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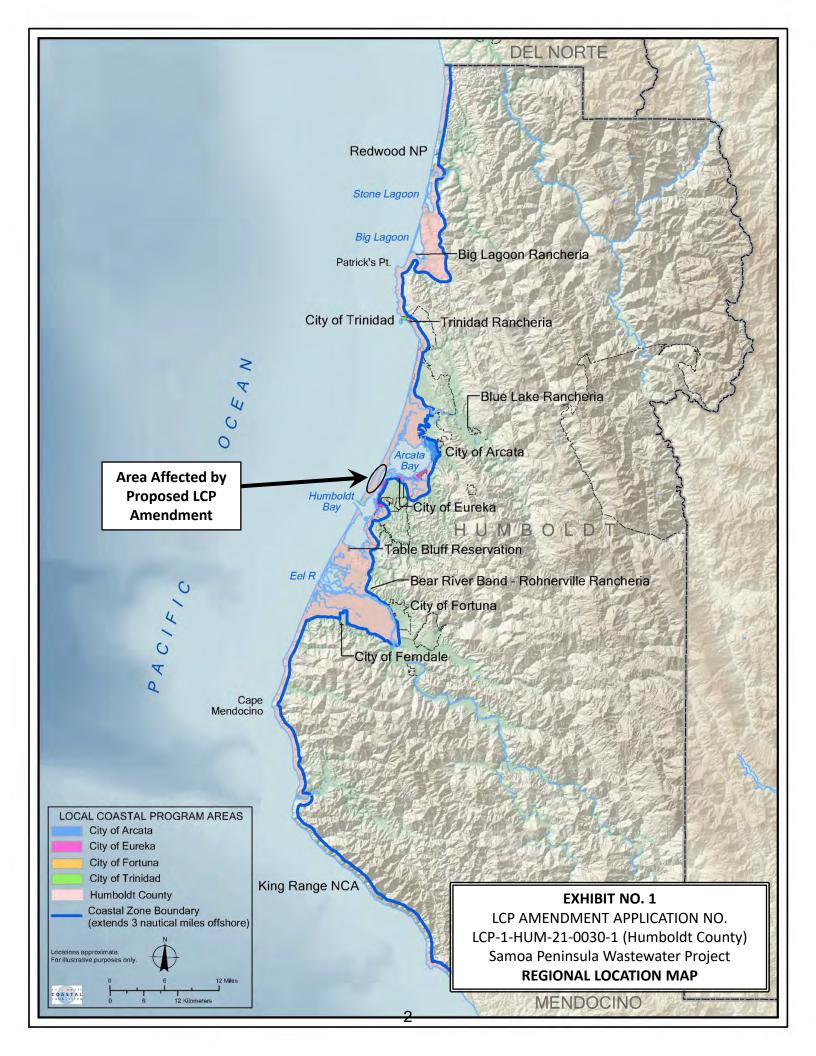
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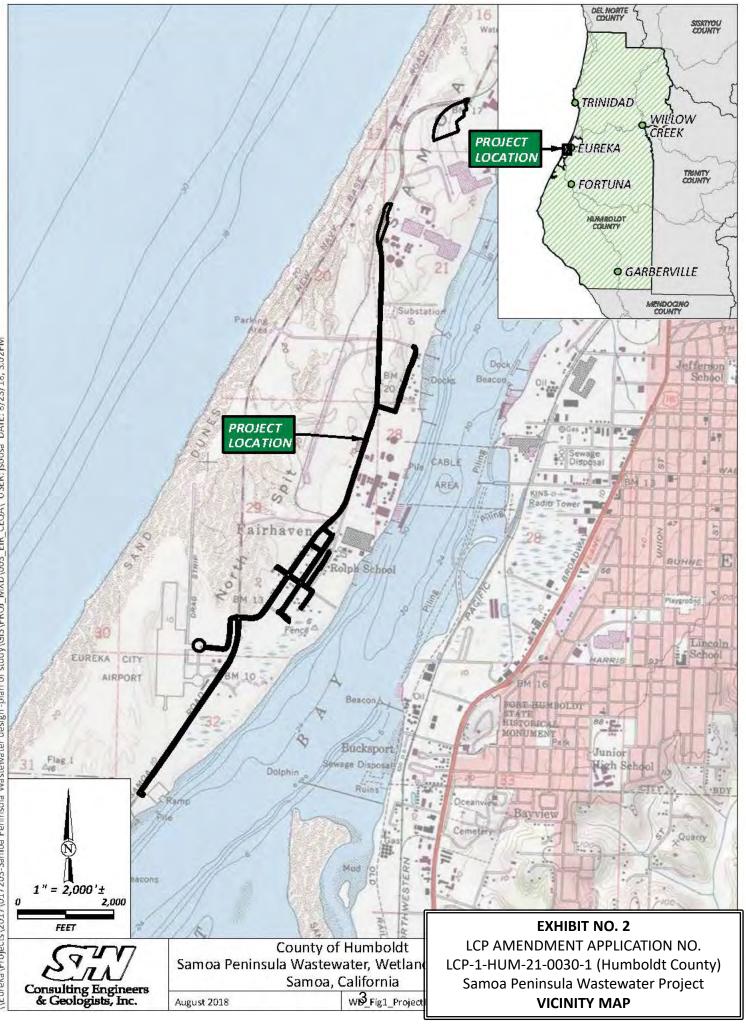
(SAMOA PENINSULA WASTEWATER PROJECT)

December 16, 2021

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EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) Samoa Peninsula Wastewater Project DESCRIPTION OF PROJECT FROM FINAL EIR (Page 1 of 25)

3. Project Description

The proposed project involves amendments to the Humboldt Bay Area Plan (HBAP) of the Humboldt County Local Coastal Program to allow the construction and operation of a consolidated wastewater collection, treatment, and disposal system to correct public health and water quality problems resulting from failed on-site sewage disposal systems in the Samoa/Fairhaven area outside the Town of Samoa with connections to residential, commercial/industrial, recreational, and institutional facilities located within the boundaries of the proposed Peninsula Community Services District (PCSD), and amendments to the Humboldt Bay Area Plan (HBAP) and Coastal Zoning Regulations (CZRs), components of the Humboldt County Local Coastal Program (LCP), to allow construction and operation of the system. It is anticipated that the PCSD will be fully formed by early 2019.

The project would provide sewer service to structures within on the Samoa Peninsula, including to the communities of Fairhaven and Finntown. The project would not provide service to parcels within the approved Samoa Town Master Plan. <u>The proposed project Sewer service to the area</u> would be implemented in two phases:

Sewer Service for Existing Structures (Short-Term Phase) – The construction and operation of a wastewater collection system extending outside the Urban Limit Line to existing residential and commercial uses, currently served by onsite wastewater treatment systems, for immediate connection to address public health and water quality problems and to provide service to industrial and conditionally permitted coastal-dependent industrial uses, and amendments to the LCP to allow system construction and operation.

The Short-Term phase includes construction and operation of a collection system, upgrades to a previously approved wastewater treatment facility, and a disposal system using the existing outfall to discharge effluent into the ocean to serve the existing structures that are served by onsite septic systems within the boundaries of the PCSD. The Long-Term phase would allow future infill structures, consistent with HBAP and zoning, to connect to the project's collection system and be served by the wastewater treatment plant. The amendments to the HBAP and Coastal Zoning Regulations in the Short-Term Phase are necessary to allow the extension of sewer service outside the Urban Limit Line to existing uses, allow wastewater flows to be sent to the Approved Samoa VWVTF, and to establish interim performance standards that new residential development would be required to meet in order to address sea level rise inundation, tsunami safety, and ESHA impacts.

and Sewer Service for Possible Future Infill (Long-Term Phase) – Comprehensive planning, and amendments to the Local Coastal Program to address the exposure of new development to coastal hazards, including sea level rise and tsunami inundation, and to protect coastal resources, including ESHA, and the implementation of programs to support coastal hazard adaptation and resilience for planned uses around Humboldt Bay.

The Long-Term phase involves the comprehensive planning process and implementation programs described above and does not include any construction or operation activities.

The interim performance standards under the Short-Term phase are anticipated to be adopted by ordinance in 2021 and would have the same practical effect as the comprehensive planning HBAP amendments proposed under the Long-Term phase. Neither project phase includes the development of vacant residential parcels or any other type of infill development.

3.1 Project Location

The proposed Samoa Peninsula Wastewater Project (project) is located on the Samoa Peninsula in Humboldt County approximately 225 miles north of San Francisco and less than 1 mile west of Eureka, California (Figure 3-1 Project Location). The project is within the proposed PCSD boundary, which once fully formed, will provide municipal services to the Samoa Peninsula (Figure 3-2 Service Area). The Samoa Peninsula includes the communities of Fairhaven, Finntown, and town of Samoa. The project's proposed wastewater improvements would serve the unincorporated communities of Fairhaven and Finntown and area surrounding the town of Samoa, but would not include the Samoa Town Master Plan area, which was addressed in the previously prepared Samoa Town Master Plan, Final Master Environmental Impact Report, Humboldt County, April 14, 2006, certified October 27, 2009 (see Section 3.3.2).

Project improvements would primarily be located in-road in Vance Avenue, Bendixsen Street, Lincoln Avenue, New Navy Base Road, and portions of adjoining streets. Improvements also would be made at the approved, but not yet constructed, Samoa Wastewater Treatment Facility in the Samoa Town Master Plan area. Figure 3-3 Project Boundary shows the project site, including construction staging areas.

3.2 Project Objectives

The following are the project objectives for the Short-Term phase:

- Collect, convey, and treat domestic wastewater from existing structures in Fairhaven, Finntown, the County Boat Launch facility, <u>Coastal-Dependent Industrial facilities</u>, and the Eureka Airport that currently use on-site wastewater treatment systems;
- Reduce and avoid degradation of groundwater quality;
- Consolidate wastewater collection and treatment services within the PCSD service area;
- Minimize the impacts to coastal resources by <u>limiting allowing immediate connections to</u> the project to only serve for only existing structures that are served by onsite septic systems and by locating the wastewater collection system within the existing developed road system wherever feasible; and
- Minimize project cost by improving the approved Samoa Wastewater Treatment Facility (WWTF) system and utilizing the existing outfall to discharge effluent into the ocean.

The following are the project objectives for the Long-Term phase:

- Allow for the Ensure that future development of infill development properties in Fairhaven that will be required to connect to the project will be sited and designed in a manner, consistent with future HBAP-land designations /zone classifications and policies; amendments resulting from planning efforts that will address sea level rise, tsunami safety, and ESHA protection in a manner that will ensure protection of coastal resources and provide coastal hazards resilience; and
- Protect coastal resources and provide coastal hazards resilience;
- Facilitate Industrial Coastal-Dependent, Industrial and Port of Humboldt development consistent with HBAP land use designations/<u>and policies</u>, and with zone classifications-and policies.

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3.3 Background and Context

The project is proposed to improve and protect water quality in the project area through development of a public wastewater system that minimizes project costs and impacts on the environment. The Humboldt County Division of Environmental Health considers establishment of a community sewer system on the Samoa peninsula a high priority. Existing systems in Fairhaven and surrounding areas predominantly pre-date current standards for adequate soil conditions and groundwater separation. The near-sea-level ground elevation and influence of tidal waters results in a shallow groundwater table, susceptible to further rise in conjunction with fluctuations of sea level. This, coupled with the fast-draining sandy soils comprising the peninsula, presents a situation preventing adequate biological and filtrative treatment of wastewater compliant with current onsite waste treatment system (OWTS) regulations.

In addition, the North Coast Regional Water Quality Control Board (NCRWQCB) staff has raised concerns prior to and during the preparation of the *Samoa Peninsula Wastewater Project, Planning and Design Study* (GHD/SHN 2018), about the impacts to groundwater quality from continued use and potential future failure of existing private septic systems within Samoa Peninsula. The Short-Term phase would be initiated as soon as funding is available and amendments to the HBAP required for this phase are certified, and would implement improvements to collect, treat, and dispose of wastewater from existing structures, thus addressing this issue, as detailed in Section 3.5.3 below. The Long-Term phase would occur after planning relating to coastal resources and coastal hazards is complete and additional amendments to the HBAP are certified, utilizing the infrastructure constructed in Short-Term phase and would accommodate Industrial, Coastal-Dependent, Port and infill development that would occur over time.

The project is proposed within a complex planning environment that includes application of planning and policy documents at the County level, and regulation and oversight by multiple state and regional resource management agencies. The following paragraphs describe the various components of the planning landscape for the project.

3.3.1 Existing Unsewered Condition in Fairhaven and Finntown

The <u>following areas may be periodically referred to collectively as the Fairhaven and Finntown and</u> <u>do not have a wastewater collection and treatment system, and instead use individual septic</u> <u>systems that discharge to individual leachfields and make up the project area: the</u> communities of Fairhaven and Finntown; surrounding industrial properties; Samoa Peninsula Union School; the Samoa boat ramp and RV park; and smaller commercial operations located on or near the City of Eureka Samoa Field Airport_F. The DG Fairhaven Power Facility discharges to an existing ocean outfall. Most of the existing septic systems are aging and are poorly suited for the soil and groundwater conditions that exist on the peninsula. Preventative maintenance is uncommon and failing systems are rarely identified until surface seepage is reported to the Humboldt County Division of Environmental Health (HCDEH).

