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## State Water Resources Control Board

Andrew Bundschuh  
Humboldt County Public Works Department  
1106 Second Street  
Eureka, CA 95501

Dear Andrew Bundschuh:

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND) FOR HUMBOLT COUNTY (COUNTY); ORLEANS MUTUAL WATER COMPANY WATER TREATMENT SYSTEM UPGRADE PROJECT (PROJECT); STATE CLEARINGHOUSE NO. 2024110469

We understand that Orleans Mutual Water Company (System) may be pursuing Drinking Water State Revolving Fund (DWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following water quality related comments on the IS/MND circulating for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the DWSRF Program (Program). The primary purpose for the Program is to implement the Safe Drinking Water Act and various state laws by providing financial assistance for drinking facilities improvements to provide clean potable drinking water, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

All applicants seeking DWSRF funding must comply with the California Environmental Quality Act (CEQA) and provide appropriate documents to the State Water Board so that it can fulfill its CEQA responsibilities, see [CEQA Requirements](#). In addition, because the Program is partially funded by the United States Environmental Protection Agency additional federal environmental documentation (cross-cutters) may be required. For additional Program information, the complete environmental application package and instructions, please visit: [Drinking Water State Revolving Fund Forms and Instructions](#).

Following are specific comments on the County's draft IS/MND:

- The IS/MND states "Per Humboldt County Code section 314-6.1.9.1.9, essential public projects are exempt from special SMA permitting requirements. Therefore, since the project is for public utilities, which provides

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

- an essential service, it would likely be exempt from SMA permitting requirements” (PDF pages 98, 101, and 129).
- The County code referenced [or County code 314-61.9.1.9] appears to list development allowed within the stream channel, but not exceptions to the issuance of a permit which appears to be listed in County code 314-61.1.4. Please update the IS/MND to reflect the correct County code and/or other code, as applicable for an exemption, and/or explain how an exemption for the permit was determined.
  - Also note, as part of the biological analysis- including state and federally protected wetlands- the document includes BIO-7 mitigation measure (BIO-7 MM) to reduce significant impacts to Streamside Management Areas (SMAs). BIO-7 MM comes from the County’s General Plan as a requirement of providing a permit for developing in SMAs (General Plan, 10-16, PDF page 223). If the County will not provide a permit for developing in the SMA- as the Project is exempt, please clarify in the document if the County will still require BIO-7 MM to reduce significant impacts to the SMA. If a significant impact will occur and BIO-7 MM will not be required, please edit the document to reflect the mitigation measures that will be implemented to reduce these significant impacts. If a significant impact will not occur and no mitigation measures will be needed, please revise the document to indicate so, and discuss, as needed, to support the determination.
  - The document states “Additionally, the proposed project is outside the jurisdictional area of the Central Valley Flood Protection Board and does not require any floodplain permitting” (PDF pages 99, 101, and 129). Please edit this section to discuss the appropriate regulatory authority and regulations that would apply for work within the Humboldt County floodplains.

Thank you for the opportunity to review the County’s draft IS/MND. If you have any questions or concerns, please feel free to contact me at (916) 449-5285, or by email at [Lori.Schmitz@waterboards.ca.gov](mailto:Lori.Schmitz@waterboards.ca.gov) or contact Ms. Abbygayle Guevara at (916) 319-0180, or by email at [AbbyGayle.Guevara@waterboards.ca.gov](mailto:AbbyGayle.Guevara@waterboards.ca.gov).

Sincerely,

Lori Schmitz  
Environmental Scientist  
Division of Financial Assistance  
Special Project Review Unit  
1001 I Street, 16<sup>th</sup> floor  
Sacramento, CA 95814

cc: State Clearinghouse

Bridget Binning, Division of Financial Assistance

Abbygayle Guevara