

ATTACHMENT 1

**A Resolution of the Board of Directors of the Peninsula Community Services District
Making Findings of Fact, Certifying the Final Environmental Impact Report for the
Samoa Peninsula Wastewater Project (SPWP), adopting the Mitigation Monitoring and
Reporting Program, and approving the SPWP**



Peninsula Community Services District

1982 Gass Avenue Samoa, CA 95564
Phone: (707) 443-9042 Email: samoavfd@gmail.com

BOARD OF PENINSULA COMMUNITY SERVICE DISTRICT COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

RESOLUTION NO. 2022-3.1

RESOLUTION MAKING FINDINGS OF FACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAMOA PENINSULA WASTEWATER PROJECT (SPWP), ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE SPWP

WHEREAS, the Board of Directors of the Peninsula Community Service District to be in the best interests of the District that the following actions be taken by the Directors of this California Special District pursuant to this Resolution; and

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

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

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

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

WHEREAS, Peninsula Community Services District has reviewed the Final Environmental Impact Report, Findings and Evidence;

Now, THEREFORE BE IT RESOLVED, that, pursuant to applicable law, the undersigned, being all the Directors of this California Special District hereby concur with the following findings made by the County of Humboldt Board of Supervisors:

FINDINGS FOR CERTIFICATION OF EIR

1. FINDING:

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

EVIDENCE:

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

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

The Peninsula Community Services District and County of Humboldt have actively supported planning for public wastewater service for the Samoa Peninsula and secured State of California Community Development Block Grant and the Department of Commerce Economic Development Administration grant funding in 2014 to prepare engineering studies to ready former pulp mill properties for reuse and to plan supporting infrastructure, and that confirmed the feasibility of using the Humboldt Bay Harbor, Recreation and Conservation District existing ocean outfall pipe for the disposal of treated wastewater on the Samoa Peninsula and the feasibility of forming a community services district to provide water and wastewater service to the area; and

In 2015 the Samoa Peninsula Fire Protection District submitted an application to the Humboldt Local Agency Formation Commission, which included the results of the feasibility study prepared using County of Humboldt-secured grant funds, to reorganize as the Peninsula Community Services District (CSD) in order to support the mutual social and economic interests of the Samoa Peninsula communities by establishing and sustaining community-based municipal services, including wastewater service; and

On November 15, 2016, on behalf of the yet to be formed Peninsula CSD, the Humboldt County Board of Supervisors approved Resolution 16-130 authorizing the submission of a Financial Assistance Application to the State Water Resources Control Board for funding for the planning and design of a Samoa Peninsula wastewater system, including the preparation of necessary environmental documents in accordance with the California Environmental Quality Act (CEQA) and associated supporting documents showing compliance with federal environmental laws to satisfy Clean Water State Revolving Fund Construction Application requirements; and

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

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

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

2018, at the Samoa Peninsula Fire Station, to solicit input from the regulatory agencies and public. Appendix A of the DEIR is the NOP and Appendix B includes the comment letters received on the NOP.

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

- e) The Humboldt County Planning and Building Department engaged in early consultation with state and federal agencies, in accordance with CEQA Guidelines Section 15083, including active consultation with the California Coastal Commission (CCC) and the North Coast Regional Water Quality Control Board (RWQCB). Recommendations obtained during consultation with the CCC and RWQCB regarding land use policy, project design, and project mitigation measures were considered in the final design and mitigation measures.
- f) A Notice of Availability for the DEIR was prepared and published in the Eureka Times-Standard and posted in the office of the County Clerk in accordance with Public Resources Code section 21092 and CEQA Guidelines section 15087 on January 31, 2019. The DEIR for the Project was prepared in accordance with CEQA and circulated for public review commencing on January 31, 2019 and ending on March 19, 2019, a 45-day review period, in compliance with PRC 21091 and CEQA guidelines section 15105. A Notice of Completion for the DEIR was filed with the Office of Planning and Research State Clearinghouse on January 31, 2019 per CEQA Guidelines section 15085.
- g) A public meeting on the DEIR was held at the Samoa Fire Protection District Firehouse on February 26, 2019 where six (6) speakers provided comments.
- h) SUMMARY OF IMPACTS

Issues that were analyzed in the DEIR include: aesthetics and visual resources; air quality; biological resources; cultural and tribal cultural resources; geology, soils, and seismicity; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing, public services and recreation; transportation and traffic; and utilities and services systems. Agriculture and forest resources, and mineral resources impacts were dismissed from further evaluation in the Initial Study and thus not discussed in the DEIR.

For all impact topics analyzed, the DEIR concluded that impacts are either less than significant or can be mitigated to less than significant levels. No impacts were found to be significant and unavoidable.

A Mitigation Monitoring and Reporting Program has been prepared in accordance with CEQA Guidelines Section 15097, is designed to ensure compliance during project implementation, and must be adopted in conjunction with project approval in order to ensure mitigation measures and project revisions identified in the FEIR are implemented.

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

i) CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEES.

