AGENDA
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

DATE: October 22, 2015
TIME: Executive Closed Session – 6:00 PM
      Regular Session – 7:00 PM
PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. Call to Order at 6:00 p.m.
   1. Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.9 (Existing Litigation):
      Existing Litigation
      Complaint for Declaratory Relief and Preliminary and Final Injunctions (Government Code Section 1090)

2. Adjourn Executive Closed Session
3. Call to Order Regular Session at 7:00 P.M. and Roll Call
4. Pledge of Allegiance
5. Report on Executive Closed Session
6. Public Comment
   Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.
7. Consent Calendar
   a. Consideration of approval of minutes from October 8, 2015 Special Board Meeting.
   b. Consideration of approval of minutes from October 8, 2015 Regular Board Meeting.
8. Communications and Reports
   a. Executive Director Report
   b. Staff Reports
   c. District Counsel, District Planner and District Treasurer Reports
   d. Commissioner and Committee Reports
   e. Other
9. Non Agenda
10. Unfinished Business
11. New Business
   a. Consideration of Letter of Intent with New Markets Community Capital – Albert Lemus.
   c. Consideration of adoption of the Final Initial Study/Mitigated Negative Declaration for Redwood Marine Terminal 2 Coastal Development Permit/Conditional Use Permit.
   d. Consideration of adopting Resolution 2015-15, A Resolution Adopting An Initial Study with a Mitigate Negative Declaration and Adopting a Mitigation Monitoring and Reporting Program for the Redwood Marine Terminal II Interim Use and Site Improvement Project.

12. Administrative and Emergency Permits

13. Adjournment
PRESENT:

Commissioner Newman
Commissioner Dale
Commissioner Marks
Commissioner Wilson
Commissioner Higgins

President Marks called the Special Meeting of the Board of Commissioners to order at 6:05 p.m.

Seeing that there was no Public Comment, President Marks adjourned the Board into Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.9 (Existing Litigation) to discuss the Complaint for Declaratory Relief and Preliminary and Final Injunctions (Government Code Section 1090) at 6:07 p.m.

President Marks adjourned Executive Closed Session at 6:50 p.m.

District Counsel reported there was no action taken by the Board of Commissioners in Executive Closed Session.

President Marks adjourned the Special Meeting at 6:53 p.m.

APPROVED BY:                                      RECORDED BY:

Greg Dale                                        Patricia Tyson
Secretary                                        Director of Administrative Services
PRESENT:

Commissioner Newman
Commissioner Dale
Commissioner Marks
Commissioner Wilson
Commissioner Higgins

President Marks called the Regular Meeting of the Board of Commissioners to order at 7:03 p.m.

Commissioner Higgins led those present in the Pledge of Allegiance.

PUBLIC COMMENT

Monte Provolt said he had a procedural question. He asked why the public was not allowed to comment on items that were agendized; i.e. staff reports. The Brown Act says the public has the right to comment on all agendized items. Also two weeks ago he was accused of playing political games with the conflict of issue concern; but this issue has been going on for 1 ½ years. The Northern California Home Builders Association brought the conflict of issue up in their public comment on September 10. Mr. Provolt said if anyone is playing games, it is the Board of Commissioners.

Damien Mooney, President of the ILWU Local 14 Eureka, thanked all the candidates who participated in the KEET debate. The current Board members running for re-election put forward their position very well. He said the Harbor District has turned away from what we need in the bay to finance everything else we want to do – commercial shipping. If we don’t get commercial shipping back, we will never get back to where we need to be. 1968 was the best year in Humboldt Bay – 276 ships; this year – 5. Explore new cargoes, have better facilities; keep investigating. Don’t write off shipping. It is not just the longshoremen working when a ship is her, other unions are also working and will stay here.

CONSENT CALENDAR

COMMISSIONER DALE MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER WILSON SECONDED.

Commissioner Wilson said he would like to see more information on the progress of the permitted project prior to extend the permit.

MOTION CARRIED WITHOUT DISSENT.

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR’S REPORT:

- Happy to report the Board meeting minutes are now up to date.
- New Market Tax Credit
  - Loan approved BBVA Compass. Tax Credit providers (CDE’s) agreements being drafted. Leverage Loan of $1.3 million will generate $3.1 million in improvements (Roof $932,000; Siding $871,000; Electrical $650,000; Doors $305,000; Structural repairs $180,000 and Water/Sewer $150,000).
  - Items to close transaction before 12/31/2015- Loan, CDE agreements, non-profit formation and contractor contracts.
  - Funding available after closing - work to be completed by May 2016.
STAFF REPORTS

Deputy Director:
- Received seven proposals for Eelgrass Management Plan Development. Establishing review committee that will make a recommendation for the Board’s consideration.
- Sent Letters to Private Landowners inviting participation in the Mariculture Pre-Permitting Project.
- Site visit with Humboldt State University regarding desalination research project (osmotic power) at Terminal 2, developing permit applications.

Director of Harbor Operations:
- Redwood Marine Terminal Berth 1 – Current monthly revenue $3,878 (inside and outside storage, Hagfish Company and their boat moorage) plus the landing fee estimated at $1,250/mo., bringing in approximately $61,536 annually. September 2014 revenue was $1,633.
- Humboldt State Aquaponics Facility up and running; picking up White Sturgeon today in Galt, CA.

Director of Facility Maintenance:
- District staff rebuilt dredge cutter head. Dredge refurbish is on schedule.
- King Salmon Breakwater Repairs are 90% Complete.
- Marina E-Dock Replacement Floats arrived; District staff is manufacturing the weldments.

District Counsel:
- District Counsel’s report on both the recently-passed Senate Bill 141 and the lawsuit filed this week against the District, its Commissioners and Executive Director Jack Crider are included in their entirety in these minutes as an attachment.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Newman:
- Great to see the activity at Redwood Marine Terminal Berth 1 – lots of people, crab pots, hagfish packing and unloading. It is a premium crab pot storage venue.
- Regarding Mr. Angelloff’s comments about agricultural goods to be trucked from the Central Valley, he spoke with his friends who produce rice and nuts in the Central Valley and they told him bringing their product to Humboldt Bay would double their cost. Trucking to Sacramento is a 1-3 hour trip on flat roads; trucking to Humboldt Bay is much longer.

Commissioner Dale:
- Watched from the ship Green Diamond load the last chip ship; an impressive operation.
- Attended a food show and shellfish convention. Around the country, Humboldt Bay oysters are highly regarded. Next week, oysters are being sent to a food show where the best oysters will be chosen.
- Participated in the KEET debate last night.

Commissioner Marks:
- Met with representatives from Humboldt Fisherman’s Marketing Association regarding Woodley Island zoning.
- On the Board for Humboldt Domestic Violence Services – October is Domestic Violence Awareness month. Attended a gathering at the Humboldt County Courthouse to show silhouettes of victims of violence.

