant's estimate of what portion of total costs were associated with the SHCP application as conclusive. SHCP acknowledges that LAFCo may not estimate what their charges will be, and the amount of the LAFCo charges are out of the District's control and will be invoiced by LAFCo as they are incurred. SHCP will pay all LAFCo charges directly to LAFCo upon receipt of the LAFCo invoice.

2. Additional Water Connection Requirements. If the waterline referenced in Section 1 is constructed, prior to the commencement of water service SHCP agrees, at SHCP's sole cost and expense, to design and install water pressure reducing equipment and backflow prevention equipment (and associated equipment) meeting specifications satisfactory to the District and the Division of Drinking Water at SWRCB, in the District's discretion. SHCP agrees to design, construct, and maintain the pressure reducing equipment and backflow prevention equipment to insure it is compatible with the water pressures occurring on the transmission line. The design and specifications applicable to the water pressure reducing equipment and backflow prevention equipment shall be reviewed and approved by the District

prior to installation. In addition to the foregoing, before water service is provided SHCP will be obligated to pressure test all waterline line infrastructure located on the SHCP Property to the satisfaction of GSD.

3. Maintenance Obligations. If installed, SHCP is responsible for the installation and maintenance of all water lines located behind the GSD water meter, including maintenance of the water pressure reducing equipment and backflow prevention equipment.

4. Connection Fee Reduction. If the waterline is constructed, GSD shall impose no water connection fee on SHCP. However, SHCP will unilaterally bear all costs and expenses associated with the installation of the new water meter, and the design and installation of the water pressure reducing equipment, backflow prevention equipment, and any other equipment necessary for the water system to function from the connection point of the SHCP water meter. SHCP will reimburse GSD for all fees, costs and expenses, of every type and nature, for costs related to the equipment design, installation and inspection.

5. Limitations on Water Service Connection Use. The new three-quarter inch (¾”) water meter and associated waterlines shall be used for residential purposes only at the existing facilities and for public recreation drinking fountain uses, as described in Section 1 of this Agreement, and shall not be used to serve future development on the SHCP Property. Any proposed water usage for future development purposes on the SHCP Property will be evaluated by the District based upon the District’s available water supply at such time as SHCP requests any expanded uses and shall require subsequent written approval by the District, the County of Humboldt, annexation into the jurisdictional boundary by Humboldt LAFCo, and all governmental agencies and regulatory bodies having authority over such usage. SHCP expressly acknowledges that nothing in this Agreement shall constitute the District’s express or implied consent or ability to provide water service to any structures or areas on the SHCP Property other than those existing structures identified in Section 2 of this Agreement. Water service shall not be extended to other structures on or portions of the SHCP Property without the prior written approval of GSD, which can be granted or denied in GSD’s exclusive discretion. In addition to the foregoing:

5.1. Any water usage on the SHCP Property shall not exceed two thousand (2000) cubic feet per calendar month. The area of usage shall be expressly limited to those portions of the SHCP Property approved for water service by Humboldt LAFCo and within the GSD permitted “Place of Use”, contingent upon approval of the GSD Application.

5.2. Any water usage on the SHCP Property will be monitored monthly in conjunction with the reading of the water meter. GSD shall notify SHCP if and when the usage reading exceeds 2,000 cubic feet per month. GSD shall have the right and option, in its discretion, to shut off the meter if the usage is more than 3,000 cubic feet per month

for any two months in a twelve (12) month period. As of the Effective Date of this Agreement, SHCP acknowledges that it does not need to exceed nor intend to exceed the 2,000 cubic feet per month restriction to serve the existing improvements located on the SHCP Property described in Section 1 of this Agreement.

5.3. The area(s) on the SHCP Property served by the water meter contemplated for construction in Section 1 of this Agreement must at all times be consistent with the Humboldt LAFCo approved water service area and the California State Water Resources Control Board approved Place of Use restrictions on GSD water service.

5.4. Should SHCP, at any time, petition GSD to expand the service area, change the proposed uses for the water service, or need to increase the quantity of water consumed each month beyond those recited in this Agreement, then SHCP will be required to annex the SHCP Property into the GSD jurisdictional boundary. This will include following any process required by Humboldt LAFCo process for annexation. Any change in service area will also require a change in Place of Use subject to the approval of the SWRCB Division of Water Rights.