In 1991, the first Wisconsin mound on-site wastewater disposal system was approved by the HCDEH. At the time, Wisconsin mounds were the best available technology for leachate disposal in areas of high groundwater; however, the HCDEH and the NCRWQCB found that due to high groundwater levels and coarse sand, mound systems, while providing better treatment than standard leachfields, did not comply with the Water Quality Control Plan (Basin Plan) requirements for the

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 3 of 25)

h sets specific vertical separation requirements between disposal

lines and groundwater to ensure protection of beneficial uses of the groundwater in the Samoa Peninsula.

On June 8, 1993, the NCRWQCB advised the HCDEH that no more than six mounds should be installed in the Fairhaven area until sufficient monitoring data supports permitting additional mounds. To date, groundwater monitoring for septic leachate contamination has not been completed in the Fairhaven area. Six permits were issued for new residential construction using Wisconsin mounds, the most recent being in 2006; however, an additional 14 Wisconsin mounds were permitted as emergency repairs for failed standard septic systems. In total, 20 Wisconsin mounds have been constructed with an average of one per year since 2010 as emergency replacements.

The NCRWQCB is concerned about the impacts of partially-treated wastewater discharged to leachfields, groundwater, and Humboldt Bay due to the Peninsula's high water table and sandy soils. The NCRWQCB has raised concerns about harmful impacts to groundwater and potential impacts to the waters of Humboldt Bay if the existing systems are left in place.

The NCRWQCB maintains the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). In this policy, counties are required either to accept a generic management plan for OWTS or to create their own area-specific Local Agency Management Program (LAMP) by 2018. Due to area-specific constrains, Humboldt County elected to develop its own LAMP in November 2017. The Humboldt County OWTS Regulations and Technical Manual is an appendix to the Humboldt County Onsite Wastewater LAMP. The Humboldt LAMP regulates the installation of new or replacement OWTS under Tier 2 of the OWTS Policy.

In the Humboldt LAMP, the Fairhaven area is identified as having multiple challenging conditions for OWTSs. Due to these issues, Fairhaven is within a Variance Prohibition Area. Variance Prohibition Areas (VPA) have conditions which require special consideration for OWTSs to protect public health and water <u>quality</u>, including high groundwater elevations, extremely coarse or restrictive soils, and high septic or water well density. Replacement of failing systems in VPAs will likely require above-grade pressurized dispersal systems, and new OWTS design proposals within these areas must strictly adhere to the regulations to ensure adequate treatment prior to dispersal. Variances cannot be granted for new OWTS construction. It is unlikely that site conditions found in Fairhaven would support the design of economically viable new septic system OWTSs that meet the requirements of the County regulations. Any discharge to land outside the jurisdiction of the local county regulations would require review and approval by the NCRWQCB. Additionally, proposals for future infill development specifically in Fairhaven are subject to submittal of a cumulative impact report that assesses groundwater mounding and organic and nitrogen impacts that are likely to result from the development. The HCDEH cites Humboldt County Code section 612-2(b)(3)(j) for authority to require the report. Multiple developers have sought OWTS permits since 2006; however, no cumulative impact report has been submitted, thus no permit has been issued.

3.3.2 Samoa Townsite Master Plan

The Samoa Townsite Master Plan (STMP), prepared by the Samoa Pacific Group (SPG), was approved in 2009 with the STMP Master Environmental Impact Report (EIR) (State Clearinghouse

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 4 of 25) on October 27, 2009 by the Humboldt County Board of Supervisors.

The STMP covers approximately 173 acres on the north end of the Samoa Peninsula (See Figure 3-2 Service Area). After certification of the STMP Master EIR, amendment of the Humboldt County General Plan (Humboldt Bay Area Plan [HBAP]) was approved by the County of Humboldt on December 6, 2011. The HBAP amendment incorporates the adopted findings of the California Coastal Commission (LCP Amendment HUM-MAJ-01-08, March 10, 2011). The amendment conditionally approved the land uses and associated zone reclassifications for the STMP site and was ultimately certified by the Coastal Commission in August 2012.

The STMP and Master EIR include a wastewater treatment facility (Samoa WWTF). The Samoa WWTF, as described and contained in the approved STMP and certified Master EIR, is referred to as the "Approved Samoa WWTF" within this DEIR.

2015 HBAP Amendment

After approval of the STMP, Humboldt County adopted an amendment to the HBAP to establish development requirements for each phase of the STMP. The amendment also establishes submittal requirements for each development phase and provides specific improvement requirements for each phase. This amendment was subsequently certified by the California Coastal Commission.

2017 STMP Amendment and IS/MND

The STMP was amended in 2017. The 2017 amendment was analyzed in the Samoa Town Master Plan Phase 1 Multi-family Housing, Wastewater Treatment Facilities, and Vance Avenue Reconstruction Initial Study/Mitigated Negative Declaration (IS/MND), adopted by the County of Humboldt Planning Commission on May 4, 2017. The overall scope of the STMP project was reduced from that which was analyzed in the Master EIR in terms of total acres of proposed development, number of proposed new residential units, and acres of business park development.

The STMP will be implemented in four phases and includes development of the Approved Samoa WWTF that would serve development within the STMP boundary. The town of Samoa has two separate wastewater treatment facilities that will be replaced by the Approved Samoa WWTF. The western system consists of a septic tank and leachfield. The eastern system consists of a septic tank, two unused bark filters, an oxidation treatment pond, and a percolation basin.

The Approved Samoa WWTF will be located north and west of Vance Avenue (Figure 3-4 Approved Samoa WWTF). As identified in the STMP and associated environmental documents, the Approved Samoa WWTF will be constructed in phases and will be enlarged incrementally as new development progresses in Samoa. The Approved Samoa WWTF would be constructed in Phase 1 of the STMP and would include construction of primary treatment facility and a secondary wastewater treatment area (Advantex System) on approximately 0.5 acre, and an effluent disposal system (infiltration field or leachfield) on approximately 8.5 acres.

The Approved Samoa WWTF has not yet been permitted by the NCRWQCB. The RWQCB published a draft Waste Discharge Requirements order (Order No. R1-2014-0031) proposing new discharge limits for the Approved Samoa WWTF to serve the development under the STMP.

20182019 STMP Amendment and Supplemental EIR.

As described above, the Approved Samoa WWTF includes land-based (infiltration) disposal of treated offluent. The 2019 STMP Supplemental EIR, certified on February 20, 2020, however, SPG

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 5 of 25) is proposing to amend the STMP with included an alternative to allow treated effluent disposal via the existing ocean outfall pipe at the Redwood Marine Terminal II (RMT II). As stated in the NOP for the 2019 STMP Supplemental Samoa Town Master Plan Supplement to the Master EIR, SPG is pursuing considered two possible scenarios for wastewater management:

- 1. Treatment at the Approved Samoa WWTF and land disposal consistent with the certified Master EIR, or
- 2. Treatment at the Approved Samoa WWTF and ocean disposal

Ocean disposal includes construction and operation of a dedicated pressure main to connect the Approved Samoa WWTF to Manhole 5, and use of the existing RMT II ocean outfall. The dedicated pressure main and associated pump station would be constructed by SPG as a component of the SPG-proposed Samoa WWTF improvements and would, therefore, be transferred to the PCSD after construction.

The SPG-proposed Samoa WWTF improvements for ocean disposal, including the construction of a dedicated pressure main and use of the ocean outfall, are referred to as the "SPG-proposed Samoa WWTF improvements" within this DEIR. <u>The RWQCB approved Waste Discharge Requirements for</u> <u>Peninsula CSD that includes the replacement of the existing collection systems, abandonment of the existing treatment system, extension and connection to an existing ocean outfall, and construction of a new wastewater treatment facility (Order No. R1-2020-0005 NPDES No. CA1000001 WDID No. 1B85017RHUM Waste Discharge Requirements for the Peninsula Community Services District and Samoa Pacific Group Town of Samoa Wastewater Treatment Facility Humboldt County).</u>

3.3.3 RMT II Ocean Outfall

The existing RMT II ocean outfall is an approximately 1.5 mile long, 48-inch diameter pipe with 144 2.4-inch diameter diffuser ports distributed over approximately one-quarter mile at the distant end of the pipe off-shore, putting it in the jurisdiction of the California Ocean Plan. Currently, DG Fairhaven Power, located between Fairhaven and Samoa, discharges approximately 170,000 gallons per day (gpd) of processed water, following treatment, through the RMT II ocean outfall. Discharges from DG Fairhaven Power are regulated by a National Pollutant Discharge Elimination System (NPDES) permit under North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2014-0031).

3.3.4 Peninsula Community Services District

The Samoa Peninsula Fire Protection District (SPFPD) submitted an application to the Humboldt County Local Agency Formation Commission (LAFCo) for what is known as a "reorganization" consisting of dissolution of the SPFPD and formation of a new community services district. The PCSD was approved by LAFCo in 2017, and approved by voters within the service area in the November 7, 2017 election. It is anticipated that the PCSD will be fully formed by the end of 2018. The PCSD was officially formed on April 13, 2020.

As requested and approved, the SPFPD was reorganized to a community services district for purposes of providing expanded municipal services to the Samoa Peninsula, including the new water and wastewater facilities to be constructed as part of the approved STMP. Control and ownership of the Approved Samoa WWTF will be transferred to PCSD once a plan is agreed upon for transfer of

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 6 of 25) ownership. The PCSD continues the role of providing fire protection services previously provided by the SPFPD.

3.3.5 Samoa Peninsula Wastewater Project Planning and Design Study

The Samoa Peninsula Wastewater Project Planning and Design Study (Preliminary Engineering Report) was prepared to evaluate the potential wastewater collection systems, treatment systems, and disposal options for the town of Samoa, Fairhaven, and Finntown. The main focus of the <u>Samoa Peninsula Wastewater Project Planning and Design Preliminary Environmental Study, May 2018</u>, was to evaluate the opportunities, identify approaches to address the constraints, and ultimately determine the path of future wastewater development on the Samoa Peninsula.

3.3.6 Humboldt Bay Area Plan/Local Coastal Plan

The HBAP is the County's Local Coastal Plan applicable to the project area. The HBAP identifies land uses and standards by which development will be evaluated within the Coastal Zone. The HBAP may be amended, in conformance with the policies of the California Coastal Act, only with the approval of the California Coastal Commission.

There are two areas in the HBAP that serve to directly limit connection to public wastewater systems contemplated in both the Short-Term and Long-Term phases of the proposed project.

HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) prohibits the extension of wastewater services outside of the Urban Limit Line (the STMP area is the only area of the PCSD that is within the Urban Limit Line), except sewer connections <u>may be</u> provided to industrial uses.

HBAP STMP Land Use Designation Overlay New Development (Policy 9) only allows wastewater flows to the Samoa WWTF by uses within the STMP boundary.

These HBAP policies would prevent the Approved Samoa WWTF from serving areas outside the STMP (Fairhaven and Finntown), and would prevent existing structures from connecting to the Approved Samoa WWTF the construction and operation of the proposed wastewater collection system outside the Urban Limit Line.

To allow the project's Short-Term phase to proceed, HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) would be amended to <u>allow</u> add an exception to allow sewer connections to be provided to Interim Conditionally Permitted uses in the Industrial/Coastal-Dependent Zone, and service outside the Urban Limit Line established by the STMP; to allow the immediate establishment of service to existing structures that are served by onsite septic systems; and to establish interim performance standards that new residential development would be required to address sea level rise inundation and tsunami safety, and ESHA impacts. Industrial uses outside the Urban Limit Line are currently allowed to connect to the Approved Samoa VWVTF and would continue to be allowed to do so with no amendment required to existing structures that are served by onsite septic systems on the Samoa Peninsula outside the town of Samoa. STMP Land Use Designation Overlay New Development – Policy 9 would be deleted amended to only allow pipeline connections to collect and transfer wastewater from outside the STMP to the Approved Samoa WWTF to serve areas consistent with amendments to HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) (see Section 3.5.4 for the details of this required amendment). In addition,

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 7 of 25) amendments may be required to allow the discharge of treated wastewater through the RMT II ocean outfall.

Although the project would remove one of several constraints to residential development of vacant infill lots in Fairhaven, the Short-Term phase HBAP amendments would also ensure that should entitlements for future residential infill development located within 300 feet of a sewer main (and is therefore legally required to connect) be sought prior to completion of the Long-Term phase, such development would be required to be designed and planned in consideration of sea level rise, tsunami safety, and ESHA protection in accordance with interim performance standards, until such time as the comprehensive planning performed under the Long-Term phase, and addressing similar issues, is complete.

The project's Long-Term phase involves is comprised of the portion of the above described comprehensive planning amendments to the HBAP allowing future infill development policies that address hazards associated with projected sea level rise and tsunami inundation as well as planning related to the protection of coastal resources, consistent with existing HBAP and zoning within the PCSD boundary, to connect to the project's collection system and be served by the Approved Samoa WWTF. Approved development will be required to connect to the wastewater system. The increase in effluent resulting from new infill lateral connections allowed under the Long Term phase would be conveyed, treated, and disposed of using the facilities constructed under the Short-Term phase. No additional improvements to the collection system or at the WWTF would be required.

Section 3.5.4 below describes proposed amendments to the HBAP. Humboldt County is in the process of updating the HBAP Section 3.17 Hazards to address sea level rise and tsunami inundation. The Long-Term phase would need to be consistent with amended HBAP hazard related policies. In addition, site-specific evaluation of ESHA and coastal resources potentially impacted by new infill development served by the WWTF will be needed to ensure consistency with the policies of the HBAP and Coastal Act.