Commissioner Wilson:
- Met with the Humboldt Fisherman’s Marketing Association representatives regarding Woodley Island zoning.
- Every other year he spends a week in Washington DC meeting legislators and lobbying for dredging by the Corps of Engineers. The Board is proactive about dredging and shipping.
- The District has been criticized regarding transparency and lack of minutes. Doing research of other special districts showed other special districts have no online archived minutes. The District has both meetings on video and minutes archived; the bar is set high.
Regarding the Mitigated Negative Declaration for Redwood Terminal 2, these are not just repairs of assets, but important infrastructure on Humboldt Bay. By not repairing the buildings, the result would be the loss of the facility for future opportunities. It is virtually impossible to build this type of facility from scratch due to the cost.

- State Lands Commission requires all State lands trustees to report on tidelands transactions.

Commissioner Higgins:

- Thrilled the New Market Tax Credit project is pending – the Board took a lot of risk in this endeavor.
- Has been walking neighborhoods meeting voters – very educational.
- Participated in the KEET debate.
- Participated in the debate at Blue Lake Rancheria.
- Reported Eel River Recovery Project is close to becoming a non-profit entity.
- Has been collecting water temperature gauges in the Eel River – some areas have dried up and some are abundant with fish.

Monte Provolt asked if the public was going to have an opportunity to comment on the agendized staff reports.

District Counsel said the Brown Act prohibits discussion of items not specifically agendized. Staff reports are merely information – they cannot be discussed or acted upon unless listed specifically by title/topic.

OTHER: None

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF WOODLEY ISLAND ZONING OPTIONS – WATERFRONT COMMERCIAL VS. PUBLIC QUASI-PUBLIC.

District Planner reported the 1993 Coastal Development Permit - approved uses included: Marina complex, Restaurant, Parking, Dry boat storage building, Boat fueling facility, Office building and National Weather Service office. The existing City General Plan Land Use Designation & Zoning is Public Quasi Public (PQP) which extends into natural area and does not cover all of Marina; and the zoning for the facility/ marina is (PF/M).

Current Principal Uses:

- Docks, piers (including recreational fishing piers), and wharves; Boat launching facilities;
- Commercial fishing facilities and fishing boat berthing facilities;
- Recreational boating facilities and boat berthing facilities *(not to exceed 30% of the total number of berths permitted by the 1976 coastal permit)*;
- Two restaurants; Offices and shops directly related to marine uses;
- Ice vending stations; Marine and boat sales, services, and repairs; On-site fish sales and processing incidental to permitted restaurants;
- Parking, and Public access facilities.

Conditional Uses:

- A third restaurant
- On-site incidental fish sales and processing
- Wireless telecommunication facilities subject to municipal code provisions
- Uses shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking.
- Conditional uses shall be designed and located so as not to interfere with permitted uses.
The current District Proposal:

- Purpose: To encourage, protect, maintain and provide public commercial marina fishing boat and related industry facilities and compatible recreation and visitor serving facilities at the Woodley Island Marina.
- Principal Uses: Docks, piers, wharves; boat launching facilities; commercial fishing facilities & boat berthing; recreational boating facilities; live-aboard boats; recreation boat berthing facilities; two restaurants; offices and shops directly related to marine uses; ice vending stations; marine and boat sales, services, and repairs; on-site sales and processing of fish incidental to permitted restaurants and from commercial fishing vessels; public access facilities; Up to two marina caretaker residences; transient occupancy spaces for people to stay on boats; and parking areas to support other permitted uses.
- General Agreement
  - Conditional Uses
    - A third restaurant; Wireless telecommunication facilities; Administrative, business, and professional offices Coin-op (small equip. cleaning); laundries and Ice storage houses; oil and gas pipelines; public utility service pumping stations and radio and television towers.

The remaining item that has not been accepted by the Humboldt Fisherman's Marketing Association (HFMA) is: Transient occupancy spaces including for recreational vehicles, cabins and yurts, not to exceed a total of 30 units.

Commissioner Wilson said the end result is to get a designation similar to what is on the City of Eureka's waterfront and be consistent. Cut out all that is not wanted.

Commissioner Higgins said this is just the framework. Land use, planning and Coastal Development permits are for everybody and everything.

COMMISSIONER HIGGINS MOVED TO PUT FORWARD THE CURRENT DISTRICT PROPOSAL FOR THE PLANNING COMMISSION MEETING ON MONDAY, OCTOBER 12, 2015. COMMISSIONER DALE SECONDED.

Commissioner Wilson said he met with HFMA representatives. They discussed the intent for the zoning of Woodley Island - based on economics, culture and commercial fishing, but also being cognizant that it is a public place. The District's intent is that every proposal's use is complementary to commercial fishing. The conditional use list is a list of possibilities that would be the most conditioned of anything; well regulated. The Board of Commissioners is not unanimous on the projects; simply putting forth a reasonably bracket of projects for discussion.

Commissioner Newman said it has always been the effort of the District to prioritize commercial fishing. What would be the concern to include language to protect transient commercial fishing? Executive Director said the % stated is a compromise – the original request was exclusive to commercial fishing, but the Attorney General said that cannot be done.

Commissioner Dale said he participated early on in the process and understands most of the issues. He likes the process being done at this time. Woodley Island Marina does not pay for itself, but the Board cannot just raise the rates – they must address the financial capacity to generate income.

Commissioner Wilson suggested amending the motion to allow Commissioners Marks and Wilson to work with staff to fin the legal language to prioritize before going to the Planning Commission meeting.

President Marks said HFMA is completely paranoid of changes to the land use designation. However they did acknowledge RVs parked at Woodley Island during fishing season without paying.

Commissioner Higgins said he likes the PQP designation; less angst for the fishermen.
Pete Oringer said if there are businesses in the marina (i.e. bed and breakfast) they must pay the City of Eureka Transient Occupancy Tax – make sure that is part of the agreement. The District also needs a fee structure for long-term parking and to define transiency and liveaboard. He said it was his understanding that in the past was an area prioritized for commercial use. If the area is not being used, it could be rented to a transient boater who would have to vacate if the spot was needed for a commercial fisherman.

Monte Provolt said the District Planner should be looking to rebuild the tuna fishing fleet, bring commerce to the harbor, not a RV park.

Charles Benbow asked what prioritize means. Is the marina full all the time? Is there a limit on transient time?

Commissioner Wilson said these details will be determined down the line. Land use designation is being determined now.

Commissioner Higgins said he thinks it is discriminatory to give priority to commercial fishermen.

Commissioner Newman said this issue is not as big a deal as some are trying to make it.

Damien Mooney said he used to deliver sailboats from Canada to Mexico and this is not the first port with this problem. Legalities for transients and liveaboards are spelled out in other ports.