6. District Obligations. GSD shall have no obligation to allow SHCP to install the water meter described unless and until all contingencies to installation recited in this Agreement are first satisfied, expressly including, without limitation, (i) LAFCo's approval of the Outside Service Application, and (ii) the California State Water Resources Control Board's ("SWRCB's") approval of the SHCP Property as part of GSD's Place of Use permit. SHCP acknowledges that GSD does not unilaterally control satisfaction of these contingencies, and they involve discretionary approvals by third party public entities. GSD shall have no obligation to satisfy the contingencies recited in Sections 2 and 5 of this Agreement within any definitive time period, and if and when it becomes clear, in the District's discretion, that these contingencies can not be satisfied, the District may stop pursuing satisfaction. The District expressly reserves to the right, in its discretion, to modify, alter and/or drop and not pursue (i) the Outside Services Application and (ii) any and all revisions to its Place of Use permit(s) with the SWRCB. SHCP will remain responsible for reimbursing GSD for expenses incurred as recited in Section 4 of this Agreement, regardless of whether the applications are approved or denied.

7. Disputes/Mediation/Litigation/Attorneys Fees. If any dispute with regard to this Agreement develops between SHCP and the District that the Parties can not voluntarily resolve, the Parties shall first submit the dispute to one (1) session of non-binding mediation with a panel mediator appointed by the JAMS Mediation Service in California. Mediation can be invoked by either party by issuing written demand to the other. If mediation is invoked, the Parties shall equally share in the cost of mediation. If no resolution of the dispute is reached after conducting a non-binding mediation session, the Parties may litigate their dispute in the Superior Court of Humboldt County, California, which is designated as the Court having jurisdiction and venue of any disputes relating to this Agreement. If a party commences

litigation without first attempting to mediate the dispute or refuses to mediate after a demand is issued by the other party, the Humboldt County Superior Court shall have the power to compel mediation, and impose reasonable attorney's fees and costs on the party refusing mediation. If mediation fails and litigation ensues, the prevailing party in any such litigation shall be entitled to an award of reasonable attorney's fees and costs from the adverse party.

8. Restrictions on Transfer or Assignment of the SHCP Property. The approval by GSD to provide water to SHCP for use on the SHCP Property is extended solely to SHCP and cannot be assigned by SHCP to any future property owners of the SHCP Property without the express written consent of GSD. GSD may withhold its consent to any requested assignment by SHCP in GSD's sole discretion. In the event the SHCP Property is transferred at any point in time including, without limitation, any transfer by sale, gift, foreclosure, or other means, the water connection and service contemplated by this Agreement will be subject to immediate termination unless and until the GSD Board of Directors reviews and approves, in GSD's complete and sole discretion, an application by the new owner for water service and identifies the type of use, the use areas on the SHCP Property, and the quantity of use requested by any new owner or transferee of the SHCP Property. The GSD Board of Directors shall have complete discretion to approve or reject any application for continued water service in the event the SHCP Property is transferred or sold, and, if approved, may impose such conditions as the GSD Board of Directors deems appropriate. SHCP acknowledges that it is bound by Section 4.9.c (as well as all other provisions as amended from time to time) of the GSD Water Ordinances which states: "[a] service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley". The water delivered under this Agreement to this connection cannot be transmitted across the SHCP Property boundary for any purpose even with existing or future water easements.

9. Binding Effect. The Parties to this Agreement mutually agree that it shall be binding upon their respective heirs, personal representatives, successors and assigns.

10. Entire Agreement. This Agreement, along with the attached exhibits and additional deeds and conveyancing instruments contemplated hereby, represent the entire Agreement between the Parties in connection with the transactions contemplated hereby and the subject matter hereof. This Agreement may not be modified except by a written agreement signed by both SHCP and the District.

11. Waiver. No waiver by any party at any time of any breach of any provision of this Agreement shall be deemed a waiver or a breach of any other provision herein or consent to any subsequent breach of the same or another provision. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any one occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action.

12. **Captions and Headings.** The captions and paragraphs numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe, or describe the scope or intent of this Agreement.

13. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be considered an original and all of which taken together shall constitute one and the same instrument.

14. **Governing Law.** This Agreement has been prepared, negotiated and executed in, and shall be construed in accordance with, the laws of the State of California.