3.3.7 California Ocean Plan

The State Water Resources Control Board (SWRCB) adopted the 2015 California Ocean Plan (Ocean Plan) to protect the quality of ocean waters for beneficial uses. The Ocean Plan requires control of discharge of waste to ocean waters to protect against degradation of marine species and impacts to public health. The objectives and measures of the plan are applicable to point source and nonpoint source discharges to the ocean.

All publicly owned treatment works are required to meet secondary treatment standards using technology based effluent limitations (40CFR part 133). In addition, the Ocean Plan provides the following *General Requirements for Management of Waste Discharge* to the ocean:

- a. Waste management systems that discharge to the ocean must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.
- b. Waste discharged to the ocean must be essentially free of:
 - 1. Material that is floatable or will become floatable upon discharge.
 - 2. Settleable material or substances that may form sediments which will degrade benthic

EXHIBIT NO. 3	uatic life.
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- 3. Substances which will accumulate to toxic levels in marine waters, sediments or biota.
- 4. Substances that significantly decrease the natural light to benthic communities and other marine life.
- 5. Materials that result in aesthetically undesirable discoloration of the ocean surface.
- c. Waste effluents shall be discharged in a manner which provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.
- d. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:
 - 1. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
 - 2. Natural water quality conditions are not altered in areas designated as being of special biological significance or areas that existing marine laboratories use as a source of seawater.
 - 3. Maximum protection is provided to the marine environment.
- e. Waste that contains pathogenic organisms or viruses should be discharged a sufficient distance from shellfishing and water-contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures that do not increase effluent toxicity and that constitute the least environmental and human hazard should be used.

Finally, the Ocean Plan states:

The beneficial uses of the ocean waters of the State that shall be protected include industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting.

3.3.8 Humboldt County Code 611-4 Sewer Connection Required

County Code 611-4 requires that all existing and proposed development located within 300 feet of an approved public sewer must be connected to the public sewer in accordance with the requirements set by the public sewer authority. This section of the Humboldt County code establishes more restrictive requirements than those contained in California Plumbing Code Section 713, Sewer Required, which require connections within 200 feet of a public sewer, and was adopted pursuant to California Building Code Section 1.1.8 City, County, or City and County Amendments, Additions or Deletions.

3.4 Project Relationship to Samoa Townsite Master Plan

Although the proposed Samoa Peninsula Wastewater Project (project) would not provide wastewater collection service to parcels within the STMP, the project would modify the Approved Samoa WWTF which is within the STMP.

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 9 of 25) The <u>2019 STMP Supplemental EIRSamoa Town Master Plan Supplement to the Master EIR</u>, which includes ocean disposal as an alternative, is currently under proparation (see Section 3.3.2). The release date of the Samoa Town Master Plan Supplement to the Master EIR is not known at this time. If the ocean disposal is chosen as the disposal method for Approved Samoa WWTF, the Samoa Peninsula Wastewater Project would use the SPG-constructed dedicated pressure main and contribute to the ocean disposal flow. If land disposal remains the disposal method for the Approved Samoa WWTF, the Samoa Peninsula Wastewater Project would assume the responsibility for implementing the treated effluent disposal system pipeline for ocean outfall disposal, as described in Section 3.5.3.

Normally a project such the Samoa Peninsula Wastewater Project, which proposes improvements to an approved facility, would only analyze project's net increase over the approved facility. However, because, at the time of circulation of this EIR, the Samoa Peninsula Wastewater Project EIR may be considered for certification prior to the 2019 STMP Supplemental EIR was not yet certified Samoa Town Master Plan Supplement to the Master EIR, the construction and operation of the dedicated pressure main and use of the ocean outfall for treated effluent disposal is included in this project description. A brief synopsis of the approved and proposed Samoa WWTF improvements is provided below:

Approved Samoa WWTF

The Approved Samoa WWTF includes construction of the WWTF in three phases. In Phase 1, the Approved Samoa WWTF will be constructed with primary treatment of screening and grit removal, followed by treatment facility and a secondary wastewater treatment area (Advantex System), a UV disinfection system, and an effluent disposal system (infiltration field or leachfield). Phase 2 and Phase 3 include expansion of the WWTF to include advanced treatment and additional land-based effluent disposal (leachfields). The leachfields will be located between 14 and 25 feet above mean sea level.

The full build-out of the Approved Samoa WWTF will be on approximately 0.5 acre, and the effluent disposal system (infiltration field or leachfield) on approximately 8.5 acres.

SPG-Proposed Samoa WWTF Improvements

The SPG-proposed WWTF improvements, if-approved by the North Coast Regional Water Quality Control Board on April 16, 2020 (Order No. R1-2020-0005), would allows the WWTF to use ocean disposal for treated effluent. The approved STMP includes the realignment of Vance Avenue to the north of the existing recycling center. The SPG-proposed Samoa WWTF improvements would include construction of an approximately 4,000-foot-long pressurized 6-inch PVC treated effluent pipeline in the realigned Vance Avenue to connect the Approved Samoa WWTF to Manhole 5 at RMT II.

In addition, one pump station (treated effluent pump station) would be installed at the Approved Samoa WWTF to pressurize the system. The SPG-proposed treated effluent pipeline alignment is shown in Figure 3-5 SPG-Proposed Samoa WWTF Improvements (Humboldt County 2018a).

3.5 Project Components

Subject to the proposed amendments of the HBAP described above and in Section 3.5.4, the

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 10 of 25) ewer service for residential, recreation, commercial, industrial, and

institutional facilities located within the boundaries of the PCSD. The project would not provide service to parcels within the approved STMP.

The project improvements include; wastewater collection and conveyance pipelines, <u>laterals to</u> <u>existing development currently served by septic systems</u>, expansion of the Approved Samoa WWTF, and connection to the existing ocean outfall, as described in Section 3.5.3, below. In addition, the project would require amendment of the HBAP to allow <u>extension of sewer service</u> <u>outside the Urban Limit Line, to allow connection of existing and potential future development to the</u> <u>sewer extension, and to allow</u> uses outside the STMP area to <u>connect</u> <u>convey wastewater</u> to the Approved Samoa WWTF. <u>HBAP amendments may be required to allow the discharge of treated</u> wastewater through the RMT II ocean outfall.

It is assumed that existing individual septic systems and leachfields in Fairhaven and Finntown would remain in-use until residences connect to the project improvements. At that time, individual septic tanks would be decommissioned under permit through the HCDEH.

3.5.1 Sanitary Sewer Service

The project would provide sewer service to structures within the communities of Fairhaven and Finntown. The project would not provide service to parcels within the STMP. The project's sewer service would be implemented in the following two phases:

- Sewer Service for Existing Structures Short-Term Phase. The Short-Term phase includes construction and operation of a collection system, upgrades to the previously Approved Samoa WWTF, and a disposal system to serve the existing structures in Fairhaven, Finntown, <u>Coastal</u> <u>Dependent and Industrial facilities</u>, the County Boat Launch facility, and the Eureka Airport that currently use on-site wastewater treatment systems. In addition, should entitlements for future residential infill development located within 300 feet of the sewer main be sought, and approved subject to performance standards relating to coastal hazards and resource described in 3.5.4 below, such development could connect.
- Sewer Service for Possible Future Infill Development Long-Term Phase. The Long-Term phase would allow possible future infill development in Fairhaven, consistent with HBAP and zoning, to connect to the project's collection system and be served by the wastewater treatment plant does not involve the construction of any wastewater facilities and is not intended to encourage or facilitate development. Rather, it is a comprehensive planning process that will culminate in future amendments to the HBAP, in a manner consistent with the Coastal Act and certified by the Coastal Commission, to address projected inundation due to sea level rise, exposure to tsunami hazards, and ESHA protection. As described in more detail under 3.5.7, future development in Fairhaven would be served by the project's collection system and the Approved Samoa WWTF, consistent with the HBAP amendments under the comprehensive planning process of the Long-Term phase.

Upon completion of the improvements under the Short-Term phase, the project would allow connections for existing structures, as summarized in Table 3-1, consistent with and upon issuance of a Coastal Development Permit by the County or California Coastal Commission, as applicable.

The Long-Term phase would be implemented at an unknown future date. For the purpose of this DEIR, it is assumed that the Long-Term phase would be implemented by 2030. Under the Long-Term

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 11 of 25) phase, future infill development, consistent with the amended HBAP and zoning, within the PCSD would be allowed to connect to the project improvements upon approval of the amended HBAP.

The potential infill development that may occur after implementation of the Short-Term and Long-Term phase, including certification of the HBAP amendments, would be implemented at an unknown future date, and until further studies to address ESHA, sea level rise, and tsunami hazards, the development potential of the infill development area cannot be reasonably be determined. For the purpose of this DEIR, an estimate of future infill development is identified only for purposes of determining the design flow and capacity of project facilities in the Preliminary Engineering Report (Appendix C). Future infill development within the PCSD would be subject to project specific assessments as described in Section 3.5.4. Future infill development may occur on parcels in Fairhaven that are designated RX, Rural X-Urban, and zoned RS-X, Residential Suburban with no further subdivision allowed. It is estimated that up to 62 new residential units could reasonably be constructed on the available infill lots in Fairhaven. In addition, construction of secondary units is allowed under the current zoning, which may include smaller accessory (quest) dwellings units. Note that accessory dwellings are not additional single family homes and do not require a second sewer connection. The parcels with reasonable potential for infill residential development (i.e. fewer apparent ESHA constraints) are identified in Figure 3-6 Potential Parcels Served – Long-Term phase. Future infill development is assumed to occur over a 30-year planning horizon.

Finntown is zoned MC-A, industrial/coastal dependent with an archaeological resources overlay zone. This type of zoning does not allow residential construction <u>uses</u>, but does allow a caretaker's quarters. The number of potential sanitary connections <u>for new development</u> that could occur in the Long-Term phase is identified in Table 3-1.

Yanaka	Potential Sanitary Sewer Connections				
Land Use	Short-Term Phase ¹	Long-Term Phase ²	Total		
Residential	66	62 ³	128		
Commercial ⁴	10	0	10		
Recreational⁵	1	0	1		
Institutional	1	0	1		
Total	78	62	150		

Table 3-1 Potential Sanitary Sewer Service Connections

Source: Preliminary Engineering Report, Tables 6-2 and 6-3.

Notes:

 The Short-Term phase includes physical improvements and would allow connections for existing structures.

 Estimated future potential infill development (Preliminary Engineering Report, Appendix C, Section 2.4.2, pp. 20 – 21, Fig. 2.2). Future infill development consistent with existing HBAP plan and zoningdesignations. For the purpose of evaluating reasonably foreseeable <u>cumulative</u> impacts of project, this DEIR assumes that the Long-Term phase would be implemented by 2030. Future infill development is assumed to occur within a 30-year planning horizon.

3. Connections for future infill assumes one connection per parcel.

4. Commercial users include both commercial and industrial uses.

5. Existing recreational connections may include the boat ramp and campground; it is assumed that the drag strip will connect at the same location as the Humboldt Bay Social Club.

This document does not include growth assumptions for industrial uses within the PCSD. The majority of the proposed PCSD service area is zoned industrial, including Coastal-Dependent

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General (Humboldt County 2017). The Humboldt Bay Maritime

Industrial Use Market Study identifies prior, current, and proposed land uses on CDI land within the Samoa Peninsula (Humboldt County 2018b). Future uses of CDI properties may include commercial fishing, recreational boating, mariculture, marine research, and offshore energy. These CDI uses would not generate substantial quantities of wastewater that would be conveyed or treated by the project.

The estimated residential population served by the Short-Term and Long-Term <u>phases</u> is summarized in Table 3-2. The assumptions and data used to estimate residential population are provided in Appendix B, Preliminary Engineering Report.

1 march 1 m	Estimated Population Served				
Location	Short-Term Phase	Long-Term Phase ¹	Total		
Fairhaven	187	273	460		
Finntown	28	0	28		
Total	215	273	488		

Table 3-2 Estimated Residential Population Served

Notes:

1. Future infill development would be consistent with existing HBAP plan and zoning. Development is assumed to occur within a 30-year planning horizon.

3.5.2 Design Flow and Treated Effluent Standards

The average daily flow for the project would be approximately 67,000 gallons per day (gpd) under full implementation. The project's design flow estimates are provided in Table 3-3. As shown in the table, the full project buildout plus STMP buildout is estimated to generate over 185,000 gpd average daily flow, and a design peak hour flow of over 740,000 gpd.

Table 3-3 Design Flow

	Estimated Flow Rate (gpd)				
Scenario -	Average Daily Flow	Peak Hour Flow			
Short-Term Phase	22,648	90,592			
Long-Term Phase	44,276	177,103			
Total Project	66,924	267,695			
Approved STMP	118,210	472,658			
Total Project and Approved STMP	185,134	740,353			
		в. е. с. н.			

Source: Preliminary Engineering Report.

Source: Preliminary Engineering Report.

Although not applicable to the proposed project, the project is designed to attain the following Ocean Plan standard:

Shellfish Harvesting Standards

- (a) At all areas where shellfish may be harvested for human consumption, as determined by the Regional Board, the following bacterial objectives shall be maintained throughout the water column:
 - 1. The median total coliform density shall not exceed 70 per 100 mL, and not more <u>than 10 percent</u> of the samples shall exceed 230 per 100 mL.

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3.5.3 Project Improvements

Project improvements would be constructed during the Short-Term phase. The Long-Term phase would not require any improvements to the collection system, WWTF, or disposal system. Project improvements would include:

- Collection System: wastewater pipelines installed in-road and three pump stations.
- Project Improvements to the Approved Samoa WWTF: install a sequencing batch reactor (SBR) system and ultraviolet (UV) disinfection system. Install solids treatment system for onsite dewatering of settled solids consisting of a polymer injection system, a roll-off style dewatering container, and solids drying beds.
- Treated Effluent Disposal System: Pipeline installed in road connecting the Approved Samoa WWTF to the ocean outfall pipe at the Redwood Marine Terminal II (RMT II) Manhole 5, and an associated pump station (construction by the SPG).

