

Appendix B

Comment Letters on Notice of Preparation

This page is intentionally left blank

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
- 7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: frank.lienert@nahc.ca.gov

Sincerely,



Frank Lienert
Associate Governmental Program Analyst

cc: State Clearinghouse



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 16, 2018

Humboldt County
3015 H Street.
Eureka, CA 95501



Attention: John Miller

Subject: Samoa Peninsula Wastewater Project, SCH# 2018042083

The purpose of this letter is to inform you that we have reviewed the Notice of Preparation and Notice of Scoping Meeting for a Draft Environmental Impact Report for the Samoa Peninsula Wastewater Project dated April 2018. The report was received by our office on May 7, 2018, and addresses the proposal to construct a wastewater collection, treatment, and disposal system for the communities of Samoa, Fairhaven, Finn Town, and adjacent properties.

Please note that if drinking water service will be provided to the proposed facility, an appropriate backflow prevention device will be required. In accordance with the California Code of Regulations, Title 17, Division 1, Chapter 5, Article 2, Section 7604, a physical air gap separation (AG) between the potable water supply line and receiving vessel is required. A reduced pressure principle backflow prevention device (RP) may be used in lieu of an AG if approved by our office.

If you have any questions or concerns regarding this letter or the enclosures, please contact Mr. Scott Gilbreath at (530) 224-4876 or me at (530) 224-4875.

Barry S. Sutter, P.E., Klamath District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

SMG:lar

Cc: Pat Kaspari, GHD, 718 Third St., Eureka CA 95501
Bob Brown, SHN, 812 West Wabash Ave., Eureka CA 95501
John Friedenbach, Humboldt Bay MWD, P.O. Box 95, Eureka CA 95502-0095



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust St
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 18, 2018

John Miller, Senior Planner
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

**Subject: Notice of Preparation for the Samoa Peninsula Wastewater Project
SCH #2018042083**

Dear Mr. Miller:

On May 2, 2018, The California Department of Fish and Wildlife (CDFW) received Notice of Preparation (NOP) for an Environmental Impact Report (EIR) from the Humboldt County Planning and Building Department (Lead Agency) for the Samoa Peninsula Wastewater Project Project. It is our understanding the Lead Agency will accept written comments from CDFW through May 29, 2018.

CDFW ROLE

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations, and holds those resources in trust by statute for the people of the State. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.).

PROJECT DESCRIPTION

The proposed Project consists of construction and operation of a consolidated wastewater collection, treatment, and disposal system for the communities of Samoa, Fairhaven, Finn Town, and adjacent properties. The Project will proceed in two phases. Phase 1 includes construction and operation of the collection system, upgrades to a previously approved wastewater treatment plant, and a disposal system to serve the existing development within Project boundaries. Phase 2 would allow wastewater connections for future infill development consistent with the existing Local Coastal Program plan and zone.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Special-status Species and Sensitive Habitats

As noted in the NOP, the Project has the potential to adversely impact a number of special-status species and sensitive habitats. In order to effectively analyze these impacts and propose appropriate mitigation for potentially significant impacts, CDFW recommends the following:

- The Samoa peninsula contains sensitive natural communities as well as known populations of rare plants, including the State and federally endangered Menzies' wallflower (*Erysimum menziesii*), and beach layia (*Layia carnososa*), and other plants that have a California Rare Plant Rank of 1 or 2. Botanical surveys should be conducted for areas where Project activities have the potential to result in impacts to rare plants. Surveys should follow CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>).
- The Project area contains documented osprey (*Pandion haliaetus*) nests. Osprey is a CDFW Watch List species that is protected pursuant to FGC section 3503.5 and the Federal Migratory Bird Treaty Act. The Project should propose appropriate avoidance and minimization measures to prevent disturbance to active osprey nests, such as conducting work near nest sites outside of the osprey nesting season (March through August) or requiring a minimum 500-foot buffer for heavy equipment work near active nests. Other measures may be developed in consultation with CDFW to prevent take of an active nest, or to provide additional nesting habitat for osprey via installation of nesting platforms in appropriate locations on the peninsula.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The online submission and PDF CNDDDB field survey forms, as well as information on which

John Miller, Senior Planner
Humboldt County Planning and Building Department
May 18, 2018
Page 3

species are tracked by the CNDDDB, can be found under their corresponding tabs at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the Lead Agency in identifying and mitigating potentially significant impacts of the Project on biological resources.