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

j) FINAL EIR - RESPONSE TO COMMENTS.

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

The FEIR was released to the public on September 14, 2020 and was presented to the Board of Supervisors on September 29, 2020. Pursuant to PRC section 21092.5 and CEQA Guidelines section 15088, electronic copies of the FEIR were provided to all public agencies that provided comments on the DEIR on September 14, 2020, a minimum of ten (10) days prior to EIR certification.

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

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

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

4. FINDING: The Final EIR reflects the County of Humboldt’s independent judgment and analysis, with concurrence from the Peninsula Community Services District.

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

FINDINGS FOR PROJECT APPROVAL

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

- EVIDENCE:**
- a) **Air Quality.** The potential for the project to conflict with or obstruct implementation of the applicable air quality plan; violate an air quality

standard; or create objectionable odors affecting a substantial number of people has been mitigated to a less than significant level with incorporation of mitigation measures. Mitigation includes the PCSD incorporating NCUAQMD recommended best management practices for air quality construction control measures in all construction contract specifications for the project and by curtailing operational odor-generating maintenance activities at the Approved Samoa WWTF during wind events. (DEIR pages 4.2-9 to 4.2-17)

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

significant impacts from strong seismic ground shaking and ground failure to a less-than-significant level by implementing design and construction measures identified in a site-specific geotechnical study. (DEIR pages 4.5-10 to 4.5-15)

- e) **Hazards and Hazardous Materials.** Potentially significant impacts relating to hazardous materials have been mitigated to a less than significant level through the implementation of a mitigation measure that would identify locations where soil or groundwater contain contaminants of concern (COC), reducing the potential release of, or exposure to, COCs during construction, and if impacted soil and groundwater is encountered during construction, require appropriate measures for worker protection according to the Health and Safety Plan. (DEIR pages 4.7-9 to 4.7-16)
- f) **Hydrology and Water Quality.** Potentially significant impacts to hydrology and water quality, in particular impacts to surface water quality and cumulative impacts to water quality as attributable to the project, would be reduced to a less than significant level through the inclusion of focused best management practices (BMPs) for the protection of surface water resources and through compliance with National Pollutant Discharge Elimination System (NPDES) permit and North Coast Regional Water Quality Control Board (NCRWQCB) requirements. Monitoring and contingency response measures would be included in the Stormwater Pollution Prevention Plan (SWPPP) to verify compliance with water quality objectives for surface waters during construction. Particular emphasis would be placed on dissolved oxygen, floating material, oil and grease, and turbidity (or sediment) as these are generally the water quality constituents of most concern during construction-related activities. (DEIR pages 4.8-9 to 4.8-19)
- g) **Noise.** Potentially significant impacts resulting from the exposure of persons to noise, or a substantial permanent increase in ambient noise levels in the project vicinity have been mitigated to a less than significant level through mitigation measures that would demonstrate that pump station design would result in noise levels to be less than 60 dBA outside of the pump station. (DEIR pages 4.10-7 to 4.10-16)

2. FINDING

ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

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

in the EIR and determined to result in “no impact” or where impacts are determined to be “less than significant.”

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

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

- iv) NOI-6: Expose people residing or working in the project area to excessive private airport noise levels (Draft EIR p. 4.10-15)
- v) NOI-C-1: Contribute to cumulative impacts related to noise Draft EIR pp. 4.11-15 - 4.11-16)
- k) Section 4.11 Population and Housing
 - i) POP-1: Induce substantial population growth (Draft EIR pp. 4.11-2 - 4.11-4)
 - ii) POP-2: Displace substantial numbers of existing housing or people, (Draft EIR p. 4.11-4)
 - iii) POP-C-1: Contribute to cumulative impacts related to population and housing (Draft EIR pp. 4.11-4 - 4.11-5)
- l) Section 4.12 Public Services and Recreation
 - i) PSR-1: Increased demand for fire protection, police protection, schools, parks or other public facilities (Draft EIR pp. 4.12-4 - 4.12-5)
 - ii) Impact PSR-2: Increase the use of existing neighborhood and regional parks (Draft EIR p. 4.12-5)
 - iii) PSR-3: Include recreational facilities (Draft EIR pp. 4.12-5 - 4.12-6)
 - iv) PSR-C-1: Contribute to cumulative impacts related to public services and recreation Draft EIR pp. 4.12-6 - 4.12-7)
- m) Section 4.13 Transportation and Traffic
 - i) TRA-1: Conflict with a transportation plan (Draft EIR pp. 4.13-4 - 4.13-5)
 - ii) TRA-2: Conflict with a congestion management program (Draft EIR pp. 4.13-5 - 4.13-6)
 - iii) TRA-3: Change air traffic patterns (Draft EIR p. 4.13-6)
 - iv) TRA-4: Increase traffic hazards due (Draft EIR pp. 4.13-6 - 4.13-7)
 - v) TRA-5: Result in inadequate emergency access (Draft EIR pp. 4.13-7 - 4.13-8)
 - vi) TRA-6: Conflict with transit, bicycle, or pedestrian policies, plans, or programs (Draft EIR pp. 4.13-8 - 4.13-9)
 - vii) TRA-C-1: Contribute to cumulative impacts related to transportation and traffic (Draft EIR pp. 4.13-9 - 4.13-10)
- n) Section 4.14 Utilities and Service Systems
 - i) UTI-1: Exceed wastewater treatment requirements (Draft EIR p. 4.14-5)
 - ii) UTI-2: New water or wastewater treatment facilities that would cause significant environmental effects? (Draft EIR pp. 4.14-5 - 4.14-6)
 - iii) UTI-3: New storm water drainage facilities that would cause significant environmental effects? (Draft EIR p. 4.14-6)
 - iv) UTI-4: Increased demand for water supply (Draft EIR pp. 4.14-6 - 4.14-7)
 - v) UTI-5: Adequate capacity for wastewater service (Draft EIR p. 4.14-7)
 - vi) UTI-6: Sufficient solid waste disposal capacity (Draft EIR p. 4.14-8)