Wastewater would enter the collection system and be conveyed to the Approved Samoa WWTF. At the Approved Samoa WWTF, wastewater will have primary treatment of screening and grit removal followed by secondary treatment with an SBR system, then will be disinfected by a UV system. Solids accumulated during the treatment process will be dewatered onsite and hauled to either an appropriately permitted landfill or composting operation via an approximately five cubic yard truck.

The project would use the Approved Samoa WWTF headworks for primary treatment of screening and grit removal. No improvements are proposed to the primary facilities. Improvements would need to be made to the secondary treatment, UV disinfection system, and solids handling. Solids disposal would be handled in the same manner as the Approved Samoa WWTF.

Treated wastewater would be transported to the existing RMT II Manhole 5 for ocean disposal through the existing outfall. Each component of the project improvements is described in greater detail below.

Collection System

The proposed collection system consists of gravity flow pipes in Fairhaven and Finntown, connected by a single pressure pipe running north along Vance Avenue to the Approved Samoa WWTF. Gravity pipes would be a minimum diameter of 8 inches to allow for easy access of cleaning and inspection equipment. Manholes would be placed a maximum of every 500 feet, at each change in vertical or horizontal alignment, within existing right of ways and streets, and at the end of every pipe run. Gravity mains would be constructed to prevent floatation during seismic events or due to high groundwater. The proposed pipeline alignments are shown in Figure 3-7 Collection System Overview, Figure 3-8 Collection System Fairhaven, and Figure 3-9 Collection System Finntown.

A pressure main would run from the boat ramp and campground at the southern end of the PCSD service area to Fairhaven and Finntown and to the Approved Samoa WWTF (See Figure 3-3 Project Boundary). The pressure mains would include air relief valves at each rise in the pipe with air scrubbers to remove noxious gasses and odors. The pressure main also would include cleanout stations at each change in horizontal or vertical alignment, intersection of main lines, and at the end of every pipe run, for launching of a pipeline inspection gauge (PIG) to clean or inspect the pipe

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Location	Pipe Length (feet)	Pipe Diameter
Collection System		
Fairhaven ¹ Gravity Main	6,100	8-inch
Finntown ¹ Gravity Main	1,400	8-inch
Pressure Main	15,600	4-inch
Total	23,100	
Notes:		

Table 3-4 Collection System Pipeline Length Estimates

See Figures 3-8 and 3-9 for proposed sewer layouts in Fairhaven and Finntown.

Collection System Pump Stations

Each community would have at least one centralized pump station to pump wastewater to the Samoa WWTF through the central pressure main. A third pump station would be located at the Samoa boat ramp and campground. Each pump station would have an emergency backup diesel generator.

A single large pump station would be constructed at the east end of Park Street to serve the Fairhaven collection system. A pump station would be constructed on Comet Street south of Bendixsen for the Finntown collection system. Both the Fairhaven and Finntown pump stations are expected to be up to 5 feet deeper than the minimum trenching depth for the gravity pipe due to the need for storage volume. All the pump stations would be constructed below ground surface, with an access hatch directly above each station. A small, approximately 8-foot by 12-foot building would also be constructed near the pump stations to house an emergency generator, the power service, and control panel. The subsurface pump station at the Samoa boat ramp would be approximately 3-feet in diameter and 6-feet deep. The subsurface pump stations at Park Street and Comet Street would be approximately 6-feet in diameter and 16-feet deep.

Construction of Laterals to Existing Facilities

Laterals, from the gravity main within the road to existing facilities, would be constructed as existing structures are connected to the project improvements that would be constructed under the Short-Term phase.

Project Improvements to the Approved Samoa WWTF

The wastewater in the project's collection system would be conveyed to the Approved Samoa WWTF. Construction of the Approved Samoa WWTF is not a component of this project. The WWTF was analyzed in the certified Samoa Townsite Master Plan EIR, State Clearinghouse Number 2003052054. Location of the Approved Samoa WWTF is shown in Figure 3-4. The project would result in the construction of improvements to the Approved Samoa WWTF. The improvements would occur on approximately 0.25 acres of the WWTF site.

The Samoa WWTF improvements would include upgrades to the existing secondary treatment system with the addition of a Sequencing Batch Reactor, a new disinfection system, and a dewatering system for the solids using a batch process onsite. No changes would be made to the headworks or solids disposal.

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Sequencing Batch Reactor

A SBR would be installed, modifying the Advantex process of the Approved Samoa WWTF. The SBR improvements would be installed immediately adjacent to the Advantex system within the Approved Samoa WWTF overall area. The Advantex system will be used until the SBR is brought online. The proposed SBR system would take the flow from the Approved Samoa WWTF headworks after the initial screening and grit removal and direct it to the SBR units instead of sending it to the Advantex system. The SBR system would consist of two concrete basins, each 36-feet long by 18-feet wide by 20-feet deep. The basins would be located partially below and partially aboveground. The basins would be outfitted with required flow control manifolds, diffusers, and decanters. Two positive displacement blowers with 15-horsepower (hp) electric motors would also be utilized to provide the required air for the treatment process. Two submersible sludge pumps with 5-hp electric motors would be installed in the basin to remove solids as required. Associated piping, valves, and necessary process control and electrical power wiring and panels would also be installed. The total required footprint area for the SBR would be approximately 6,000 square feet.

No physical improvements to the SBR would be required to accommodate the Long Term phase; Long Term effluent would be accommodated through operational changes to the SBR.

Ultraviolet Disinfection

Secondary treated effluent would leave the SBR and would flow through a new disinfection system consisting of a pipe outfitted with a UV lamp bank prior to being pumped from the plant for disposal. The UV chamber would consist of a reaction chamber such as a Trojan UVFit or similar system. These consist of compact reaction chambers, with the treated secondary effluent flowing in one end and out the other end of the chamber, with 18 UV lamps installed around the outside of the flow. As a physical process, the UV light "touching" the pathogens is what accomplishes the disinfection. Two chambers would be installed to provide a redundant system, so one system can be used while the other is being maintained, and to handle peak flows. Each chamber is approximately 7-feet long by 16-inches in diameter and two feet high. The chambers would be located in a small building to protect the system, power supply, and controls, and to allow for working on the system to be sheltered from the weather. The overall building would be concrete block construction and would have a footprint of approximately 8-feet by 12-feet. The building would be located within the footprint of the Approved Samoa WWTF near the final pump station that transfers flows to Manhole 5.

Solids Dewatering

The growth of the bacteria that consume the contaminants in the wastewater results in a sludge or solids that occasionally need to be disposed of. The solids consist of a large fraction of water when they are removed from the SBR. It is more energy efficient and cost effective to transport and dispose of the solids if they are first dewatered prior to them being transported off site. To accomplish this, a solids dewatering system would be added to the Samoa WWTF within the footprint of the existing facility. The solids dewatering process would consist of dewatering the solids using a batch process onsite and then hauling the dried solids, or "cake," to either a landfill or composting operation holding the appropriate licensure. The following infrastructure would be required to integrate a dewatering system:

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- Polymer injection system and mixing tank. These would consist of a small positive displacement pump connected to an approximately 100-gallon storage tank that would be used to mix and inject the polymer into the dewatering tank.
- Sludge dewatering container would consist of a concrete basin approximately 18-feet long by 8-feet wide, by 6-feet high. The sludge would be pumped from the SBR to the dewatering container and polymer would be added. The polymer aids the solids in clumping together to form a cake. The cake then settles and the liquid is removed from the basin and recycled back to the front of the SBR. The solids are then removed from the basin and transferred to the concrete holding area.
- Covered concrete holding area for dried solids would consist of two concrete pads surrounded by a low concrete wall. The pads would be approximately 6-feet wide by 18-feet long and the wall would be approximately 3-feet high. The pads would be covered with a light metal frame roofing structure supporting a lightweight roof approximately 8-feet above the pads, which would keep rain off the solids, and allow them to dry more completely. The solids would be stored on the pads until such time as sufficient solids are collected for disposal.

This DEIR assumes that the only solids that would be handled by this system are those that are generated by the connections and service population identified in Section 3.5.1. The solids dewatering improvements would occupy approximately 600 square feet.

Treated Effluent Disposal System

The SPG-proposed Samoa WWTF improvements include two possible scenarios for treated effluent disposal: (1) land disposal consistent with the certified Master EIR; and (2) a pressure main to transfer treated wastewater from the Approved Samoa WWTF to Manhole 5 at RMT II for ocean disposal, shown in Figure 3-5 SPG-Proposed Samoa WWTF Improvements. The RMT II ocean outfall releases treated effluent approximately 1.5 miles offshore. As stated in Section 3.4, the Samoa Peninsula Wastewater Project would assume responsibility for constructing the treated effluent disposal pipeline if land disposal remains the disposal method for the Approved Samoa WWTF. See Section 3.3.2 and Section 3.4, for the CEQA history and status of the Approved Samoa WWTF and SPG-proposed Samoa WWTF improvements, and the Samoa Peninsula Wastewater Project's relationship to the STMP. To connect the Approved Samoa WWTF to the RMT II, a pressurized pipeline with one pump station would be constructed along Vance Avenue from the WWTF to RMT II Manhole 5. An approximately 4,000 foot long pressurized 6-inch PVC treated effluent pipeline would be installed beneath the approved Vance Avenue realignment. The pump station would be located within the Approved Samoa WWTF. The pressurized pipeline and pump station would be constructed as part of the SPG-Proposed Samoa WWTF improvements prior to construction of the project.

The flows that would be contributed to the ocean outfall from the Samoa Peninsula Wastewater Project and approved STMP are presented in Table 3-3. If the SPG-proposed Samoa WWTF improvements are approved with the ocean outfall scenario at RMT II, the Approved Samoa WWTF would discharge to the ocean outfall with a peak hour flow of approximately 472,658 gallons (STMP flow only). The total peak hourly flow of the project and buildout of the STMP is estimated at 740,353 gallons.

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LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 17 of 25) For average daily flows, the project's Short-Term phase would add 22,648 gallons and the Long-Term phase would add 44,276 gallons per day at average daily flow. Total project and STMP daily flow is estimated as 185,134 gallons per day.

SPG-Proposed Treated Effluent Pump Station

Assuming that the ocean outfall scenario is selected as part of the SPG-proposed Samoa WWTF improvements, a pump station would be located at the Approved Samoa WWTF to pressurize the treated effluent disposal pipeline. The pump station would be constructed below ground surface, with an access hatch directly above the station. A small, approximately 8-foot by 12-foot building would also be constructed near the pump station to house an emergency generator, the power service, and control panel. It is estimated that the subsurface pump station would be approximately 6-feet in diameter and 10-feet deep.

3.5.4 Humboldt Bay Area Plan/Local Coastal Plan Amendment

Amendment to the HBAP is necessary to implement the Short Term phase to allow existing structures in Fairhaven and Finntown to connect to the wastewater system and to allow that wastewater to be accepted and processed by the Approved Samoa WWTF. The HBAP would be amended to specify the existing uses that may be connected to the wastewater system as exceptions to the other policies in the HBAP. This approach would prevent connections for new development from being approved. Implementation of the project's Short-Term phase, outside of the HBAP Urban Limit Urban Limit Line the town of Samoa shall not be allowed until the HBAP has been amended and approved by the California Coastal Commission. The following actions are necessary to allow development of the project's Short-Term phase:

 Amend HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) to add exceptions to allow sewer connections to Interim Conditionally Permitted uses in the Industrial/Coastal-Dependent Zone, and existing structures that are served by onsite septicsystems on the Samoa Peninsula outside the town of Samoa. The amendment may read:

In addition, sewer connections may be provided to industrial uses, to Interim-Conditionally Permitted uses in the Industrial/Coastal Dependent zone, and to existing structures that are served by onsite septic systems on the Samoa Peninsulaoutside the Town of Samoa-

2. Amend the HBAP to allow the discharge of treated wastewater through the existing permitted-Redwood Marine Terminal II (RMT II) ocean outfall.

Additionally, implementation of the proposed project, within the boundary of the STMP area that is within the existing HBAP Urban Limit Line will not be allowed until the STMP has been amended to delete the STMP Land Use Designation Overlay New Development – Policy 9; which only allows connections to the Samoa WWTF by users within the STMP.

Amendment to the HBAP for the Long-Term phase of the project may involve expanding the Urban Limit Line in the Plan to include the areas proposed to be served, which would enable new infill development consistent with the HBAP and zoning to connect to the system. Implementation of the project's Long-Term phase shall not be allowed until the HBAP has been amended and approved by the California Coastal Commission. The following actions are necessary to allow development of

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 Amend the HBAP to allow future infill development, consistent with the HBAP, within the PCSD boundary to connect to the proposed projects wastewater collection system and beserved by the Samoa WWTF.

Amendments to the HBAP are necessary to implement the Short-Term phase to allow the extension of sewer service outside the Urban Limit Line to existing uses in Fairhaven and Finntown that currently use onsite septic systems, to allow wastewater from outside the STMP to be accepted and processed by the Approved Samoa WWTF, and to establish interim performance standards that ensure future infill development that precedes the Long-Term phase address coastal hazard and ESHA constraints in a manner consistent with the Coastal Act. The amendments would allow existing structures currently served by onsite septic systems, to be immediately connected to the wastewater system after construction. The amendment adding interim performance standards would require new development to prepare detailed analyses, to address sea level rise, tsunami safety hazards, and ESHA impacts, that would have the same practical effect as the HBAP planning effort and subsequent HBAP amendment implemented under the Long-Term phase.