Questions regarding this letter or requests for further coordination should be directed to Jennifer Olson, Environmental Scientist, at (707) 445-5387 or jennifer.olson@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

ec: Curt Babcock, Gordon Leppig, Dana Mason, Jennifer Olson
California Department of Fish and Wildlife
Curt.Babcock@wildlife.ca.gov, Gordon.Leppig@wildlife.ca.gov,
Dana.Mason@wildlife.ca.gov, Jennifer.Olson@wildlife.ca.gov

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-1865

VOICE (707) 445-7833

FACSIMILE (707) 445-7877



May 30, 2018

John Miller, Senior Planner
Humboldt County Planning and Building Dept.
3015 H Street
Eureka, CA 95501

RE: Notice of Preparation for a Draft Environmental Impact Report for the Samoa Peninsula
Wastewater Project

Dear Mr. Miller:

Thank you for the opportunity to comment on the preparation of the draft programmatic environmental impact report (DEIR) for the above-referenced coastal development project. We received an email link to the Notice of Preparation (NOP) on April 27, 2018. The following comments are provided for lead and responsible agency consideration in developing the final environmental review document and reviewing the environmental effects associated with this development project. Please note that the following are comments of the Coastal Commission staff; the Commission itself has not reviewed the NOP.

Scope of Agency Comments

The project site is located entirely within the California Coastal Zone as defined in Chapter 2.5 of the California Coastal Act (PRC §30000 *et seq.*) and subject to the policies and standards of the certified Local Coastal Program (LCP) of Humboldt County. Portions of the project site (e.g., ocean outfall) are located within the Commission's original jurisdiction comprised of tidelands, submerged lands, and public trust lands. Accordingly, the Commission will function as both a trustee and responsible agency. The role of trustee agency is based upon the Commission's explicit jurisdiction by law over natural resources held in trust for the people of the State of California that could be affected by the project. The function of responsible agency derives from the role of the Commission in: (a) certifying LCPs for areas within the Coastal Zone under local government jurisdiction; (b) issuing coastal development permits (CDPs) within areas of Commission jurisdiction; or (c) hearing appeals on CDPs issued by local governments for certain classes of developments in specified areas. For projects or portions thereof located within the Commission's jurisdiction, the standard of review is the Chapter 3 policies of the Coastal Act.

Under Section 15251(c) of the CEQA Guidelines (14 CCR 15000 *et seq.*), the Secretary of Resources has certified the Commission's regulatory program as a "functionally equivalent process" to CEQA. Accordingly, for purposes of considering a request for a CDP for the project (e.g., for proposed discharge/disposal of treated wastewater through the existing ocean outfall), the certified EIR would be used as technical background document in assessing the effects on coastal resources associated with the Samoa Peninsula Wastewater Project.

As portions of the project site are located within the CDP jurisdiction of both the County and the Commission, if requested by the applicant and the County and agreed to by the Commission's Executive Director, the Commission has the authority (pursuant to section 30601.3 of the Coastal Act) to process a single consolidated CDP application for the project, using the Coastal Act as the standard of review. If the applicant, the County, and the Commission's Executive Director do not agree to the CDP consolidation process, the project would require separate CDPs. The local government's approval of the CDP would be appealable to the Coastal Commission pursuant to Section 30603(a) of the Coastal Act because the project is located between the sea and the first public road paralleling the sea, and/or within 300 feet of the mean high tide line, and/or within 100 feet of a stream, wetland, and/or estuary.

The below comments suggest how the EIR should address issues of consistency with relevant Coastal Act policies for the project. These comments also may be used as guidance on some of the issues to address during the preparation of a complete CDP application for the Commission's review and consideration.

Potential Effects on Visual Resources

Section 30251 of the Coastal Act states, in applicable part, the following:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Comments:

In addition to those issues identified in the Initial Study, the DEIR also should:

- address whether the project would lead to public view impacts to and along the ocean, bay or scenic coastal areas; and
- evaluate if/how the project minimizes the alteration of natural land forms and will be visually compatible with the character of surrounding areas.