Susan Penn said she is glad the Board is supporting PQP. And Woodley Island Marina is not far in the red. The single largest revenue source for the District is property tax and only 10% goes to the marina; where does the other 90% go? If more of the property tax revenue was allocated to the marina, it would be in the black. She does not like the idea of two marina caretaker residences – use boats. There is no objection to putting the RV park on the hard surfaces; do not use the grass and tree areas.

Jen Kalt said Humboldt Baykeeper submitted comments on the RV park previously. She suggested tent spaces be permitted for touring bicyclists; she has talked to many who are looking for overnight options.

Mimi LaPlant has been painting on Woodley Island for years and does not understand how having another restaurant would benefit Eureka. She would like to see Woodley Island remain unchanged.

Commissioner Newman said this issue has been uncomfortable for him; he has not heard from the fishermen.

Ken Bates said HFMA is meeting tomorrow and he will let Commissioners Marks and Wilson know what is decided.

Commissioner Wilson offered a friendly amendment to the motion to allow Commissioners Marks and Wilson to make adjustments after hearing from the fishermen before going to the City Planning Commission.

Commissioner Higgins said he would not accept the amendment because it is "wiggly".

COMMISSIONER HIGGINS AMENDED HIS ORIGINAL MOTION TO ACCEPT STAFF'S RECOMMENDATIONS TO TAKE TO THE CITY PLANNING COMMISSION ON MONDAY, OCTOBER 12, 2015 TO INCLUDE EDITS WITHOUT CHANGING THE INTENT OF THE RECOMMENDATION. COMMISSIONER DALE ACCEPTED THE AMENDMENT. MOTION CARRIED WITH COMMISSIONER NEWMAN ABSTAINING.
B. CONSIDERATION OF ADOPTION OF THE MITIGATED NEGATIVE DECLARATION FOR REDWOOD MARINE TERMINAL 2 COASTAL DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT.

President Marks stated this item is pulled from the agenda and will return to the Board at the next meeting.

C. CONSIDERATION OF ALASKAN ANVIL, LLC LEASE.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ALASKAN ANVIL, LLC LEASE. COMMISSIONER WILSON SECONDED.

Deputy Director reported Alaskan Anvil, LLC has 45 years’ experience repairing and building vessels in Oregon and Washington, currently operating in Washington. The term of the agreement is one year with an option for two successive terms. Monthly lease is $2,269 per month. The lease area consists of: Shop space attached to main building: 1,092 sq ft; Yard space: 1,050 sq ft and Office space inside main building: 170 sq ft. Optional rent of Travel Lift Shop $3,024 per month or $300 per day, not restricting the mobility of use of the Travel Lift. $200 haul out rate round trip, tenant supplies spotters. $150 for interior yard move, tenant supplies spotters.

Staff recommends conditional approval of lease, award lease after inspection of tenant’s current operation.

Executive Director corrected the Yard space to 7,000 sq ft.

District Counsel said he recommends asking for a personal guarantee from the principal when negotiating with a LLC.

Commissioner Higgins suggested pulling his motion in order for changes to be made to the agreement.

Executive Director stated Commissioner Newman has volunteered to travel to Port Townsend to visit Alaskan Anvil, LLC’s current operation.

COMMISSIONER HIGGINS WITHDREW HIS MOTION. COMMISSIONER WILSON AGREED.

D. DISCUSSION OF POLICY DEVELOPMENT FOR IMPLEMENTATION OF LIVING SHORE LINES.

Commissioner Wilson reported he attended an environmental legal conference put on by local attorney Paul Hagen. One of the topics discussed was living shore lines. Commissioner Wilson helped implement the one on Indian Island to protect the shell mitten for the Wiyot Tribe. He said it is hard to get permits to repair breached levies. Impenetrable geo-fabric is placed in denuding natural areas in estuarine eco systems. In the Humboldt Bay Management Plan, one of the latent policies is to develop a policy for shoreline revetment. The Corps of Engineers requires rock placement. Commissioner Wilson suggested a policy be adopted stating any permit application for breached levy repair must show why a living shore line cannot be used.

Commissioner Dale said living shore lines are used in San Francisco Bay and work well, but are different than what is being proposed here.

Commissioner Wilson said there are many variants on this theme. Currently the District does not have a policy for applicants to state why a living shore line would not be feasible. He said he will work with staff to bring back a policy for Board consideration.
ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:55 p.m.

APPROVED BY:                    RECORDED BY:

Greg Dale                                    Patricia Tyson
Secretary                                      Director of Administrative Services
There is apparently some public misunderstanding or mischaracterization of the recently-passed Senate Bill 141, which has INCREASED--not placed new restrictions on--the District’s ability to manage specified tide and submerged lands. Those changes take effect January 1, 2016. A brief background of this change is as follows:

During the course of the District’s acquisition of the former Samoa pulp mill property from Freshwater Tissue and options on specific other real property of Freshwater, a member of the public wrote a letter to the State Lands Commission alleging that the District was transferring District public trust property as a part of the transaction. This was apparently based upon the fact the District, agreed to “quitclaim” any additional rights to FRESHWATER TISSUE’s other property it may have acquired in the course of the transaction, other than the property and options specifically granted. The District did NOT transfer or quitclaim any interest in DISTRICT property in the transaction.

The State Lands Commission investigated the complaint made by the member of the public and found it to be without substantive merit, other than recommending that the deed quitclaiming the District’s option interests be clarified. However, in researching the complaint, the State Lands Commission staff concluded the prior legislation concerning the District’s ability to use the funds it receives from tide and submerged lands should be amended. The State Land’s Commission offered to propose legislation to IMPROVE the District’s ability to manage tide and submerged lands and funds derived from lease of such lands. The result was SB 141, which made two significant changes.

First, a prior strict prohibition against transfer of the District’s after-acquired tide and submerged land (any such lands acquired by the District after the initial transfer of public trust lands to the District by the State) was eliminated. The District now has the power to make irrevocable grants of fee title to such after-acquired lands, subject to compliance with other law, if it deems it to be in the public interest. This is an EXPANSION of the District’s ability to manage such lands.

Second, the District has always needed approval of the State Lands Commission to purchase property with funds obtained from tide or submerged lands (which is a very minor portion of the District’s revenue). However, the State Lands Commission and the District discussed the fact that how that “approval” was obtained was ambiguous. The District pointed out the Commission could simply ignore a request for approval and make no response, thus limiting the District’s ability to complete transactions in a timely manner. The Commission agreed, and SB 141 also allows the District to proceed with such a purchase after 90 days’ notice to the Commission, unless the Commission notifies the District of an objection. Again, this is an EXPANSION of the District’s ability to conduct transactions, not a limitation.