vii) UTI-7: Comply with regulations related to solid waste? (Draft EIR pp. 4.14-8 - 4.14-9)

viii) UTI-C-1: Contribute to cumulative impacts related to utilities and service systems (Draft EIR p. 4.14-9)

3. FINDING: ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT – The proposed Samoa Peninsula Wastewater Project would not result in significant and unavoidable impacts that are not mitigated to a less than significant level with incorporation of mitigation measures.

EVIDENCE: a) The DEIR found that for potentially significant impacts, detailed mitigation measures proposed by the County of Humboldt have been identified throughout Chapter 4 of the EIR (and in Findings for Approval Evidence 1a through 5g above) that would mitigate project effects to the extent feasible. After implementation of the proposed mitigation measures, there are no significant unavoidable impacts. (DIER page 6-1)

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

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

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

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

b) Alternative 2- RMT II Site Alternative

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

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

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

c) Alternative Location CEQA Guidelines section 15126.6(f)(2)(A) discusses that the key question and first step in an alternative location analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by placing the Project in an alternative

location. Only locations that would avoid or substantially lessen any significant effects of the project need be considered for inclusion in the EIR. If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include them in the EIR. Consistent with CEQA, Alternative 2- RMT II Site Alternative, sites the WWTF at an alternative location where impacts would be equal to or slightly less, overall, than the proposed project. However, the RMT II Site Alternative would not meet the critical project objectives minimizing project costs and consolidating wastewater treatment systems. Seven other alternative sites were considered but were not analyzed as provided in Section 5.6.1 of the EIR. Reasons including difficult and costly permitting due to the existence of ESHA, likely public opposition due to odor concerns, likely inability to purchase the project site, and conflicts with overhead and underground infrastructure eliminated these alternative sites from further consideration.

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

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

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

1. Certifies that the Final Environmental Impact Report for the Samoa Peninsula Wastewater Project (SCH#: 2018042083) has been completed in compliance with CEQA, that the Final EIR was presented to the Board of Directors and the Board of Directors has reviewed and considered the information contained in the FEIR before approving the project, and that the FEIR reflects the District's independent judgment and analysis; and

2. Adopts and agrees to implement the Mitigation Monitoring and Reporting Program (MMRP) contained in Attachment 2, in cooperation with the County of Humboldt, which is incorporated into this resolution by reference as if set forth in its entirety herein; and
3. Approves the Samoa Peninsula Wastewater Project, as described in the Project Description and clarified in the FEIR; and
4. Peninsula Community Services District will prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
5. Peninsula Community Services District will give notice of the decision to any interested party.

PASSED AND ADOPTED this the 14th day of March 2022, by a majority of Directors of the Peninsula Community Service District as follows:

Adopted on motion by Director Angie Unea, second by Director, Tracie Smith and the following vote:

Vote of the Board

- Troy Nicolini, Chairman: ays
- Tracie Smith, Director: ays
- Paul Tuzzalino, Director: ays
- Angie Unea, Director: ays
- Leroy Zerlang, Director: ays

AYES: 5 NOES: 0 ABSTAINES: 0 ABSENTS: 0

Signed and dated by the Chairman of the Board of Peninsula Community Service District on this the 14th day of March 2022.

Signature: Angie Unea Name: Angie Unea

Secretary of the Board

Signature: Troy Nicolini Name: Troy Nicolini

President of the Board

Directors of the Peninsula Community Service District

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution regularly presented to and adopted by the Board of Directors of the Peninsula Community Service District via a vote at the District's March 14th 2022 Board Meeting, at which a quorum was present and voted, and that such resolution is duly recorded in the minutes of this California Special District; that the Directors and or

Officers named in said resolution have been duly elected or appointed to, and are the present incumbents of the respective offices set after their respective names; and that the signatures set above their respective names are their true and genuine signatures.

Dated: 3/14/22 Signature: Angie Unea Angie Unea

Secretary of the Board