Under the Short-Term phase the following amendments are necessary to allow construction and operation of the wastewater collection system and ensure that future residential infill development is consistent with the HBAP and Coastal Act:

- Amend HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) to add an exception to allow the extension of sewer service outside the Urban Limit Line established by the STMP, and to allow the immediate establishment of service to existing structures that are served by onsite septic systems to address the project Short-Term phase objectives.
- 2. Amend STMP Land Use Designation Overlay New Development Policy 9, to only allow wastewater flows from outside the STMP in a manner consistent with HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies).
- Adopt interim performance standards for new residential development located within 300 feet of the sewer service extension, and not already included in the exception. Infill development would only be approved after potential future developments addressed sea level rise inundation, tsunami safety, and ESHA impacts consistent with the Coastal Act.

Under the Long-Term phase, the following amendment is necessary to support coastal hazard adaptation and resilience for planned uses around Humboldt Bay:

1. <u>Amend the HBAP consistent with the Coastal Act following comprehensive planning that is</u> <u>currently underway to address sea level rise, tsunami hazards, and EHSA protection.</u>

Comprehensive coastal hazard and resource planning, consistent with the Coastal Act as prescribed in the Long-Term phase, is to ensure new infill development is sited and designed to the greatest extent feasible to protect life, property and coastal resources from sea level rise and tsunami inundation hazards and to protect ESHA. Coastal Development Permits for new residential development that precede this HBAP amendment would be approved subject to performance standards adopted by ordinance as a component of the Short-Term phase. These amendments ensure that new development would be protective of public health, safety and welfare, and coastal resources, relative to sea level rise and tsunami inundation, and will be protective of ESHA, based and the protection of the sport of the sport of the sport of the start of the sport o

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3.6 Construction Activities

Project improvements described in Section 3.5 would be constructed in the Short-Term phase. The Long-Term phase requires no new construction <u>as it only involves amending the HBAP except for</u> connection of individual properties to the project improvements constructed under the Short-Term phase. Laterals to existing facilities (Short-Term phase) would be constructed as <u>existing</u> structures opt to <u>are</u> connected to the project improvements. Laterals to future infill facilities (Long Term phase) would be constructed as infill development occurs <u>consistent with the amendments to the HBAP described in 3.5.4</u>. However, construction of laterals is not a part of the proposed project.

Overall construction of project improvements is anticipated to begin in <u>20202022</u>, and be complete within 12 months. Within the 12-month period, construction of the improvements to the Approved Samoa WWTF would last for approximately 6 months. Anticipated daytime work hours are 7:00 a.m. to 7:00 p.m., Monday through Friday.

3.6.1 Site Access and Staging

Access to the project area is primarily from Highway 255 from the north and east. The staging areas would be located within the paved area of the Samoa Drag Strip/Eureka Municipal Airport, a paved portion of the former Samoa Pulp Mill site, and a compacted gravel near the Approved Samoa WWTF, as shown in Figure 3-3. All staging and construction parking would occur within these areas. Construction parking (approximately one to two vehicles) could also occur for short periods along the streets where pipelines would be installed.

3.6.2 Collection System

The construction of the collection system would generally consist of trenching within existing roadways, laying pipe in the trench, backfilling, compacting, and repaying over the trench.

Trenches would typically be between 5 feet and 12 feet deep and 3 feet wide. Trenches 5 feet deep or more will be shored to prevent collapse. Digging would be done with an excavator. The excavated asphalt and soil (that is unsuitable for backfill) would be hauled offsite in 10-yard dump trucks. A skid-steer would likely be used for backfilling purposes. A backhoe would be used for potholing utilities, other various digging activities, and hauling/moving backfill material. A front loader may also be used for transporting backfill material. A jumping jack, plate compactor, or similar equipment would be used for compacting backfill.

If needed, temporary groundwater dewatering would be conducted to provide a dry work area. Dewatering would involve pumping water out of the trench. Groundwater would typically be pumped to Baker tanks (or other similar type of settling tank). Following the settling process provided by a tank, the groundwater would typically be pumped to a bag and cartridge filter system (or similar system) before being discharged to a permitted location. NCRWQCB Order No. R1-2009-0045, Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region, applies to discharges of construction dewatering. This order requires development of a best management practices/pollution prevention plan to characterize the discharge and to identify specific measures to control the discharge, such as sediment controls to ensure that excessive sediment is not discharged and flow controls to prevent erosion and flooding downstream of the discharge.

The project is required to comply with the NPDES General Permit for Stormwater Discharges

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 20 of 25) Construction General Permit), which includes best management

practices to prevent soil erosion. The Construction General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of stormwater discharges; and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharges. SWPPPs must include BMPs that address source control, BMPs that address pollutant control, and BMPs that address treatment control.

After the collection system piping is installed and trenches are backfilled, paving would occur over the areas of paving that have been removed from excavation. A grinder would be used to grind out the section to be paved, and the spoils from this activity would be hauled offsite. A paver would be used to pave the trench section, and rollers would be used to compact the pavement that is placed. It is estimated that approximately 3 acres of pavement surface restoration would be required.

3.6.3 Improvements to Approved Samoa WWTF

Construction of the additions to the Approved Samoa WWTF would generally consist of construction of the two SBR basins and related piping and controls, construction of the UV disinfection reaction chambers and a building to house them, and construction of the dewatering basin and sludge drying beds as detailed in Section 3.5.3. These structures would be situated within the overall footprint of the Approved Samoa WWTF and would occupy approximately 7,000 SF of the site. Approximately 480 cubic yards (CY) of material would be excavated and hauled off for the construction of the SBRs. The SBR basins, the solids dewatering basin, and the solids drying beds would all be constructed of concrete. An estimated 100 CY of concrete would be required to construct the SBR tanks, floor of the disinfection building, solids dewatering tank, and solids drying beds.

3.6.4 Treated Effluent Disposal System

The pressurized pipeline to Manhole 5 and associated pump station would be constructed at the same time as the Approved Samoa WWTF by SPG. The construction activities to install the pressurized pipeline and restore pavement would be identical to construction activities for the collection system described in 3.6.2.

3.7 Energy Usage

The Short-Term and Long-Term phases of the project would use energy for the collection, treatment, and disposal of water. A summary of the project's energy use is provided in Table 3-5. Details for the estimated energy demand for each of the project components are in the following subsections.

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	Annual Er	nergy Consumption	(kWh)	
Component	Short-Term Phase	Long-Term Phase	Sub Total	
Project Components				
Collection System	21,412	17,069	38,481	
Treatment System	19,617	18,510	38,127	
Treated Effluent Pump Station	11,566	10,916	22,482	
Project Totals	52,595	46,495	99,090	
STMP Treated Effluent Pump Station	N/A	N/A	54,443	
Total Project and STMP	52,595	46,495	153,533	
lotes: N/A = not applicable				

Table 3-5 Summary of Energy Use

Notes: N/A = not applicable

3.7.1 Collection System

Pump stations used to convey effluent through the collection system would use electricity during project operations. The energy consumption estimates assume the collection system pumps would run 24 hours per day. The total annual energy usage of the pumps for the collection system is estimated to be approximately 21,412 kilowatt-hours (kWh) and 17,069 kWh of energy annually for the Short-Term and Long-Term phases, respectively. Full project implementation would use approximately 38,481 kWh/year.

3.7.2 Treatment System

Energy consumption related to operation of the VWVTF treatment system would be from the SBR, UV disinfection system, and solids dewatering. The energy intensity of each treatment system component, and estimated annual energy consumption of treatment system is provided in Table 3-6.

Trastment Component	Annual	Estim	Estimated Flow Rate (kgpd)		Annual Energy Consumption (kWh/gpd)		
Treatment Component	kWh/ kgpd	Short- Term	Long- Term	Total Project	Short- Term	Long- Term	Total Project
SBR	554.85				16,686	15,744	32,430
UV	54.27	30.07	28.38	58.45	1,632	1,540	3,172
Solids Dewatering	43.21				1,299	1,226	2,525
				Total	19,617	18,510	38,127

Table 3-6 Estimated Treatment System Energy Use

3.7.3 Treated Effluent Disposal System

The treated effluent pump station would use approximately 76,925 kWh of energy annually at full buildout of the project and the STMP. The estimated energy usage of the pump is provided in Table 3-7 (GHD/SHN 2018).

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Annual Energy Consumption (kWh)
11,566
10,916
22,482
54,442
76,924

Table 3-7 Estimated Treated Effluent Pump Station Energy Use

3.8 Operation and Maintenance

3.8.1 Collection System

Operations and maintenance include annual cleaning of the three proposed pump stations in Fairhaven and Finntown and at the Boat Launch facility, regular camera inspection of gravity pipes, and regular jet cleaning of gravity pipes.

Camera inspection and jet cleaning are assumed to take place simultaneously because jetting is often required prior to camera inspection. Initially, cleaning and inspection of the new sewer system may not be necessary, but over the lifetime of the system it is assumed that 10 percent of the piping would be cleaned and inspected annually (760 feet per year).

Maintenance of the collection system would include periodic line inspection and repairs, cleaning out blockages, and repair of areas where substantial infiltration is occurring. Maintenance would also include routine inspection of the pump stations. Pump station maintenance consists of routine inspections, cleaning of the wet well, and replacement of worn out parts. The type and frequency of inspections and maintenance would not change from the Short-Term to the Long-Term phases of the project. The cost for maintenance for the Long-Term phase would increase very slightly as more time would likely be required to clean the collection system. The cost for maintenance of the pumps in the collection system would increase between Short-Term and Long-Term phases, roughly proportionally to the increase in flows as the pumps operate longer to handle the increase flows.

3.8.2 Improvements to Approved Samoa WWTF

Annual maintenance for the components of the treatment system would include regular inspections and maintenance of the air blowers and pumps associated with the SBRs including replacement of worn parts and complete replacement likely every 10-15 years. The SBR influent and effluent manifolds and weir would also have to be cleaned regularly and components replaced as they wear out.

UV lamps would be regularly wiped to keep the lamps clear in order to effectively transmit their light. UV systems would be fitted with automated wipers to keep lamps clean. The UV lamps would need to be replaced every one to two years.

The polymer pumps for the solids dewatering system would also have to be maintained regularly and likely replaced every 5 to 10 years. The dewatering tank and the drying beds would not require significant maintenance other than an occasional cleaning.

The type and frequency of inspections and maintenance would not change from the Short-Term to <u>the Long-Term phases of the project</u> for the treatment system.

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3.8.3 Treated Effluent Disposal System

A wastewater discharge permit (WDP) from the NCRWQCB would be required for the disposal of treated wastewater through the outfall. The Samoa Townsite will need to obtain a WDP for their discharge and a permit application has been submitted for their operation. This WDP would then be amended to handle the additional flows associated with the treated wastewater from Fairhaven and Finntown, etc. Under the WDP, there would be several required monitoring operations in place to protect the quality of the ocean water in the vicinity of the outfall. Requirements would be in place for both influent and effluent monitoring. Influent parameters to be monitored would include flowrate, biochemical oxygen demand (BOD), and total suspended solids (TSS). Effluent parameters anticipated to be monitored include the following: flowrate, BOD, TSS, pH, settleable solids, total coliforms, copper, cyanide, dichlorobromomethane, methyl tertiary butyl ether (MtBE), acute toxicity, chronic toxicity, and priority pollutants identified as Compound Nos. 1 – 126 by the California Toxics Rule at 40 CFR 131.38 (b) (1).

The type and frequency of inspections and maintenance would not change from the Short-Term to the Long-Term phases of the project for the disposal system.

3.8.4 Solids Handling and Hauling

Solids would accumulate in the SBR tanks, which would periodically need to be removed and put through the dewatering system. Sludge would be injected with polymer and mixed in a tank, and then placed into a sludge dewatering container. The treated solids would be stored on the new concrete pad with a cover that would allow additional drying to occur. Dried solids would be stored in a concrete holding area until there is enough to haul. A front end loader or backhoe would be used to load the cake into a truck to be hauled.

Dried solids would be hauled to either a landfill or composting operation for disposal. Currently, the landfill in Anderson, California, is the nearest landfill that would accept these solids. The Anderson Landfill is located approximately 162 miles from the Approved Samoa WWTF. There are also composting facilities in the Humboldt Bay area that could potentially accept these solids...Solids hauling would generate approximately four 5 CY-truckloads of solids per year.

3.9 Permits and Approvals

The PCSD would approve the project and be responsible for the implementation (construction and operation) of the project.

Short-Term phase construction and operation would be subject to the following permits and/or approvals from various regulatory agencies:

 Coastal Commission – Certify <u>amendments to the HBAP</u> to allow wastewater facilities to <u>immediately</u> serve existing structures <u>outside the Urban Limit Line that are</u> currently served by onsite septic systems <u>and serve future infill development subject to future HBAP amendments or</u> <u>functional equivalent analysis to address coastal hazard and ESHA impacts associated with such</u> <u>development</u>; Certify HBAP to allow Samoa Townsite to accept wastewater from outside the STMP boundary; and issue Coastal Development Permit for project construction and discharge using existing ocean outfall.