The District views the cooperation of the State Lands Commission and the resulting approval of legislative changes by the State Legislature to constitute an
affirmation of their confidence in the District’s management of the tide and submerged lands the State granted to the District at the time of its formation.

Suggestions that the State Lands Commission imposed some sanctions on the District, or enacted legislation to limit the District’s powers and impose great scrutiny on its management of public trust lands, is completely without merit.
A lawsuit was filed this week against the District, its Commissioners, and CEO Jack Crider alleging conflict of interest violations. The District has no comment on the timing and apparent motivation for the suit. It is the District’s position that the lawsuit is without merit.

Whether a Commissioner does or does not have a potential conflict of interest in a particular issue is, in the first instance, an issue personal to the Commissioner. However, the current lawsuit is directed against all of the Commissioners individually, the CEO of the District individually, and the District itself. Therefore, the District believes it is necessary to publicly respond to these allegations.

The lawsuit alleges that the District illegally entered into a transaction with Coast Seafoods, the employer of Commissioner Greg Dale, in which Commissioner Dale engaged in a conflict of interest. Based upon the facts known to the District, those claims are without merit.

Under Government Code sections 1090 and 1091, there is no violation of conflict of interest when the public official’s interest is “remote,” the interest is disclosed, and the official does not vote or otherwise attempts to influence another member of the Commission to approve the contract.

A Commissioner’s interest is “remote” as defined under section 1091(b)(2) if:
1. The contracting party (Coast Seafoods) has 10 or more other employees;
2. The Commissioner was an employee of the contracting party at least 3 years before becoming a Commissioner;
3. The Commissioner owns less than 3 per cent of the stock of the contracting party;
4. The Commissioner is an employee or agent, not an officer or director of the contracting party; and
5. The Commissioner did not directly participate in the formulating of the bid of the contracting party.

It is the District’s information and belief that Coast Seafoods has more than 10 employees other than Commissioner Dale.

It is the District’s information and belief that Commissioner Dale was employed by Coast Seafoods at least 3 years before he became a Commissioner.

It is the District’s information and belief that Commissioner Dale does not own 3 per cent or more of the stock of Coast Seafood;
It is the District’s information and belief that the stockholders of Coast Seafood have never voted Commissioner Dale as a Director of Coast Seafoods, and he is not a Director of that corporation.

It is the District’s information and belief that the Board of Directors of Coast Seafood has never named Commissioner Dale an officer of the corporation, and he is not a corporate officer. The lawsuit alleges that Commissioner Dale is the “Southwest Operations Manager for Coast Seafoods Company.” It is the District’s information and belief that this is Coast Seafoods’ employee job title for Commissioner Dale. In my opinion as District legal counsel, the allegations in the complaint that attempt to construe Commissioner Dale to be an “officer” of the corporation as opposed to an employee are meritless and would make the statute’s distinction between “officer and director” and employee meaningless. It should also be noted that in other statutes the legislature has imposed obligations on “officers, directors and managing agents,” something the legislature did NOT do in the context of Government Code sections 1091(b)(2). There is no legal basis for the allegations in the Complaint that the section 1091(b)(2) does not protect “managing employees.”

To the District’s knowledge, Commissioner Dale did not directly participate in Coast Seafoods’ formulation of its proposal and position in limited obligation note, which is the basis for the claims made in the lawsuit. District CEO Jack Crider and I were the two individuals on behalf of the District that negotiated the terms of the limited obligation note with Coast Seafoods. All of those negotiations were with Coast Seafoods’ attorney Robert Preston and John Petrie, President of Coast Seafoods. Commissioner Dale did not participate in those negotiations on behalf of either the District or Coast Seafoods.

To the District’s knowledge, Commissioner Dale made no effort or attempt to influence another Commissioner to approve the limited obligation note. At all times since he became a Commissioner, Commissioner Dale has recused himself on issues involving Coast Seafoods. For most of the meetings and Commission actions alleged in the Complaint, Commissioner Dale was not even present at the meetings in question.

Although ultimately Commissioner Dale and each of the other Commissioners would have to confirm there were no attempts by Commissioner Dale to influence one or more of the other Commissioners outside of the context of public meetings, the District is confident that there were no such contacts.

In addition to the substantive allegations made against the District as being without merit, the District also believes the relief sought in the litigation is contrary to law.
The lawsuit seeks the Court to order than Commissioner Dale be removed from office and barred from holding office. That is contrary to the State and Federal Constitutions and beyond the power of the court. The power to remove Commissioner Dale from office, or retain him in office, is vested in the voters.

The lawsuit also seems to suggest that the District can keep the funds borrowed from Coast Seafood if the litigation is successful. The District believes that even if the suit is somehow successful such a result is highly unlikely. A more probable result is that the District would have to find a way to make an immediate repayment of the loan.

Although the lawsuit may make for headlines and publicity to promote the interests of those behind the suit, the District is confident it is without merit.
October 18, 2015

Mr. Jack Crider  
Chief Executive Officer  
Humboldt Bay Harbor, Recreation & Conservation District  
P.O. Box 1030  
Eureka, California 95502

Re: New Markets Tax Credits Reservation

Dear Mr. Crider:

This letter confirms the interest of New Markets Community Capital, LLC ("NMCC") to provide New Markets Tax Credits ("NMTC") financing for the construction of the "Samoa Pulp Mill Restoration", an NMTC eligible project ("Project") to be located at 1 TFC Drive, Samoa California (the "Project") by Humboldt Bay Harbor, Recreation & Conservation District (the "Company").

NMCC proposes to work with the Company to: (a) complete our due diligence; (b) complete the economic underwriting; (c) submit the proposed financing to NMCC’s investment committee and advisory board for approval; and (d) prepare, and finalize all necessary organizational and investment agreements and documents (the "Final Documents") covering all aspects of the proposed NMTC financing with the objective of closing not later than December 31, 2015 (the "Closing Date").

Prior to incurring costs associated with engaging legal counsel and accountants and preparing the Final Documents, we are prepared to formally reserve NMTC allocation for the Project. This letter agreement (the "Agreement") sets forth the terms and conditions under which NMCC will reserve a portion of its NMTC allocation for the Project.

1. NMTC Reservation. NMCC will reserve up to $7.0 million of NMTCs for the Project (the "NMTC Reservation"), with the final amount of the NMTC Reservation to be determined in light of the final Project budget, amount of available leverage debt, financial structuring requirements and other factors. The NMTC Reservation will begin on the date of this Agreement and terminate on the Closing Date, subject to the possible early termination of the NMTC Reservation as provided for in Section 2.
2. **Termination.** This Agreement and the NMTC Reservation will terminate upon the earliest of the following to occur:

(a) Immediately upon written notice by NMCC to the Company:

(i) if the Company has not provided to NMCC by October 30, 2015, evidence satisfactory to NMCC that the Company has secured all other financing necessary to fund the Project, including but not limited to any additional NMTCs required from one or more Community Development Entities (CDE);

(ii) if the Company has not provided to NMCC by November 23, 2015, the following: (i) all documents and other information requested by NMCC necessary to complete its preliminary due diligence;

(iii) if NMCC's Board of Managers and NMCC’s Advisory Board do not approve financing for the Project by December 18, 2015;

(iv) if NMCC and the Company have not signed and delivered the Final Documents by the Closing Date;

(v) if NMCC (or any subsidiary of NMCC) and the Company have not closed a “Qualified Low-Income Community Investment” to the “Qualified Active Low-Income Community Business” as such terms are commonly used in the NMTC program that is developing the Project by the Closing Date; or

(vi) if the Company breaches any term of this Agreement.