15. **Invalidity of Any Provision.** If any provision (or any portion of any provision) of this Agreement is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction under present or future laws effective during the term of this Agreement, the legality, validity, and enforceability of the remaining provisions (or the balance of such provision) shall not be affected thereby.

16. **Drafting of Agreement.** District and SHCP acknowledge that this Agreement has been negotiated at arm's length, that each party has been represented by independent counsel and that this Agreement has been drafted by both Parties and no one party shall be construed as the draftsman.

17. **Attorney's Fees.** If either party named herein brings an action or proceeding to enforce the terms hereof or declare rights hereunder, the prevailing party in any such action (or proceeding), on trial or appeal, shall be entitled to its reasonable attorneys' fees to be paid by the losing party as fixed by the Court.

IN WITNESS HEREOF, the Parties hereto have executed this Agreement as of the date set forth in the first paragraph of this Agreement.

"GSD" or "District":

Garberville Sanitary District

By: Linda K Broder

Name: Linda K Broder

Its: Board Chair Person

“SHCP”

Southern Humboldt Community Park, a California non-profit public benefit corporation

By: 

Name: Ross Huber

Its: Chair

By: _____

Name: _____

Its: _____

[Attach exhibits]

EXHIBIT "A", Parcel B

All that real property situated in the County of Humboldt, State of California, described as follows:

Being a portion of the lands of Southern Humboldt Community Park, a Nonprofit California Corporation as described in that deed recorded as Document No. 2004-6647-4, and further lying within the east 1/2 of Section 25, Township 4 South, Range 3 East, Humboldt Meridian, Humboldt County, State of California, said portion being more particularly described as follows:

Commencing at a 1/2" iron pipe tagged L.S. 2786 marking the northwest corner of the above mentioned Section 25 as shown on that Parcel Map No. 572 filed in Book 5 of Parcel Maps. Page 40, Humboldt County Records; thence along the north line of said Section 25, South 88 degrees 34 minutes 15 seconds East, 1276.95 feet to a 1/2" iron pipe tagged L.S. 2820 accepted as being point No. 4 as shown on that Record of Survey filed in Book 14 of Surveys, Page 128, Humboldt County Records; thence continuing along said north line of Section 25, South 88 degrees 34 minutes 15 seconds East, 53.69 feet to the Point of Beginning of the herein described lands; thence continuing along the north line of said Section 25, South 88 degrees 34 minutes 15 seconds East, 416.70 feet to the westerly line of the lands of Frazier as described in that deed recorded in Book 92 of Official Records, Page 504, Humboldt County Records; thence along the westerly, lines of said lands the following courses:
South 44 degrees 57 minutes 18 seconds West, 143.03 feet;
South 04 degrees 26 minutes 42 seconds East, 141.99 feet;
South 61 degrees 04 minutes 42 seconds East, 62.11 feet;
South 36 degrees 39 minutes 42 seconds East, 97.00 feet;
South 14 degrees 43 minutes 42 seconds East, 61.20 feet;
South 01 degrees 39 minutes 18 seconds West, 142.00 feet;
South 55 degrees 15 minutes 12 seconds East, 90.56 feet to the northwest corner of the lands granted to Western Livestock Co. by deed recorded in Book 855 of Official Records, Page 99, Humboldt County Records; thence along the westerly, southerly, and easterly lines of said lands the following courses:
South 34 degrees 13 minutes 42 seconds East, 60.00 feet;
North 55 degrees 46 minutes 18 seconds East, 20.00 feet;
North 34 degrees 13 minutes 42 seconds West, 47.08 feet to the southerly line of the above mentioned lands of Frazier; thence along the southerly and easterly lines of said lands the following courses:
North 88 degrees 38 minutes 18 seconds East, 118.17 feet;
North 22 degrees 24 minutes 18 seconds East, 225.38 feet;
North 21 degrees 58 minutes 12 seconds West, 341.08 feet, &
North 45 degrees 40 minutes 42 seconds West, 103.00 feet to the north line of Section 25 above mentioned;
thence along said north line, South 88 degrees 34 minutes 15 seconds East, 747.39 feet to the

center of the South Fork of the Eel River;

Thence upstream along the center of said river, southerly and westerly, 3350 feet, more or less, to the west line of Section 25 above mentioned; thence along said west line,