<u>County of Humboldt – Coastal</u> Development Permit for project construction and service to existing

EXHIBIT NO. 3 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 24 of 25) and Finntown, Building Permit; Encroachment Permits; and, Grading

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Permit for project construction and service to existing residential users in Fairhaven and Finntown. In addition, decommissioning of individual septic tanks would require a permit from Department of Health and Human Services - Public Health.

- State Water Resources Control Board Construction General Permit
- North Coast Regional Water Quality Control Board National Pollutant Discharge Elimination System, Report of Waste Discharge, 401 Water Quality Certification
- U.S. Army Corps of Engineers Section 404 of the Clean Water Act Permit
- California State Lands Commission Lease for use of the existing ocean outfall

The Long-Term phase would be subject to the following approval(s):

 County of Humboldt and Coastal Commission – Amendments to and certification of the HBAP, consistent with the Coastal Act, that address coastal hazards and ESHA resources, to allow wastewater service to existing structures and to future infill development, consistent with plan and zone, within the boundaries of the PCSD

3.10 References

GHD/SHN. 2018. Samoa Peninsula Wastewater Project, Planning and Design Study. May.

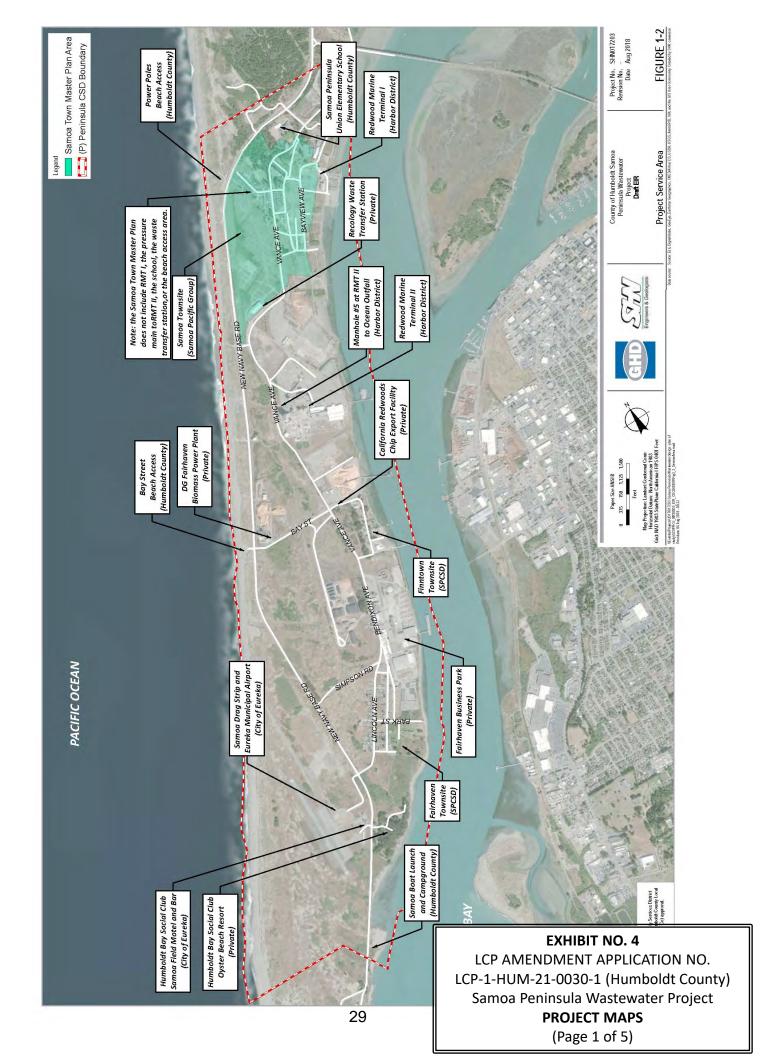
- Humboldt County. 2008. Samoa Town Master Plan Final Master Environmental Impact Report. January.
- Humboldt County. 2018a. Notice of Preparation: Samoa Town Master Plan Supplement to the Master Environmental Impact Report. July 2.

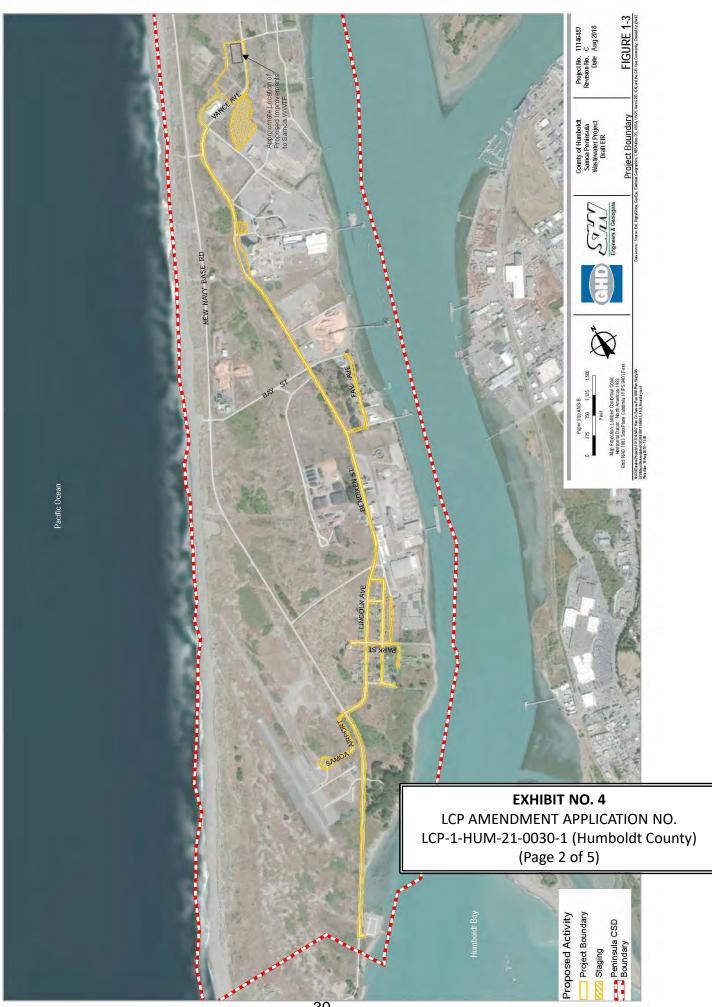
Humboldt County. 2018b. Humboldt Bay Maritime Industrial Use Market Study. May 31.

Humboldt County. 2020. Samoa Town Master Plan Supplemental Environmental Impact Report. February.

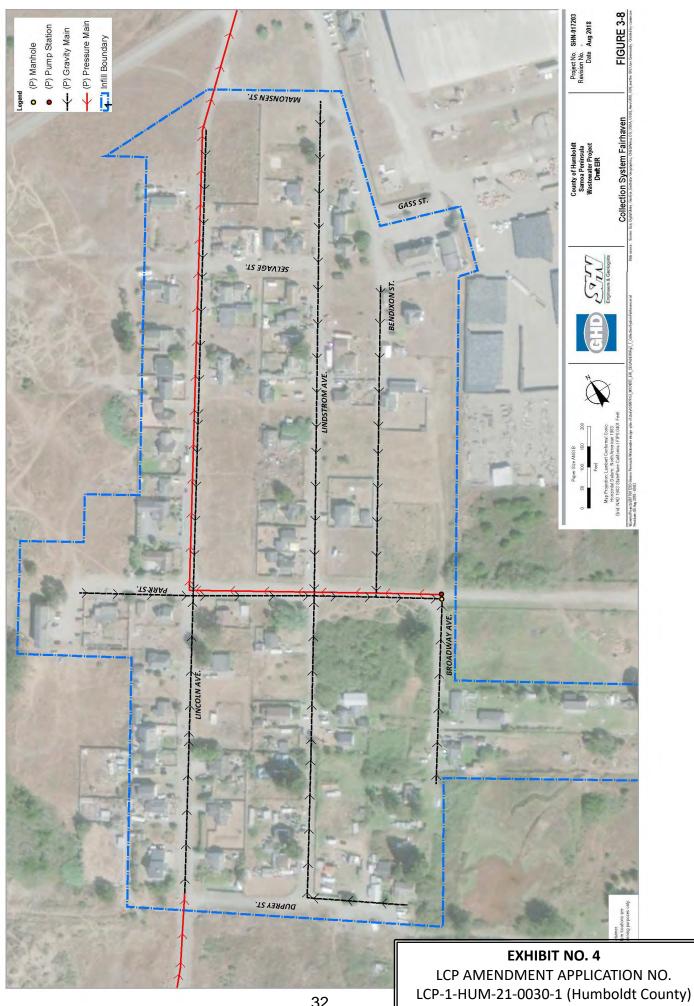
Humboldt County. 2017. Humboldt County Code Section 611-4. November 7.

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA Certified copy of portion of proceedings, Meeting of February 9, 2021

RESOLUTION NO. 21-19

RESOLUTION NO. 21-19 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING COASTAL PLAN AMENDMENTS TO ALLOW THE SAMOA PENINSULA WASTEWATER PROJECT TO PROCEED

WHEREAS, California Government Code Section 65850, and following. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, 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

WHEREAS, Humboldt County Board of Supervisors has supported 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

WHEREAS, on October 5, 2020 the Board of Supervisors approved the Samoa Peninsula Wastewater Project (SPWP) and directed the Planning Commission to initiate an amendment to the Humboldt County Local Coastal Program to allow the SPWP to proceed, consisting of the following: amend Section 3.22, Public Services-Rural, subsection B (Development Policies) and Samoa Town Master Plan New Development - Policy 9 of the Humboldt Bay Area Plan (HBAP), and prepare performance standards, in a manner consistent with the FEIR, for adoption by ordinance, and

WHEREAS, the proposed amendments to the HBAP and Zoning Map may be approved if all the required findings can be made as specified in the General Plan, Zoning Regulations and state law; 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, a public hearing was held on the matter before the Humboldt County Planning Commission on January 7, 2021, during which the Planning Commission reviewed, and took public comments on the draft LCP Amendment; and

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) Samoa Peninsula Wastewater Project ADOPTED LUP AMENDMENTS & RES. 21-19 (Page 1 of 15)

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WHEREAS, the Planning Commission recommended the Board of Supervisors approve the amendments to the HBAP and Zoning Map to allow the SPWP to proceed and transmit them to the Coastal Commission for certification; and

WHEREAS, on February 2, 2021 the Board of Supervisors held a public hearing on the proposed ordinance and related Coastal Plan amendments, and received public comments, reviewed and considered all public testimony and evidence and presented at the hearing;

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

- 1. **FINDING:** The proposed HBAP and Coastal Zoning Regulation amendments (hereafter LCP amendment) is exempt from environmental review.
 - **EVIDENCE:** a) Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA.

CONSISTENCY WITH THE GENERAL PLAN.

- 2. FINDING: Humboldt County General Plan states the General Plan may be amended if base information or physical conditions have changed. The base information and physical conditions underlying the General Plan has changed.
 - **EVIDENCE:** a) The purpose of the LCP amendment is to allow the SPWP to be implemented is to eliminate an ongoing threat to the public health, safety and welfare associated with significant water quality impacts to groundwater and Humboldt Bay caused by failing onsite septic systems. Since the HBAP was drafted, several on-site sewage disposal systems in Fairhaven have failed, resulting in repair work that cannot meet current standards of the Regional Water Quality Control Board.
 - b) The change in base physical conditions resulting from current and projected increases in mean sea level were not known at the time that the HBAP was certified containing policies that prohibit the extension of municipal wastewater systems to address failing onsite septic systems. Projected sea level rise will exacerbate this public health hazard and water pollution. The proposed LCP Amendment would provide essential exceptions to public services related policies to address the worsening public health and water quality problems that would occur due to projected changes in sea level.

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- 3. FINDING: Humboldt County General Plan and state General Plan Law stipulates the General Plan Amendment must be in the public interest. The proposed LCP amendment is in the public interest.
 - **EVIDENCE:** a) The purpose of the LCP amendment is to allow the SPWP to be implemented is to eliminate an ongoing threat to the public health, safety and welfare associated with significant water quality impacts to groundwater and Humboldt Bay caused by failing onsite septic systems. An amendment to the Local Coastal Program to allow public infrastructure improvements to address threats to health and water pollution, and environmental impacts that would otherwise become worse over time without such amendments, is in the public interest.

CONSISTENCY WITH STATE GENERAL PLAN LAW.

- 4. FINDING: Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed LCP amendment does not limit the number of housing units which may be constructed on an annual basis.
 - **EVIDENCE:** a) The proposed LCP amendment will allow construction of a public wastewater collection system to eliminate an ongoing threat to the public health, safety and welfare associated with significant water quality impacts to groundwater and Humboldt Bay caused by failing onsite septic systems. No changes to the General Plan will limit new housing. The proposed amendments to the Zoning Maps will continue the status quo by allowing new housing to be constructed if it is served by on-site wastewater systems that meet current standards. New homes may be constructed and connected to the new public wastewater system homes where they can meet prescribed performance standards related to mitigating hazards from sea level rise and tsunami and impacts to environmentally sensitive habitats.

CONSISTENCY WITH THE ZONING ORDINANCE.

- 5. FINDING: Section 312-50.3.1 of the Zoning Regulations requires changes to the Zoning Regulations to be in the public interest. The proposed Ordinance amending the Zoning Regulations is in the public interest.
 - **EVIDENCE:** a) The purpose of the proposed amendments to the Zoning Map is to ensure new infill development in Fairhaven is consistent with the coastal resource and hazard policies of the HBAP and the Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk. Protecting new development in Fairhaven from coastal inundation hazards and ensuring that such development is protective of Environmentally Sensitive Habitats, and consistent with the Coastal Act and HBAP, is in the public interest.