(b) Immediately upon written notice by the Company to NMCC.

3. **Loan Repayment and Fees.** As consideration for its contribution of NMTC's to this transaction, NMCC shall receive the following:

(a) Sub-Allocation Fee: 1.0% of the total Qualified Equity Investment (QEI). This fee will be payable at the front-end of the transaction by the Sub-CDE to NMCC out of escrow at the close of funding.

(b) Allocation Fee: 3.0% of the total QEI. This fee will be payable at the front-end of the transaction by the QALICB to NMCC out of escrow at the close of funding.

(c) Management Fee: 0.6% Annual Management Fee. The total cumulative amount of these fees (4.2% over the seven (7) year term) will be reserved at the front-end of the transaction and paid by the QALICB to NMCC in equal installments over the seven-year term of the NMTC financing. The method and
timing of these payments will mirror that of the debt service payments for the NMTC financing.

(d) Net Equity/QLICI Loan B Repayment: 0.5% of the QEI reserved for at closing of the transaction through escrow into a sinking fund. At the end of the seven-year NMTC financing period the funds will be used to repay a portion of QLICI Loan B principal.

4. Annual Administration Expense. A total of $104,000 will also be reserved through escrow to cover the cost of annual audits and tax returns for the Sub-CDE. This sum will be paid out to NMCC in annual installments of $13,000 during each of the eight years for which annual tax returns and audits will be required. This expense will be paid by the QALICB.

5. Annual California LLC Fee and Taxes. The Sub-CDE Annual CA LLC Fees and Taxes will be paid by the QALICB. This will be due five days before the fees are paid to the California Franchise Tax Board, which is typically sometime in the first quarter of each calendar year.

6. Final Documents. Once fully executed this Agreement will reserve the aforementioned portion of NMCC’s NMTC allocation for the Project on an interim basis up until the time, if any, that a formal agreement has been reached between NMCC and the Company to proceed with the NMTC financing as set forth in the Final Documents. However, this Agreement, by itself does not obligate any party to close any financing for the Project and no binding obligation will exist with respect thereto unless and until the parties sign and deliver the Final Documents (including, but not limited to operating agreements, loan agreements and security agreements), and then only to the extent such obligations are set forth in the Final Documents. The Final Documents will contain terms and conditions satisfactory to NMCC. In the event this Agreement is fully executed but the formal agreement between the parties as referenced in the preceding sentence is not ultimately reached and consummated and the Final Documents have not been signed and delivered, then the NMTC Reservation will terminate and this Agreement will be of no further force or effect.

7. Reservation Deposit.

(a) The Company acknowledges and agrees to remit to NMCC a $35,000 deposit (the "Reservation Deposit") in conjunction with this fully signed Agreement. The Reservation Deposit will be paid by October 27, 2015.

(b) If NMCC closes NMTC financing for the Project, the Reservation Deposit will be applied against the third-party legal or accounting fees incurred by NMCC for which the Company is responsible in accordance with Section 8. If NMCC does not close NMTC financing for the Project because of factors within the control of
the Company or other parties to the NMTC financing other than NMCC, the Reservation Deposit will not be refunded and will be retained solely by NMCC. If NMCC does not close NMTC financing for the Project because of factors within the control of NMCC, the Reservation Deposit, net of amounts payable in accordance with Section 8, will be refunded to the Company.

8. **Third-Party Costs.** The parties acknowledge that NMCC has retained or will retain legal counsel and accountants in connection with the underwriting, structuring and closing of the proposed financing and so will incur expenses whether or not the proposed NMTC financing transaction closes. If NMCC closes NMTC financing for the Project, all of NMCC’s legal, accounting and other transaction expenses will be paid using proceeds from the NMTC financing and the Reservation Deposit. If the NMTC financing does not close for any reason other than the failure of the NMCC Board of Managers or the NMCC Advisory Board to approve the financing by December 18, 2015, then NMCC may apply the amount of Reservation Deposit to pay all such expenses. Should the deposit not be sufficient to cover all of such expenses, then the Company will promptly pay to NMCC (or directly to its service providers as directed by NMCC) all such remaining expenses within 30 days of receipt of invoices submitted by NMCC.

9. **Miscellaneous.** This Agreement contains the entire Agreement by and between the parties concerning the matters set forth herein and supersedes any prior understanding or agreements between the parties, and shall be governed by and construed in accordance with the laws of the State of California. This Agreement may not be amended or modified except in writing by the parties. This Agreement may be executed in counterparts, each of which shall be an original, but all of which shall constitute the same instrument.

[The remainder of this page has been intentionally left blank]
This Agreement will expire unless it is signed by the Company and returned to NMCC by October 23, 2015. If the terms of this Agreement are acceptable, please so indicate the Company’s agreement in the space provided for this purpose below, whereupon this letter will constitute a legally-binding agreement as of the date of this letter.

We look forward to working with you. Please do not hesitate to contact me with any questions or comments.

Sincerely,

NEW MARKETS COMMUNITY CAPITAL, LLC

By: [Signature]

José Villalobos, Senior Vice President

AGREED AND ACCEPTED as of October ___, 2015:

[Humboldt Bay Harbor, Recreation & Conservation District]

By: ________________________________
Name: ______________________________
Title: ______________________________
Final Initial Study/
Mitigated Negative Declaration
for

REDWOOD MARINE TERMINAL II
Coastal Development Permit/Conditional Use Permit

SCH#: 2015092007

Lead Agency:

Humboldt Bay Harbor, Recreation, and Conservation District
601 Startare Drive
Eureka, CA 95501

October 2015
PROJECT TITLE: Redwood Marine Terminal II CDP/CUP  
(SCH#: 2015092007)

LEAD AGENCY: Humboldt Bay Harbor, Recreation and Conservation District  
601_startare Drive  
Eureka, CA 95501

PREPARED BY: Planwest Partners, Inc.  
1125 16th Street, Suite 200  
Arcata, CA 95521

CONTACT PERSON: George Williamson, AICP

PROJECT LOCATION: 1 TCF Drive, Samoa, CA 95564

GENERAL PLAN DESIGNATION(s): Industrial/Coastal Dependent (MC)

ZONING DESIGNATION(s): Industrial/Coastal Dependent, Archaeological Resource Area  
(MC/A)

PARCEL NUMBER: 401-112-021

INTRODUCTION: This Final Draft Initial Study/ Mitigated Negative Declaration (IS/MND) reflects comments received from Wiyot area (Bear River Blue Lake, Wiyot) Tribal Historic Preservation Officers (THPOs) on the draft Initial Study dated September 1, 2015. Minor revisions to the Cultural Resources mitigation measures have been incorporated, no other IS/MND changes have been made.