North 00 degrees 30 minutes 13 seconds East, 595.57 feet to the southerly line of those lands described in that Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded as Document No. 2001-11709-3 and as shown on that Record of Survey filed in Book 63 of Surveys, Page 20, Humboldt County Records; thence along the southeasterly line of the lands so described the following courses:

North 79 degrees 23 minutes 41 seconds East, 123.83 feet;

North 61 degrees 15 minutes 00 seconds East, 237.42 feet;

South 64 degrees 44 minutes 16 seconds East, 213.23 feet;

North 61 degrees 42 minutes 41 seconds East, 373.71 feet;

North 58 degrees 59 minutes 36 seconds East, 317.85 feet, and

South 88 degrees 16 minutes 24 seconds East, 209.93 feet to the east line of the northwest quarter of the northwest quarter of Section 25 above mentioned;

thence along said east line, North 00 degrees 26 minutes 58 seconds East, 187.36 feet; to the Point of Beginning.

The basis of bearings of the above description is the California Coordinate System, Zone 1 (CCS83), based upon Pratt Mountain Continuously Operating Reference Station (CORS ID P164, PID DH5844), Epoch 2002.00. Multiply distances shown by 1.00003301 to obtain ground level distances. Rotate grid bearings shown hereon counter-clockwise 01 degree 10 minutes 34 seconds to obtain geodetic (true) bearings. See Record of Survey for Southern Humboldt Community Park (to be filed) for control scheme.



EXHIBIT "A", Parcel C

All that real property situated in the County of Humboldt, State of California, described as follows:

Being a portion of the lands of Southern Humboldt Community Park, a Nonprofit California Corporation as described in that deed recorded as Document No. 2004-6647-4, and also of the lands of Steven Dazey as described in that deed recorded as Document No. 2000-21945-2, both Official Records, Humboldt County Records, and further lying within Sections 25 & 26, Township 4 South, Range 3 East, Humboldt Meridian, Humboldt County, State of California, said portion being more particularly described as follows:

Beginning at a set 3-1/2" brass disk stamped PLS 5677 on a 1-1/2" iron pipe marking the southwest corner of the above mentioned Section 25;
thence North 31 degrees 47 minutes 22 seconds East, 1321.24 feet to a set 1/2" iron pipe & plug "Kolstad PLS 5677";
thence North 88 degrees 35 minutes 28 seconds West, 650.18 feet to a set 1/2" iron pipe & plug "Kolstad PLS 5677";
thence North 01 degrees 10 minutes 26 seconds West, 125.00 feet to a set 1/2" iron pipe & plug "Kolstad PLS 5677";
thence North 38 degrees 14 minutes 34 seconds West, 1314.01 feet to a set 1/2" iron pipe & plug "Kolstad PLS 5677";
thence North 62 degrees 59 minutes 09 seconds West, 587.63 feet to the west line of the east 1/2 of the southeast quarter of the above mentioned Section 26;
thence along said west line, North 00 degrees 35 minutes 59 seconds East, 348.38 feet to the most southerly corner of the lands of Jones & Brightman as described in that deed recorded as Document No. 2001-13853-2, Official Records, Humboldt County Records; thence along the northwesterly line of the above mentioned lands of Southern Humboldt Community Park, and as shown on that Record of Survey filed in Book 63 of Surveys, Page 20, Humboldt County Records, the following courses:
North 39 degrees 21 minutes 20 seconds East, 112.86 feet;
North 38 degrees 31 minutes 41 seconds East, 164.03 feet;
North 31 degrees 31 minutes 19 seconds East, 217.36 feet;
North 28 degrees 57 minutes 18 seconds East, 393.02 feet;
North 15 degrees 51 minutes 43 seconds East, 289.83 feet;
North 30 degrees 27 minutes 50 seconds East, 310.14 feet;
North 18 degrees 00 minutes 46 seconds East, 213.37 feet;
North 39 degrees 11 minutes 01 seconds East, 173.36 feet to the southeast corner of said lands of Jones & Brightman; being also the most southerly corner of those lands described in that Notice