Potential Effects on Biological Resources

Section 30230 of the Coastal Act states as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30233 of the Coastal Act states as follows, in applicable part:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- (1) *New or expanded port, energy, and coastal-dependent industrial facilities...*
 - ...
 - (4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines...*

- ...
- (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*

Section 30240 of the Coastal Act states as follows:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30107.5 of the Coastal Act defines ESHA as follows (in applicable part):

"...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

Comments:

In addition to those issues identified in the Initial Study, the DEIR also should:

- for project components involving wetland diking, dredging, and/or filling, evaluate whether (i) the proposed action is allowable under Section 30233 of the Coastal Act, (ii) the action represents the least environmentally damaging feasible alternative, and (iii) the best mitigation measures feasible will be implemented to minimize adverse environmental effects;
- include analyses demonstrating how the project will maintain and enhance the functional capacity of the habitat, maintain and restore optimum populations of all species marine organisms and protect human health;
- analyze the effects of the project's proposed disposal/discharge of treated wastewater on marine resources and the biological productivity of coastal waters;
- evaluate the project's direct and indirect impacts to ESHA as defined under Section 30107.5 of the Coastal Act and the County's certified Humboldt Bay Area Plan; and
- explain both (i) how the proposed project will be sited and designed to prevent impacts that would significantly degrade environmentally sensitive areas that are adjacent to the project area footprint, and (ii) how the project will be implemented in a manner that is compatible with the continuance of the adjacent ESHA.

Potential for Hazards & Hazardous Materials

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Comments:

In addition to those issues identified in the Initial Study, the DEIR also should:

- evaluate the project's consistency with Section 30232 of the Coastal Act.

Hydrology & Water Quality

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30253 of the Coastal Act states, in applicable part, the following with respect to hazards:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard;*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...*

Comments:

In addition to those issues identified in the Initial Study, the DEIR also should:

- evaluate the extent to which the project has the potential to increase risks to life and property associated with geologic, flood, and/or fire hazards;
- evaluate how the built project will perform under and adapt to increased flooding in the area in the coming decades as exacerbated by sea-level rise, using a range of sea-level rise scenarios projected for the region;¹ and
- evaluate project impacts on the water quality of coastal waters and ensure that the project will not adversely affect the biological productivity and functional capacity coastal waters.

Land Use & Planning

Comments:

In addition to those issues identified in the Initial Study, the DEIR also should:

- evaluate the project's consistency not only with existing land use plans and regulations, including the currently certified HBAP and the County zoning regulations but also with policies and regulations as contemplated to be amended in the coming year (e.g., the County's commercial cannabis ordinance which has been adopted for coastal areas, changes to MC zoning in the area, and the HBAP update work that currently is underway which focuses on sea-level rise adaptation planning)

Potential Effects on Recreation/Public Access

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Coastal Act Section 30210 requires, in applicable part, that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires, in applicable part, that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires, in applicable part, that public access from the nearest public roadway to the

¹ Refer to Northern Hydrology & Engineering March 2018 and the [2018 State Sea-Level Rise Guidance](#).

shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In addition, as cited above, Section 30240(b) of the Coastal Act states in part that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those recreation areas.

Comments:

In addition to those issues identified in the Initial Study, the DEIR also should:

- investigate whether the project may have any significant adverse effect on public access or recreation; and
- explain how the project will be sited and designed to prevent impacts that would significantly degrade adjacent park and recreation areas and be compatible with the continuance of the adjacent park and recreation areas.

Thank you again for the opportunity to provide comments as part of the scoping for the environmental analysis for the Samoa Peninsula Wastewater Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer". The signature is fluid and cursive, with the first name "Melissa" being the most prominent part.

Melissa B. Kraemer
Supervising Analyst

COMMISSIONERS

1st Division

Larry Doss

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Richard Marks

5th Division

Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
(707) 443-0801
P.O. Box 1030
Eureka, California 95502-1030



May 30, 2018

John Miller, Senior Planner
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Subject: Samoa Peninsula Wastewater Project Notice of Preparation Comments

The Humboldt Bay Harbor, Recreation and Conservation District received the Samoa Peninsula Wastewater Project NOP for a Draft EIR. The Harbor District is in general support of the project which would provide consolidated wastewater collection, treatment, and disposal for uses on the Samoa Peninsula within the Peninsula Community Service District boundaries. We offer the following comments for consideration in preparation of the EIR:

- We support use of the Harbor District's ocean outfall pipe and discharge point at Redwood Marine Terminal II for the proposed project.
- Current land uses include a mix of residential, commercial, industrial, coastal dependent industrial, public facilities, parks and a school. It is necessary to connect the Coastal Dependent Industrial properties to the wastewater treatment system in order to attract and retain Coastal Dependent Industries.
- We request the EIR take into account the need to connect currently zoned and formerly utilized industrial properties to the wastewater system.