PROJECT SUMMARY:
A Coastal Development Permit for renovation of existing facilities and infrastructure on the project site; these renovations will not expand the facility capacity. Renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing. Additionally, a Conditional Use Permit for short term industrial tenant approval, as a pilot project, until the Humboldt Bay Area Plan can be amended to allow a broader range of industrial uses.

Background
In 2013, the Humboldt Bay Harbor, Recreation and Conservation District (District) acquired the 72 acre Parcel A of the former Samoa pulp mill (APN 401-112-21). Now known as Redwood Marine Terminal II (RMT II), this industrial site had been in operation on the Samoa Peninsula for over 50 years. Cleanup of contaminants associated with the former pulp mill is nearly complete by EPA and over 200,000 square feet of under roof space is available for lease. Less than 5% (7,000 sq. ft. private mariculture operation) is currently being leased. However, infrastructure upgrades and maintenance, utility costs, insurance, security and other site maintenance expenses are primarily being paid for through the District’s general fund. This is not sustainable and the District has been aggressively pursuing tenants.
The District has received inquiries from numerous entities interested in leasing portions of the existing RMT II facility, but has only executed the one mariculture related lease. This Coastal Development / Conditional Use Permit (CDP/CUP) seeks short term approval to attract tenants until the Humboldt Bay Area Plan can be amended to allow a broader range of industrial uses. In addition to maintaining and upgrading on land facilities and infrastructure, the district has made a significant investment in the adjacent dock facilities, including new decking and utilities. Dredging of the adjacent Humboldt Bay main channel is scheduled for summer 2015 by the Army Corps of Engineers. The Harbor District is committed to maintaining this sites' readiness for Coastal Dependent Industrial (CDI) uses should those uses remain viable in the future.

Around Humboldt Bay there are over 1,800 acres of underutilized CDI designated land and demand for uses conforming to all CDI requirements is very low. The District is proposing an innovative pilot project that will allow for compatible industrial, manufacturing, energy generation and research uses until there is increased demand for coastal dependent uses. Revenue from these interim uses will be critical for maintaining infrastructure at the site and business attraction to other sites on Humboldt Bay.

This is an application made by a public agency for a pilot project to allow for a range of general industrial and research related uses at the site. This permitting will facilitate tenant attraction and allow the District, County and Coastal Commission to work together on longer term solutions, including:

- A Humboldt Bay Area Plan amendment that allows for interim and permanent coastal and non-coastal dependent uses.
- Replacement of existing non-conforming uses (i.e., chemical storage, etc.) with other non-conforming uses.

The proposed CUP/CDP will allow the District to pursue a broader range of tenants and execute leases as appropriate. The lessee must agree to remove the use after notice from the District; the lessee will have six months to vacate the site should notice be given.

**Existing Conditions**

The site is designated and zoned for coastal dependent industrial use and surrounded by similar coastal dependent industrial designated lands associated with historic lumber and pulp mill operations. To the north of the site is the former Evergreen pulp mill that was recently permitted to allow sawdust briquette manufacturing by Fiberol Energy Inc. Humboldt Bay is east of the site with access from RMT II. South of the site is vacant industrial land, south west is the Fairhaven Biomass Facility. To the west, across New Navy Base Road there are beach and dune areas that meet the Pacific Ocean.

Existing buildings and leasable space, as shown on the attached site plan and photos, include:

- Machine Building: 30,400 sq. ft.
- Shops and Stores Building: 41,040 sq. ft.
- Offices – 1: 3,200 sq. ft.
  - 2: 450 sq. ft.
- Warehouses – 1: 66,200 sq. ft.
  - 2: 65,000 sq. ft.
RMT II infrastructure, also shown on the attached site plan and photos include:

- Fire suppression system inside Shops & Stores, Warehouse and Machine building;
- Industrial fresh water supplied by HBMWD and stored in two million gallon storage tank adjacent to New Navy Base Road;
- Domestic Water also supplied by HBMWD;
- Industrial wastewater treatment system including double clarifiers, water filtration and ocean outfall pipe;
- Domestic and industrial wastewater treatment system including collection system, septic tanks, and leach field;
- Onsite electrical substation and distribution system to all buildings;
- 23 Megawatt chemical recovery boiler and turbine/generator; and
- Parking, cargo storage and loading facilities.

Project Description and Plan of Operation

Existing Facilities Renovation
This permitting will allow for necessary maintenance of existing infrastructure and facilities. The Harbor District will be securing new market tax credits in 2015 to make renovations to the existing facility including: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades including substation and energy efficiency retrofits, and upgraded security fencing. These renovations will not expand the facility capacity.

- Roofing and building siding – New roof on the shop, warehouse, machine building and new siding, windows and doors on the shop and warehouse buildings.
- Water system – Distribution, storage and piping renovations;
- Wastewater system upgrades – onsite leachfield denitrification upgrade and collection piping repairs.
- Fire suppression system upgrades in shops & stores and machine buildings.
- Electrical and natural gas system upgrades, including substation upgrades, pump and control upgrades and energy efficiency upgrades.
- Security fencing – Repair and expand fencing along northern property boundary.
- New monument sign near New Navy Base Road and Samoa Pulp Lane/TCF Drive. In compliance with County visibility ordinance, the sign will be located at least 30 feet beyond the New Navy Base Road double yellow line, and 50 feet from the Samoa Pulp Lane stop bar. The proposed 8' x 8' monument type sign will sit on a concrete/stone pedestal base and be constructed of concrete, stone and/or wood materials. Additionally, up to three small (1' x 4') directional signs will be placed along the access roads. Conceptual design below is not to scale.
**Proposed Use Types**
The District seeks CUP/CDP approval for industrial and research uses that would utilize existing warehouse and other site facilities with no changes to size, shape, and capacity of buildings or infrastructure. This project would permit aquaculture, coastal-dependent, coastal-related, heavy industrial, and research/light industrial use types shown in the table below.