of Lot Line Adjustment and Certificate of Subdivision Compliance recorded as Document No. 2001-11709-3; thence along the southeasterly line of the lands so described, North 54 degrees 53 minutes 08 seconds East, 378.63 feet; thence North 79 degrees 23 minutes 41 seconds East, 134.76 feet to the west line of Section 25;

thence along said west line of Section 25, South 00 degrees 30 minutes 13 seconds West, 595.57 feet to the center of the South Fork of the Eel River; thence downstream along the center of said river, easterly and northerly 3350 feet, more or less, to the north line of said Section 25;

thence along said north line, South 88 degrees 34 minutes 15 seconds East, 31.87 feet to the north 1/4 corner of said Section 25;

thence continuing along said north line, North 88 degrees 46 minutes 18 seconds East, 329.16 feet to the centerline of Sprowel Creek Road as described in that deed recorded in Book 558 of Official Records, Page 87, Humboldt County Records; thence along said centerline the following courses:

along a horizontal curve to the left, the radius point of which bears South 82 degrees 09 minutes 59 seconds East, 600.00 feet, through a central angle of 33 degrees 30 minutes 24 seconds for 350.88 feet;

thence along a curve to the right, the radius point of which bears South 64 degrees 19 minutes 37 seconds West, 300.00 feet, through a central angle of 41 degrees 44 minutes 00 seconds for 218.52 feet;

thence along a curve to the left, the radius point of which bears South 73 degrees 56 minutes 23 seconds East, 600.00 feet, through a central angle of 20 degrees 16 minutes 00 seconds for 212.23 feet;

thence along a curve to the right, the radius point of which bears South 85 degrees 47 minutes 37 seconds West, 300.00 feet, through a central angle of 34 degrees 50 minutes 51 seconds for 182.46 feet;

thence leaving the said centerline of Sprowel Creek Road, and following generally along the centerline of an existing road, South 10 degrees 25 minutes 46 seconds East, 209.26 feet;

thence South 04 degrees 34 minutes 39 seconds West, 1697.34 feet;

thence along a curve to the left, the radius point of which bears South 85 degrees 25 minutes 21 seconds East, 130.00 feet; through a central angle of 91 degrees 28 minutes 24 seconds for 207.55 feet;

thence along curve to the left, the radius point of which bears South 03 degrees 06 minutes 15 seconds West, 100.00 feet, through a central angle of 78 degrees 07 minutes 39 seconds for 136.36 feet;

thence along a curve to the left, the radius point of which bears North 81 degrees 13 minutes 54 seconds East, 200.00 feet, through a central angle of 31 degrees 41 minutes 54 seconds for 110.65 feet;

thence along a curve to the right, the radius point of which bears South 49 degrees 32 minutes 00 seconds West, 75.00 feet, through a central angle of 96 degrees 08 minutes 45 seconds for 125.85 feet;

thence along a curve to the left, the radius point of which bears South 34 degrees 19 minutes 15 seconds East, 85.00 feet, through a central angle of 89 degrees 16 minutes 58 seconds for 132.45 feet;

thence South 33 degrees 36 minutes 13 seconds East, 207.33 feet;

thence along a curve to the right, the radius point of which bears South 56 degrees 23 minutes 47 seconds West, 65.00 feet, through a central angle of 105 degrees 36 minutes 38 seconds for 119.81 feet;

thence along a curve to the left, the radius point of which bears South 17 degrees 59 minutes 34 seconds East, 65.00 feet, through a central angle of 117 degrees 22 minutes 28 seconds for 133.16 feet;

thence South 45 degrees 22 minutes 02 seconds East, 88.38 feet;

thence along a curve to the right, the radius point of which bears South 44 degrees 37 minutes 58 seconds West, 50.00 feet, through a central angle of 109 degrees 39 minutes 10 seconds for 95.69 feet;

thence South 64 degrees 17 minutes 08 seconds West, 45.85 feet;

thence along a horizontal curve to the left, the radius point of which bears South 25 degrees 42 minutes 52 seconds East, 40.00 feet, through a central angle of 178 degrees 53 minutes 51 seconds for 124.89 feet;

thence North 65 degrees 23 minutes 18 seconds East, 106.21 feet to a point from which a set ½" iron pipe & plug "Kolstad PLS 5677" bears South 65 degrees 03 minutes 44 seconds East, 42.88 feet;