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 3 of 15)

- 6. FINDING: Section 312-50.3.2 of the Zoning Regulations requires changes to the Zoning Regulations to be consistent with the General Plan. The proposed Ordinance amendment is consistent with the General Plan.
 - **EVIDENCE:** a) The proposed amendments to the Zoning Map are consistent with, and implement, the proposed amendments to HBAP Section 3.22.B, Development Policies, (1) Extension of Services, by applying specified performance standards by ordinance that ensure that new development in Fairhaven will be protective of public health, safety and welfare, and coastal resources relative to sea level rise and tsunami inundation, and will be protective of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts.
- 7. FINDING: Section 312-50.3.4 of the Zoning Regulations requires changes to the Zoning Regulations to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.
 - **EVIDENCE:** a) There are no parcels in the Community of Fairhaven or within the Peninsula Community Services District (CSD) boundaries outside the Samoa Town Master Plan (STMP) Overlay Zone that are part of the 2019 Housing Element Housing Inventory. Parcels in the STMP Overlay Zone that are part of the 2019 Housing Element Housing Inventory are not a part of this project, and this project does not affect the capacity of the wastewater system for those parcels. Therefore, the proposed changes to the Local Coastal Program would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
- 8. FINDING: Zoning Regulations Section 312-50.3.3 specifies that any changes to the Zoning Regulations that require an LCP amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:
 - a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
 - b) Recreation (including protection of water-oriented activities, oceanfront land protection for recreational uses, aquacultural uses, and priority of development purposes)
 - c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)
 - d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

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- e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)
- f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

EVIDENCE: a) Access

The HBAP Access Inventory (Section 3.50(C)) shows ten Coastal Access Points within the boundaries of the Peninsula CSD (#14 Samoa Beach Power Pole (deleted); #16 USS Milwaukee Marker; #15 Samoa Beach (deleted); #17 Samoa Beach (2); #19 North Coast Export Company; #20 Realignment of New Navy Base Road; #26 Fairhaven/Park Street; #21 Eureka Airport/Dragstrip; #21A City Wallflower Mitigation Bank; and the # 24 Samoa Boat Launch. The proposed amendments would allow the construction of an underground wastewater system to serve existing structures with failing onsite wastewater systems and to expand an already permitted wastewater treatment plant within the STMP a site that is already permitted for such development.

The wastewater system improvements include underground wastewater pipelines installed in-road, three pump stations (Fairhaven, Finntown, and the Humboldt County Park at the Samoa Boat Launch), and the expansion the approved STMP wastewater treatment plant. The proposed wastewater improvements would not have any effect on public access to and along the shoreline, either directly or indirectly. The development of proposed wastewater improvements would not affect access to the mapped public access points identified above, either directly or indirectly, and would be subject to the approval of a Coastal Development Permit by Humboldt County.

b) Recreation

The proposed Samoa Peninsula Wastewater project will provide feasible wastewater service to existing structures on the Samoa Peninsula to address public health and water quality problems, including to visitor serving uses at the Eureka Samoa Field airport and recreation uses such as the Samoa Boat Launch County Park. Public wastewater service, as opposed to on-site wastewater systems, will protect public health and water quality for recreation uses along Humboldt Bay including for water-based activities such as surfing, kayaking, and canoeing.

Upon certification of the proposed HBAP amendments and construction of the wastewater system, public wastewater service would be available to new industrial uses, coastal-dependent uses, and to Interim Conditionally Permitted uses in the Industrial/Coastal Dependent Zone, and available to new residential development in <u>Fairhaven on lots planned and zoned for</u>

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residential use based on the certified HBAP and located within 300 feet of a Samoa Peninsula Wastewater Project sewer main, subject to performance standards, adopted by ordinance, that will ensure that such development will be protective of public health, safety and welfare, and coastal resources relative to sea level rise and tsunami inundation, and will be protective of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts.

The Draft EIR for the Samoa Peninsula Wastewater Project assumed that up to 62 new single-family residences may connect to the public sewer system in Fairhaven, based on ESHA constraints and proximity to the sewer main. The assumption that 62 new single-family residences may connect was not based on a rigorous analysis on population growth within the unincorporated area and the likely absorption of such growth within the Samoa Peninsula.

Rather, this assumption was solely based on the lots proximate to the public sewer line that were not believed to be constrained by potential ESHA. New residential development may occur overtime in Fairhaven; however, the State Department of Finance (DOF) projects that there will be no appreciable population growth within Humboldt County in the foreseeable future. As a result, significant population growth is not expected to occur in Fairhaven in the foreseeable future, and the Draft EIR prepared for the project determined that any growth that may occur would not have a significant effect on existing recreation facilities within the Samoa Peninsula (Samoa Peninsula Wastewater Project Draft EIR, Section 4.12 Public Services and Recreation). In addition, for all allowed uses that may connect in the future to the proposed Samoa Peninsula Wastewater project. a Coastal Development Permit is required that would assesses recreation impacts in accordance with the local coastal plan. Therefore, the proposed wastewater system will have no direct effect on the availability of recreation.

c) Marine Resources

The proposed amendments to the Humboldt Bay Area Plan would allow the extension of public wastewater service outside the Urban Limit Line to connect to existing structures served by failing OWTS in order to address existing public health and water pollution problems. Therefore, the amendments to the HBAP and construction of the proposed wastewater system would improve water quality and biological productivity within Humboldt Bay.

The wastewater system would rely on wastewater treatment using the approved STMP wastewater treatment plant (including treatment, disinfection, and solids removal), and would discharge treated effluent using the HBHRCD Ocean Outfall. The Approved Samoa WWTF has

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obtained a permit from the RWQCB which specifies the acceptable level of a pollutant or pollutant parameter including physical properties, solids, biologicals, and chemicals in a discharge to ensure that the state's mandatory standards for clean water are met. These are the regulated standards that would be required to be met during operation, prior to discharge through the ocean outfall pipe, and would require monitoring to determine compliance with established effluent limitations, establish a basis for enforcement actions, assess treatment efficiency, characterize effluents, and characterize the receiving water.

Because the ocean outfall is regulated by existing standards established for the purpose of protecting the ocean, and the additional flow from the project would contribute a small fraction of the existing discharge and Approved Samoa WWTF discharge, the Samoa Peninsula Wastewater Project EIR determined that the impact to the ocean environment from increased discharge from the project would not be significant.

d) Land Resources

The proposed project site includes active roadways, and many areas are covered with old asphalt, fractured concrete, compacted gravel on former log decks, and railroad infrastructure. Installation of the wastewater collection system is proposed to occur within the existing roadways to minimize impacts to sensitive coastal habitat, although ground disturbance may occur out to 10 feet beyond existing edge of pavement.

The Peninsula CSD is required by mitigation measures in the project EIR to protect jurisdictional wetlands during construction. Prior to the start of construction, where construction activities occur within close proximity (100 feet) to delineated wetlands, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the wetlands, determined by a qualified biologist. The fencing shall be checked weekly by a biological monitor to ensure its continued correct placement and stability.

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 in the EIR. Impacts to biological resources will be minimized by mitigation measures in the EIR implemented prior to and during construction to avoid permanent impacts to wetlands and Environmentally Sensitive Habitat Areas, to restore preproject 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). In accordance with Senate Bill 18 and Government Code 65352.3,

Assembly Bill 52, and Public Resources Code (PRC) 21080.3.2, the

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 7 of 15) County 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).

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 in the project EIR.

Impacts to cultural and tribal cultural resources will be minimized by mitigation measures in the EIR requiring consistency with the STMP "D" Design Control Combining Zone design requirements; should an archaeological resource be inadvertently discovered during grounddisturbing activities, by immediately notifying Tribal Historic Preservation Officers and retaining a qualified archaeologist with local experience to consult with the Peninsula CSD 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 Peninsula CSD 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).

There are no agricultural or timber lands within the Peninsula Community Services District Boundary; therefore, there is no potential for impacts to agricultural or timber lands.

e) Development

The proposed Samoa Peninsula Wastewater Project does not involve new

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 8 of 15) residential, commercial, or industrial development nor does the proposed project involve a change to existing planned land uses or land divisions. However, the project would improve public service capacity for existing development and planned uses consistent with the certified HBAP. Although not a component of the wastewater project, the wastewater system may provide service to the following use types, to the extent that the such uses are consistent with the HBAP and their development is approved through a Coastal Development Permit: new industrial uses; Interim Conditionally Permitted Uses in the MC - Industrial/Coastal-Dependent zone; and to coastal-dependent and to other uses that are consistent with the HBAP and located within 300 feet of a Samoa Peninsula Wastewater Project sewer main subject to the approval of a Coastal Development Permit.

The proposed project would not affect coastal scenic or visual qualities. Aside from construction of new wastewater treatment facilities at the Approved Samoa Town Master Plan Wastewater Treatment Facility (STMP WWTF), the project involves only underground construction that would not result in impacts to coastal scenic or visual qualities. Improvements to the STMP WWTF would be subject to the "D" combining zone design review requirements to ensure the conformance of new development with the policies and standards of the of the STMP and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.

Potentially significant impacts to geology, soils, and seismicity have been mitigated by the project EIR 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).

Portions of the project area are subject to sea level rise. As identified in the Draft EIR (Sections 3.3.1, 3.5.3, and 4.14.1) and PER, the project area has a high groundwater table. The project pipelines would be designed to account for infiltration and liquefaction from this condition. New "tight" C900 PVC piping with rubber gasketed push-on joints would be utilized to prevent the infiltration of groundwater as much as possible. Pipes would be bedded and buried at appropriate depths to prevent flotation and minimize the impact of fluidization of the sand during an earthquake on the slope of the pipes.

As noted in Response to Comment 2-14, the Approved Samoa WWTF is located well above estimated sea level rise for year 2070. Furthermore, "future impaired functionality" due to erosion, etc., as exacerbated by sea level rise would be speculative.

The proposed wastewater project is specifically designed to accommodate needs generated by existing development served by failing OWTS and

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 9 of 15) will accommodate planned uses consistent with the HBAP, in particular Industrial, Coastal-Dependent uses which are priority coastal uses and essential for the regional economy.

f) Industrial Development.

An objective of the proposed Samoa Peninsula Wastewater Project is to facilitate Coastal-Dependent, Industrial and Port of Humboldt development consistent with HBAP land use designations and policies, and with zone classifications. The proposed project does not involve oil or gas development, nor is such development anticipated in the near future. However, the Samoa Peninsula Wastewater Project is intended to support new port development which could include projects such as new tanker facilities. The proposed wastewater project anticipates serving the DG Fairhaven Powerplant and could serve additional power plants in the event such new uses are approved.

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

- 1. Adopts the findings contained herein;
- 2. Finds that the proposed amendments to the Zoning Map conform to and appropriately carry out the policies of the Humboldt Bay Area Plan, as amended, and Chapter 3 of the Coastal Act, and further finds that the proposed Humboldt Bay Area Plan and Zoning Map Amendments will be carried out in accordance with the Coastal Act;
- 3. Finds that the changes to the Humboldt Bay Area Plan and Zoning Maps will become effective only upon certification by the Coastal Commission;
- 4. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Humboldt Bay Area Plan and Zoning Map required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission;
- 5. Adopts the Coastal Plan Amendments as shown in Exhibit A of this Resolution;
- Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage;
- Directs Planning and Building Department staff to transmit the Local Coastal Plan amendments to implement the Samoa Peninsula Wastewater Project, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143;

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 10 of 15)

- 8. Finds the project exempt from the California Environmental Quality Act and directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
- 9. Directs the Clerk of the Board to give notice of the decision to any interested party.
- 10. The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on February 2, 2021 by the following vote:

Dated: February 9, 2021

Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson, seconded by Supervisor Bushnell, and the following vote:

AYES:	Supervisors	Bohn, Bass, Wilson, Bushnell
NAYS:	Supervisors	
ABSENT:	Supervisors	Madrone
ABSTAIN:	Supervisors	

STATE OF CALIFORNIA) County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

Ryan Sharp

Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California

EXHIBIT A

AMENDMENTS TO THE HUMBOLDT BAY AREA PLAN CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (additions are shown in <u>underline</u> text, deletions are shown in strikeout text; <u>double underline text</u> is used to show changes made in November, 2020 in response to Coastal Commission staff comments):

3.22.B. DEVELOPMENT POLICIES

1) Extension of Services

It is the intent of this chapter that extensive rural public service systems, such as water and sewer, not be developed. This is exclusive of such public service systems such as roads, electric, gas, telephone, and fire protection systems appropriate to planned levels of development. No permit shall be issued by any agency of the County to a special district or private utility or mutual system proposing to provide such services outside an urban limit line, except that:

- a) In addition, sSewer service extensions outside the urban limit line connections may be provided to industrial uses, to Interim Conditionally Permitted Uses in the MC -Industrial/Coastal-Dependent zone, and to coastal-dependent uses.
- b) Sewer service may be extended outside the Urban Limit Line established by the Samoa Town Master Plan and within the boundaries of the Peninsula Community Services District hereafter referred to as the Samoa Peninsula Wastewater Project (SPWP), in compliance with the following:
 - Design and Construction of the Public Sewer System. The SPWP shall be designed and constructed in conformance with specific recommendations contained in a geotechnical report that considers high groundwater levels, projected sea level rise, the effects of seismic events including strong ground shaking, liquefaction, other ground failure and tsunami inundation, to prevent damage to, or flotation of,

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 12 of 15) pipelines, pump stations, and other wastewater facilities subject to these hazards, and to prevent sanitary sewer overflows.