<table>
<thead>
<tr>
<th>USE</th>
<th>INFRASTRUCTURE/ STANDARDS COMPLIANCE/ BENEFITS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aquaculture (HCC 313-175.1)</strong></td>
<td>These aquaculture processes use water and wastewater system infrastructure present at the facility and the adjacent dock facility for bay access. These uses are also complimentary to the subtidal mariculture sites proposed to be leased adjacent to the dock facilities as part of the District’s mariculture pre-permitting project.</td>
</tr>
<tr>
<td><strong>Coastal-Dependent (HCC 313-175.2)</strong></td>
<td>Fish processing often requires water at volumes that can be accommodated at the facility, and requires processing facilities for fish waste also available at the facility. These facilities will be upgraded as needed for these uses and rents will offset upgrade costs. The shop facility is equipped to handle repairs of the processing equipment and support equipment used in transport and maintenance.</td>
</tr>
<tr>
<td><strong>Import/export operations, boat repair, commercial fishing facilities, fish processing</strong></td>
<td>The Harbor District has entered into an exclusive right to negotiate a lease with a wood pellet manufacturer and exporter. The potential tenant would lease 92,000 sq. ft. of warehouse space, 30,000 sq. ft. of the drying building, 12,000 sq. ft. of the shops, and 120,000 sq. ft. of outside space. The prospective tenant projects sufficient volume to fill five ships per year exporting materials from the adjacent dock facility.</td>
</tr>
<tr>
<td><strong>Import/export operations Wood Pellet Manufacturing/ Export</strong></td>
<td><strong>Coastal-Related (HCC 313-175.3)</strong></td>
</tr>
<tr>
<td><strong>Fish waste processing, Using ocean and bay intake/outfall pipeline.</strong></td>
<td><strong>Dredge slurry dewatering, Using water clarifiers, filtration and ocean outfall pipeline.</strong></td>
</tr>
<tr>
<td><strong>Heavy Industrial (HCC 313-175.6)</strong></td>
<td><strong>Organic and Plant Materials, Animal and Fish Product Processing</strong></td>
</tr>
<tr>
<td>USE</td>
<td>INFRASTRUCTURE/ STANDARDS COMPLIANCE/ BENEFITS</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Manufacturing (compounding, processing, assembling, packaging,</td>
<td>roof, existing laboratory facilities, sufficient water and power to support volume manufacturing for worldwide distribution.</td>
</tr>
<tr>
<td>treatment or fabrication)</td>
<td></td>
</tr>
<tr>
<td>Wood Products and other Natural Resource based Manufacturing</td>
<td>The moving, processing and treatment of wood and other bulky resource products requires a significant amount of physical space given the volume and weight of the raw materials and quantities needed to make wood product manufacturing cost effective. The existing facility is well suited for this use with no exterior renovation except for larger rollup doors which are planned improvements.</td>
</tr>
<tr>
<td>(compounding, processing, assembling, packaging, treatment or</td>
<td></td>
</tr>
<tr>
<td>fabrication),</td>
<td></td>
</tr>
<tr>
<td>Electrical generation and distribution equipment Manufacturing</td>
<td>Humboldt State University is conducting research on a variety of renewable power technologies, including biomass conversion (Waste to Wisdom) wave energy and marine based wind turbines. The marine based energy would be transported ashore along the ocean outfall pipe and link to the existing substation at the facility. Wood waste to energy technology improvements and testing would benefit the nearby biomass facility and offers potential to help restart two other biomass facilities in the area that are currently not operating.</td>
</tr>
<tr>
<td>(compounding, processing, assembling, packaging, treatment or</td>
<td></td>
</tr>
<tr>
<td>fabrication),</td>
<td></td>
</tr>
<tr>
<td>Electrical generation facility, converting the 23 megawatt power</td>
<td>The landfill berms at the facility provide a suitable location for installation of a solar array to generate power for the facility and potential sale back to the grid. A potential tenant is interested in constructing the array and routing power through the onsite substation.</td>
</tr>
<tr>
<td>boiler to a wood burning biomass generator.</td>
<td></td>
</tr>
<tr>
<td>Electrical generation and distribution</td>
<td></td>
</tr>
<tr>
<td>Onsite Solar Array</td>
<td></td>
</tr>
<tr>
<td>Research/ Light Industrial (HCC 313-175.7)</td>
<td>The facility has all the capabilities for manufacturing, industrial and scientific research. There are large open assembly areas under roof, shop area, laboratory space for research and high ceilings for industrial uses. One use that has been considered for this area is modular unit manufacturing and export. Residential, commercial, construction site, and temporary housing modular component manufacturing could be accommodated at this facility. This use would draw on the areas materials resources, primarily wood products, and on the skilled structural, electrical, plumbing, cabinetry, framing, tiling, and finishing labor force. This product would be exportable worldwide.</td>
</tr>
<tr>
<td>Low impact manufacturing, industrial and scientific research,</td>
<td></td>
</tr>
<tr>
<td>carpentry and cabinet making, clothing manufacturing, contractor’s</td>
<td></td>
</tr>
<tr>
<td>yards, metal working shops</td>
<td></td>
</tr>
</tbody>
</table>

Priority will be given to Aquaculture, Coastal Dependent and Coastal Related uses as defined in the table above and similar uses where a substantial conformity determination can be made. Leases for other listed and similar uses will be shorter term, five years or less, with limited tenant improvements. Should Aquaculture, Coastal Dependent and Coastal Related use tenants become viable, other tenants occupying space proposed for those uses will have a lease clause to vacate within 6 months.
Parking & Traffic

The estimated parking requirements, based on Humboldt County Code (H.C.C.) standards for industrial uses per building square foot, are shown in the table below. There is approximately 255,510 square feet of onsite space available for parking, loading, and associated travel ways. This includes paved and unpaved areas both north and south of the shops & stores, machine, and warehouse buildings. These areas could accommodate up to 800 standard parking spaces. Therefore, there is more than enough on-site capacity to meet parking requirements.

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>H.C.C Parking Standards 313-109.1.4.4</th>
<th>Minimum Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Offices</td>
<td>One parking space for every 300 sq.ft. plus one for each employee</td>
<td>12 (plus one for each office employee)</td>
</tr>
<tr>
<td>3,650 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>Either one parking space for each 1,500 sq.ft. or one space for each employee at peak shift</td>
<td>48</td>
</tr>
<tr>
<td>71,440 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Either one parking space for each 2,500 sq.ft. or one space for each four employees</td>
<td>53</td>
</tr>
<tr>
<td>131,200 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL REQUIRED</strong></td>
<td></td>
<td>113</td>
</tr>
</tbody>
</table>

There is not expected to be an increase in traffic to and from the site as a result of new uses, compared to past facility use. Traffic would be associated with both employees and other operational truck traffic depending on the type of use. Truck traffic to and from the site will use New Navy Base Road to Samoa Pulp Lane and then to the project site; trucks would use the same route when exiting. There would be a maximum of 20 truck trips per day.