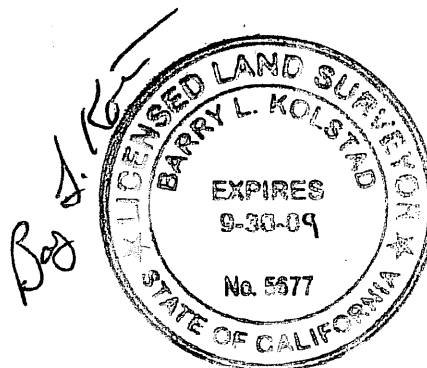
thence leaving said centerline, South 65 degrees 03 minutes 44 seconds East, 693.85 feet to the westerly line of the lands of the State of California as described in that Order of Stipulation recorded in Book 1057 of Official Records, Page 447, Humboldt County Records; thence along said westerly line, South 10 degrees 46 minutes 32 seconds West, 437.12 feet;

thence South 21 degrees 54 minutes 42 seconds East, 263.29 feet to the west line of the east ½ of the southeast quarter of the above mentioned Section 25; thence along said west line,

South 00 degrees 36 minutes 10 seconds West, 478.58 feet to the south line of said Section 25; thence along said south line,

North 88 degrees 51 minutes 41 seconds West, 1335.68 feet to the south 1/4 corner of said Section 25; thence continuing North 88 degrees 51 minutes 41 seconds West, 2671.36 feet to the Point of Beginning.

The basis of bearings of the above description is the California Coordinate System, Zone 1 (CCS83), based upon Pratt Mountain Continuously Operating Reference Station (CORS ID P164, PID DH5844), Epoch 2002.00. Multiply distances shown by 1.00003301 to obtain ground level distances. Rotate grid bearings shown hereon counter-clockwise 01 degree 10 minutes 34 seconds to obtain geodetic (true) bearings. See Record of Survey for Southern Humboldt Community Park (to be filed) for control scheme.





RESOLUTION NO. 19-04

ADOPTING THE ADDENDUM TO THE GARBERVILLE SANITARY DISTRICT ANNEXATION PROJECT: CHANGE IN JURISDICTIONAL BOUNDARY AND PLACE OF USE FINAL RECIRCULATED INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION - SCH#2012032025

WHEREAS, the Humboldt Local Agency Formation Commission (hereinafter referred to as "Commission") is responsible for authorizing cities and special districts to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to California Government Code Section 56133; and

WHEREAS, the Commission received an application from the Garberville Sanitary District (hereinafter referred to as "District") requesting authorization to extend water services outside its jurisdictional boundary to designated areas and uses on the Southern Humboldt Community Park (hereinafter referred to as property owner) property (APN 222-091-015); and

WHEREAS, the project is subject to environmental review or exemption pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, Garberville Sanitary District as the Lead Agency prepared an Initial Study/ Mitigated Negative Declaration (SCH#2012032025) for the Garberville Sanitary District's Annexation Project: Change in Jurisdictional Boundary & Place of Use project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, The Commission, as responsible agency, has prepared, circulated, considered, and adopted an Addendum to the Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration (SCH#2012032025), pursuant to California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, a public hearing was held on the matter before the Humboldt LAFCo Commission on September 18, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission adopts the Addendum to the Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration (SCH#2012032025), attached here as Exhibit A, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 18th of September, 2019, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Attest:

Estelle Fennell, Chair
Humboldt LAFCo

Colette Metz, Executive Officer
Humboldt LAFCo

Attachment: Exhibit A, Addendum to the Garberville Sanitary District Annexation Project:
Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/
Mitigated Negative Declaration (SCH#2012032025)



**AUTHORIZING THE GARBERVILLE SANITARY DISTRICT TO PROVIDE
WATER SERVICES OUTSIDE THE DISTRICT BOUNDARY
TO APN 222-091-015 (SOUTHERN HUMBOLDT COMMUNITY PARK)**

WHEREAS, the Humboldt Local Agency Formation Commission (hereinafter referred to as "Commission") is responsible for authorizing cities and special districts to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to California Government Code Section 56133; and

WHEREAS, the Commission received an application from the Garberville Sanitary District (hereinafter referred to as "District") requesting authorization to extend water services outside its jurisdictional boundary to designated areas and uses on the Southern Humboldt Community Park (hereinafter referred to as property "Owner") property (APN 222-091-015); and