- ii) <u>Public Sewer Service to Existing Structures.</u> The immediate provision
 <u>establishment of public sewer service by the SPWP to structures existing as of</u>
 January 1, 2020 that are served by onsite septic systems shall be allowed, and shall
 not be deemed to encourage or facilitate development nor constitute or be construed
 to be an amendment or extension of any mapped Urban Limit Line.
- iii) No Further Extension of Sewer Mains in Residential/Exurban Areas. Further extensions of the public sewer mains within that portion of Fairhaven planned Residential/Exurban, beyond what is constructed as part of the SPWP shall not be allowed without an amendment to the Humboldt Bay Area Plan.
- iv) Public Sewer Service to New Residential Development .Upon the extension of sewer service to the portion of Fairhaven area planned Residential/Exurban as part of the SPWP, permits for new residential development including Accessory Dwelling Units in the Fairhaven area that is located within 300 feet of a SPWP sewer main and will therefore be required to connect to the public sewer, may only be approved after the Humboldt Bay Area Plan has been amended consistent with the Coastal Act to ensure new infill development is sited and designed to the greatest extent feasible to protect life, property and coastal resources from sea level rise and tsunami inundation hazards, and to protect Environmentally Sensitive Habitats. Exception: Applications Permits for new residential such development prior to the approval of these that is located within 300 feet of a SPWP sewer main may only be approved before the above Humboldt Bay Area Plan Amendments subject to the following:
 - performance standards, adopted by ordinance, that will ensure that such development will be protective of public health, safety and welfare, and coastal resources relative to sea level rise and tsunami inundation, and will be protective

of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts; and

- (2) the requirement that property owners acknowledge the current and future projected sea level rise and tsunami hazards to which their development is exposed and assume the risks of developing in hazardous locations, and acknowledge that shoreline armoring structures will not be necessary to protect the proposed development and further acknowledge the possibility that no such protective structures would be granted approval for construction in the future.
- c) Extension of water service outside of the urban limit line as defined in this Plan shall be permitted provided that:
 - service along the extension will not remove capacity necessary to serve future development on undeveloped lots within the existing serviced areas, whether within the urban limit line or not, to the uses permitted in the plan that;
 - ii) developments to be serviced are compatible with the plan;
 - iii) the extension of water service will be paid for only by the users of that service;

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- iv) the existing system is in no way degraded; and
- v) that fire protection the water service extension is found to be in conformance with the resource protection policies of this plan; or
- vi) it is necessary for agricultural or timber operations.

In addition, sewer connections may be provided to industrial uses.

EXHIBIT NO. 5 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 14 of 15)

HUMBOLDT BAY AREA PLAN CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in <u>underline</u> text, deletions are shown in strikeout text):

STMP (New Development) Policy 9:

Waste water treatment provided for the lands subject to the STMP-LUP shall be limited to provision of service for development authorized pursuant to the STMP-LUP only. No lands or development outside the STMP-LUP shall be served by wastewater treatment facilities provided for the lands subject to the STMPLUP. No pipeline connections to collect or transfer waste water to or from off-site to or through the STMPLUP lands shall be installed on or adjacent to the lands subject to the STMP-LUP, except for the purpose of transferring treated waste water effluent for disposal to the Redwood Marine Terminal Manhole 5 ocean outfall, and except for the collection and treatment of waste water from service connections established in a manner consistent with Section 3.22, Public Services-Rural, subsection B.

EXHIBIT NO. 5
LCP AMENDMENT APPLICATION NO.
LCP-1-HUM-21-0030-1 (Humboldt County)
(Page 15 of 15)

AN ORDINANCE AMENDING SECTION 311-7 OF CHAPTER 1, DIVISION 1, TITLE III OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\XQ). The area described is also shown on the Humboldt County zoning maps for the Humboldt Bay Area Plan Area and on the map attached as Exhibit A.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "RS\X" to "RS\X-Q" (described in Exhibit A), and that is located within 300 feet of Samoa Peninsula Wastewater Project sewer mains, in accordance with Humboldt County Code Section 313-32.1, which authorizes restriction of the RS zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. Construction of the Samoa Peninsula Wastewater Project places public sewer mains within 300 feet of vacant residential parcels in the Fairhaven area, triggering a requirement for new development on these parcels to connect to the wastewater system the SPWP would make these lots appear more desirable for development when in fact there are many other coastal resource protection requirements which must first be addressed. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A and that is within 300 feet of a Samoa Peninsula Wastewater Project public sewer main are:

 to address a health hazards and water quality problems and not to encourage or facilitate development, and

> EXHIBIT NO. 6 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) Samoa Peninsula Wastewater Project ADOPTED IP AMENDMENTS & MAP CHANGE (Page 1 of 6)

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 b. to restrict principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and are within 300 feet of a Samoa Peninsula Wastewater Project public sewer main to which they would be required to connect to public sewer to ensure such development is consistent with the coastal resource and hazard policies of the Humboldt Bay Area Plan and Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk.

SECTION 4. SPECIAL RESTRICTIONS. Principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and all Accessory Dwelling Units, shall be subject to the performance standards below.

- a. Coastal Development Permits may be granted for the Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to Coastal Development Permits as well as the following special findings:
 - (1) There is no less environmentally damaging feasible alternative, adverse environmental effects have been mitigated to the extent feasible, and required mitigation will maintain or enhance the functional capacity of the wetlands or Environmentally Sensitive Habitats to the extent feasible, if present.
 - (2) The proposed development is consistent with the Coastal Act and consistent with adopted Humboldt Bay Area Plan sea level rise development policies, or absent such policies, a qualified professional with expertise in coastal resources has prepared a site-specific sea level rise hazard analysis for the proposed development that includes a range of sea level rise projections; that shows how sea level rise may impact the development and how the development may impact coastal resources considering sea level rise; and demonstrates that the proposed

EXHIBIT NO. 6 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 2 of 6) development will not create a hazard to life, health, safety, the general welfare, or coastal resources for the life of the project.

- (3) The proposed development is consistent with the Coastal Act and consistent with the adopted Humboldt Bay Area Plan tsunami hazard policies revised based on the Guidelines for Evaluating and Mitigating Tsunami Hazards in California adopted by the State Mining and Geology Board in accordance with the Seismic Hazards Mapping Act of 1990, or absent such policies, the proposed development meets the requirements of Humboldt Bay Area Plan Section 3.17 Hazards, B. Development Policies, 3. Tsunamis, subsections 1 through 4.
- b. Upon approval of a Coastal Development Permit, the applicant shall agree to the following:
 - (1) the applicant acknowledges that the site may be subject to geologic hazards, as well as hazards from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, and tsunami inundation and that the landowner assumes any and all liability from such hazards; and
 - (2) the applicant shall indemnify, defend, and hold the County harmless and its officers, officials, agents, and employees or other third parties with respect to the County's grant of the Coastal Development Permit from and against any and all loss, liability, damage, expense, costs (including without limitation costs and fees of litigation) and any amounts paid in settlement arising from any injury or damage arising out of or in connection to related to the hazards identified in Section 4(b)(1), the performance of work hereunder, or its failure to comply with any of its obligations contained in this agreement; and
 - (3) the applicant unconditionally waives any claims of damage or liability against the County and its officers, of<u>ficials, agents, and employees for</u>

EXHIBIT NO. 6 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 3 of 6) injury or damage related to the hazards identified in Section 4(b)(1); and

- (4) the applicant agrees to assume any and all risks of injury or damage to themselves, their heirs, assigns and successors-in-interest in connection with the permitted development on the property that is the subject of this Coastal Development Permit; and
- (5) No shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the community of Fairhaven against future hazards that may arise due to the coastal setting of the Fairhaven lands, and the prospect of increased sea level rise in the future, and the present landowners have taken future seal level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development within the community of Fairhaven, and further, acknowledges the possibility that no such protective structures would secure approval for construction.
- c. Coastal Development Permits may be granted for Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to such permits as well as the performance standards of 4(a) above.

EXHIBIT NO. 6 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 4 of 6) SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED this 9th day of February 2021, by the following vote, to wit:

AYES:Supervisors: Bass, Bushnell, Bohn, WilsonNOES:Supervisors:ABSENT:Supervisors: MadroneABSTAIN:Supervisors:

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Virginia Bass, Chair Board of Supervisors of the County of Humboldt State of California

(SEAL)

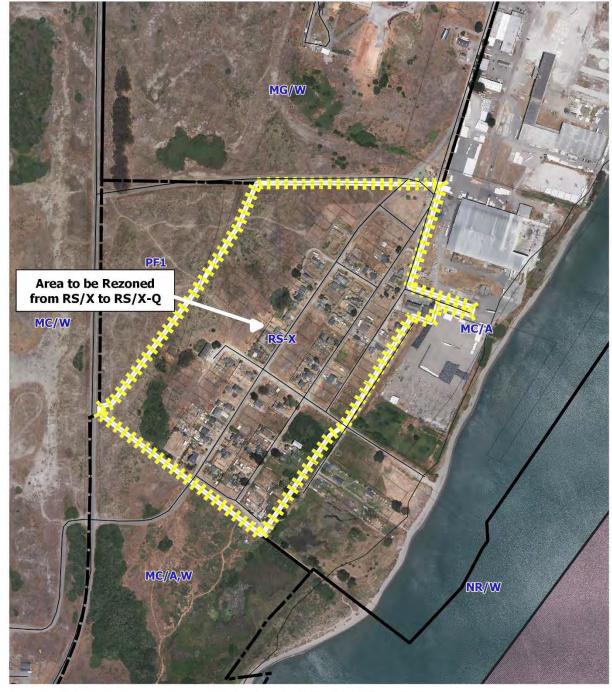
ATTEST: Kathy Hayes Clerk of the Board of Supervisors of the County of Humboldt, <u>St</u>ate of California

By: Ryan Sharp, Deputy

EXHIBIT NO. 6
LCP AMENDMENT APPLICATION NO.
LCP-1-HUM-21-0030-1 (Humboldt County)
(Page 5 of 6)

"EXHIBIT A" TO AN ORDINANCE AMENDING

SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN

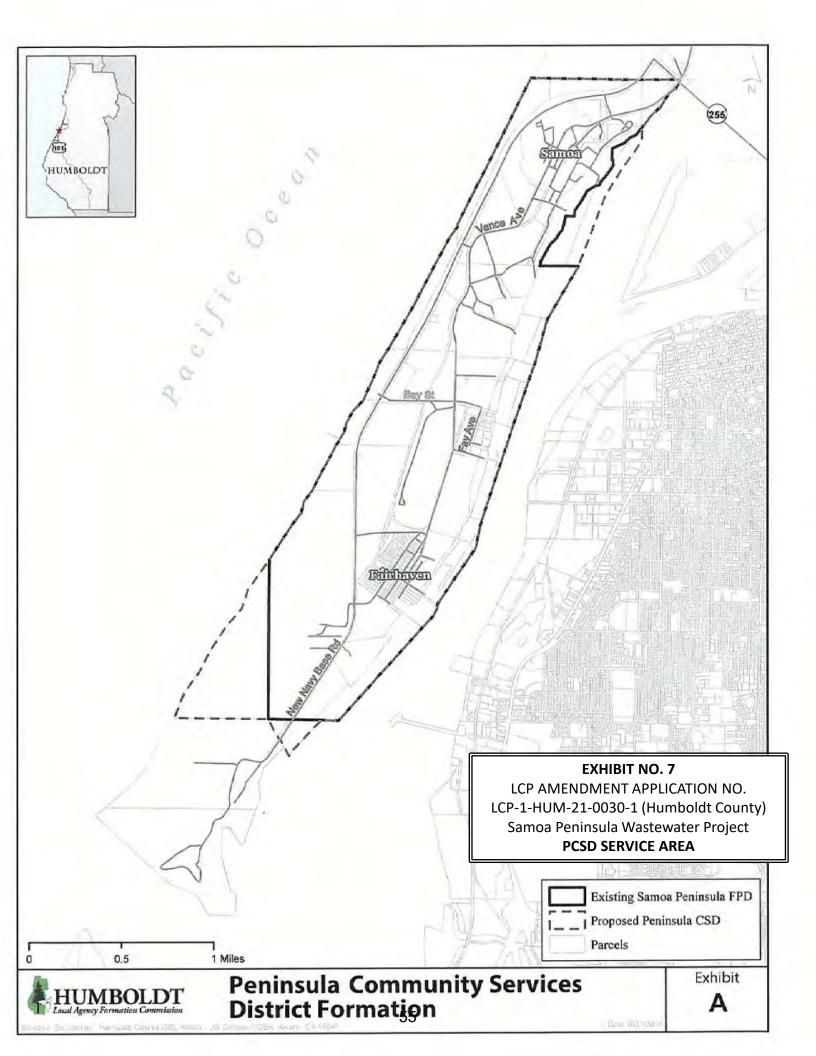


ZONING MAP

Samoa Peninsula Wastewater Project "Q-Qualified" Combining Zone Fairhaven Community



EXHIBIT NO. 6 LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) (Page 6 of 6)





Area within 300 feet of Proposed Sewer Lines
 Fairhaven Residential Single Family/No Further Subdivision & Proposed "Q" Zone
 Zoning (outline)

EXHIBIT NO. 8

LCP AMENDMENT APPLICATION NO. LCP-1-HUM-21-0030-1 (Humboldt County) Samoa Peninsula Wastewater Project AREA WHERE Q COMBINING ZONE SPECIAL RESTRICTIONS APPLY