Thank you for the opportunity to comment on the NOP. If you have any questions or comments, please contact me at (707) 443-0801 or loetker@humboltdbay.org.

Larry Oetker
District Planner
for: Larry Oetker, Executive Director



1125 16th Street, Suite 202, Arcata, CA 95521
(707) 445-7508 / (707) 825-9181 fax
www.humboldtlafo.org

May 30, 2018

John Miller
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Subject: NOP for the Samoa Peninsula Wastewater Project

Dear John,

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) for the Samoa Peninsula Wastewater Project. The proposed project would result in construction and operation of a consolidated wastewater collection, treatment, and disposal system for residential, commercial/industrial, recreational, and institutional facilities located within the boundaries of the Peninsula Community Services District (PCSD).

The Humboldt Local Agency Formation Commission (LAFCo) approved the proposal to reorganize the Samoa Peninsula Fire Protection District into the PCSD with terms and conditions on May 15, 2017. The election confirming the reorganization was approved by voters on November 7, 2017. LAFCo staff is continuing to proceed with conditions compliance, including developing a preliminary inventory of the major infrastructure components intended to be transferred to the PCSD.

The Samoa Peninsula Wastewater Project will add further clarity regarding the assets the PCSD will eventually be responsible for managing, as well as the costs associated with long-term operations, maintenance and replacement costs and overall district management of the wastewater system on the Peninsula. The preliminary rate analysis is critical for determining the necessary user fees required to support the proposed system.

Again, thank you for the opportunity to review and comment on the NOP. Please contact LAFCo staff at 445-7508 if you have questions regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Colette Metz". The signature is written in a cursive, flowing style.

Colette Metz
Humboldt LAFCo

From: Miller, John
To: [Chryss Meier](#); [Stein E. Coriell](#)
Cc: [Pat Kaspari](#); "Mike Fogel"
Subject: FW: Samoa Peninsula Wastewater Project, Comments on NOP
Date: Thursday, May 31, 2018 4:47:52 PM

FYI

John Miller, Senior Planner
Long Range Planning
Humboldt County Planning & Building
(707) 268-3781
jpmiller@co.humboldt.ca.us

From: Dolf, Benjamin
Sent: Thursday, May 31, 2018 3:25 PM
To: Miller, John
Subject: Samoa Peninsula Wastewater Project, Comments on NOP

Mr. Miller,

The Humboldt County Division of Environmental Health has the following comments on the Samoa Wastewater NOP:

1. Note that each parcel in the proposed service area that contains an existing onsite wastewater treatment system will be required to connect to the community sewer per HCC Title VI, Division 1, Section 611-4. Additionally, each connection must destroy their existing septic tank under permit through the Division of Environmental Health.

Thank you very much,



Benjamin W. Dolf, R.E.H.S.

Senior Environmental Health Specialist

DHHS Division of Environmental Health, Land Use Program :: 100 H St. Eureka, CA 95501 :: (707) 268-2235

This e-mail has been scanned for viruses

Samoa Peninsula Wastewater Planning Project Draft EIR
Scoping Meeting
May 16th, 2018



WRITTEN COMMENTS DUE BY MAY 30TH, 2018

CEQA PROCESS RELATED

NAME: Jennifer A. Jensen 5-29-18

ADDRESS: P.O. Box 5121 Eureka, CA 95502

E-MAIL ADDRESS: _____

COMMENTS: The community of Fairhaven is built on sand and has been existing since the 1800's when ship building was one of our industries. We used to draw potable water from the sand by pipe with holes driven into the sand which acted as a salt water filter.

That same sand Fairhaven is built on rests between two bodies of salt water, Humboldt Bay and the Pacific Ocean, so the tides effect our septic systems and our septic systems also effect those two bodies of water. The tides rise and fill our leech lines with sand which obstructs their function. The tides go out with our water table and septic systems contents pollution.

Fairhaven needs to be included in Samoa's public sewer waste disposal and treatment plant!

God bless you, Jennifer A. Jensen