WHEREAS, the designated areas to receive water are part of a larger property, known as the Southern Humboldt Community Park. Future uses requiring water service are still in the planning stages and would trigger annexation. A separate application to LAFCo will be necessary for annexation to the Garberville Sanitary District; and

WHEREAS, the current property owner has requested a water service connection from the Garberville Sanitary District in order to serve designated uses, areas and residences on the property; and

WHEREAS, the subject property is located within the District's adopted Sphere of Influence; and

WHEREAS, an existing water line is located on Tooby Ranch Road, adjacent to the parcel and could be extended a short distance to serve the proposed use; and

WHEREAS, the Commission reviewed and considered the Executive Officer's report and recommendation; and

WHEREAS, the Commission heard and fully considered all the evidence presented in the proposed services extension at a public meeting held on September 18, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission, as responsible agency, has prepared, circulated, considered, and adopted an Addendum to the Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary and Place of Use Final Recirculated Initial Study/ Mitigated Negative Declaration - SCH#2012032025 pursuant to California Environmental Quality Act (CEQA) Guidelines.

2. The Commission has considered the factors determined to be relevant to this proposal, including, but not limited to, the sphere of influence, available infrastructure and services capacity, and other factors specified in Government Code Section 56133, and as described in the staff report.
3. The Commission hereby authorizes the District to provide water services outside its jurisdictional boundary to APN 222-091-015, subject to the following conditions:
 - a. The Garberville Sanitary District and property owner shall enter into Water Service Agreement regarding Out of District Services to APN 222-091-015, as attached in Exhibit B, and appropriately recorded with Humboldt County. The Agreement shall include a provision that limits the extension of water services to designated areas of the subject property, as shown in Exhibit A and not to any other properties. Any expansion or intensification of water services on said property, beyond those uses presented in the Service Agreement as shown in Attachment B, shall be considered a new request, and subject to LAFCo review. This Service Agreement shall automatically terminate at such time as the subject property is annexed to the Garberville Sanitary District.
 - b. The Owner enters into agreement with the District consenting to future District Annexation or Reorganization. The agreement shall include the following terms and be appropriately recorded with County of Humboldt: Owner hereby irrevocably consents to and petitions for the future annexation of his or her property to the Garberville Sanitary District and agrees to cooperate in such annexation upon the District's or LAFCo's request, including the payment of applicable processing fees for the annexation of the Property. Owner understands and agrees that this consent/petition to annexation includes all obligations attendant upon annexation, including all taxes, assessments, and fees that the District imposes upon property within the District.

Owner and the District also agree that any lease, rental agreement, or other agreement now or hereafter executed by Owner, or by any person succeeding to Owner's interest in the fee title to the Property or any part thereof, which grants to a natural person or persons the right to possess and occupy the Property or any part thereof as a personal residence shall contain the following covenant:

"This agreement and the right of lessee or tenant to possess and occupy the property leased or rented pursuant to this agreement shall be subject to the provisions of the Annexation Agreement which was executed and recorded against such property at the time of and as a condition of extending services to the property. That agreement contains a complete and irrevocable consent to annexation of the property leased or rented pursuant to this agreement to the Garberville Sanitary District and is binding on all persons possessing and occupying such property."

Owner and the District agree that in the event that Owner and/or any other person or legal entity hereafter succeeding to Owner's interest in and to the Property or any part thereof seek to protest annexation of the Property or any

part thereof to District contrary to and in breach of the provisions of this agreement, LAFCo and the District shall be entitled to take the following actions:

- i. LAFCo shall treat this consent as the binding decision and action of the Owner for all purposes under the Cortese-Knox-Hertzberg Act (Government Codes Sections 56000 et.seq.) and any objection or protest shall be null and void and may be disregarded by LAFCo in determining objections and/or the value of all protests to such annexation.
- ii. In addition to the above, if deemed necessary, LAFCo and the District may legally enforce this agreement and covenant against Owners or their successors in the state courts of Humboldt County.

- c. All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 18th of September, 2019, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Estelle Fennell, Chair
Humboldt LAFCo

Attest:

Colette Metz, Executive Officer
Humboldt LAFCo

Attachment: Exhibit A, Service Areas map
Attachment: Exhibit B, Water Service Agreement