Water/Wastewater

Humboldt Bay Municipal Water District (HBMWD) service includes both domestic and industrial water delivery to the site. The domestic system serves restrooms and related facilities requiring potable water. The Industrial supply system has 30 million gallons/day water delivery and treatment capacity and a two million gallon storage tank adjacent to New Navy Base Road. The ocean outfall was previously permitted for 15 million gallons/day discharge. It is still used for discharge by Fairhaven Power.

The onsite wastewater system includes a 1,800 gallon wet well, wastewater pumping system and leach field. Wastewater flows are from restrooms, sinks and wash stations within the existing buildings, and are of relatively low volume. The wet well is monitored and solids removed by pumping as needed. The proposed uses are projected to generate fewer workers than were employed for pulp mill operations. The District has installed a groundwater monitoring well between the leach field and Humboldt Bay. The design capacity of the existing system is greater than the wastewater flows projected to be generated by the proposed uses.

The onsite water filtration system and clarifiers were used primarily to treat industrial water to water quality standards required for pulp production. These systems are still operational should they be needed by the proposed users. These water and wastewater systems were designed for the pulp mill operation and have greater capacity than needed for proposed tenant uses.
**Operations**

The District will maintain staff at the facility to monitor operations and conduct ongoing repairs and renovations. District staff operates a fully equipped maintenance shop at the facility, and has vehicles and equipment, including trucks and a forklift for servicing the site. The maximum number of employees during peak shift would be 120. The facility has accommodated three work shifts in the past, and could do so again based on tenant needs. Much of the proposed tenant activity would be conducted within existing buildings, and there are no non-industrial uses in the vicinity that would be affected by nighttime operations.

**Other Considerations**

Proposed uses and operations will comply with applicable noise and emission requirements. All exterior lighting, whether installed for security, safety, or signage purposes will be shielded and/or positioned to broadcast light downward so that light will not shine beyond the site boundaries. A tsunami evacuation plan has been prepared for the Samoa Peninsula. The onsite landfill berms are of sufficient height as to not be inundated during the event predicted in the Samoa Peninsula plan, and are designated as a Redwood Marine Terminal II and Town of Fairhaven evacuation site.

**Proposed Findings and Consistency**

The Harbor District proposes that the requested uses will be interim in nature, as part of this pilot project, until a LCP Amendment, and would be relocated should permanent CDI uses become available for the site.

<table>
<thead>
<tr>
<th>General Plan Section(s)</th>
<th>Evidence Supporting General Plan Conformance Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use, 3.14(a) 4.10(a) HBAP</td>
<td>The Project is located within and contiguous with existing developed areas.</td>
</tr>
<tr>
<td>Geologic, 3.17(b.1)(b.3) HBAP</td>
<td>Based on the Geologic Hazard maps in the Humboldt County General Plan (Volume 1) the project site is located in an area where slope instability is moderate. It is not located in either an Alquist-Priolo Fault Hazard special studies zone or other mapped potentially active fault zone. The project site is relatively flat and not susceptible to landslide.</td>
</tr>
<tr>
<td>Flood Hazards 3.17(b.4) HBAP</td>
<td>The Proposed project site is located in zone C, which is defined as areas of minimal flooding (FIRM #775). The 100-year tsunami run-up elevation for the area is approximately 10.8 feet. The project site is located at 12-40 feet elevation. The 500 year tsunami run-up elevation for the area is approximately 20.2 feet. There is a tsunami evacuation site on the Harbor District property.</td>
</tr>
<tr>
<td>Tsunami Risk 3.17(b.3) HBAP</td>
<td></td>
</tr>
<tr>
<td>Sensitive Habitats 3.14 HBAP</td>
<td>The project will convert industrial land to productive industrial use. No natural habitats being converted or impacted to implement the project.</td>
</tr>
<tr>
<td>Water Supply, Sewage Disposal Urban Limits §2600 3340, 3360, 4530 (FP)</td>
<td>The proposed project has public water and is served by on-site sewage disposal.</td>
</tr>
<tr>
<td>Airport Safety §3290 (FP)</td>
<td>The project site is within two miles of the runway at the Eureka Municipal Airport, which is located further south on the Samoa Peninsula at 990 New Navy Base Road. The Eureka Municipal Airport is a general aviation airport owned and operated by the City of Eureka. Based on the airport's volume of air traffic, the orientation of the runway, and the project's proposed use, the project would not interfere with airport operations.</td>
</tr>
<tr>
<td>General Plan Section(s)</td>
<td>Evidence Supporting General Plan Conformance Finding</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Transportation §4237 (FP)</td>
<td>The project will not significantly create or aggravate safety, capacity or parking problems on County roads.</td>
</tr>
<tr>
<td>Cultural Resources, §3.37 HBAP</td>
<td>There are no known historic or pre-historic resources on the proposed project site.</td>
</tr>
<tr>
<td>Visual Resource §3.40 HBAP</td>
<td>The proposed project site is a portion of the site formerly operated as a pulp mill and containing industrial structures. The boiler is the most visually dominant feature in the vicinity. No new buildings proposed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Evidence That Supports the Zoning Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>§313-3.4 Industrial Coastal Dependent (MC)</td>
<td>The project proposes Industrial uses conditionally permitted in the MC Zone</td>
</tr>
<tr>
<td>Industrial General: Minimum Parcel Size: §313-3.4 H.C.C.</td>
<td>Parcel is 72 acres in size</td>
</tr>
<tr>
<td>Yard Setbacks: §313-3.4 H.C.C.</td>
<td>Meets all setbacks</td>
</tr>
<tr>
<td>Maximum Structure Height, §313-3.4 H.C.C.</td>
<td>Meets 50 feet plus one (1) foot for each foot of front yard setback over 50 feet to a maximum of 75 ft.</td>
</tr>
</tbody>
</table>

**Industrial Performance Standards, §313-103.1 et seq. H.C.C.**

| Noise | Noise shall not exceed 70 dB at property line |
| Lights | No Restrictions |
| Traffic | No Restrictions |
| Vibrations | No perceptible vibrations interfere with adjacent land uses. |
| Electronic Interference | No visual or audible interference of radio or television reception by operations. |
| Enclosed manufacturing and fabrication areas | All manufacturing and fabricating areas enclosed in buildings. |
| Archaeological Resource Area Combining Zone, §313-16.1 H.C.C. | The project is located within an existing industrial area with no known prehistoric or historic archaeological sites. |

**Public Safety and Welfare, §312-17.1.4**

The project will not be detrimental to the public health safety and welfare or materially injurious to properties or improvements in the vicinity; and will not adversely impact the environment.

**SURROUNDING LAND USES AND SETTING:**
The site is designated and zoned for coastal dependent industrial use and surrounded by similar coastal dependent industrial designated lands associated with historic lumber and pulp mill operations. To the north of the site is the former Evergreen pulp mill that was recently permitted to allow sawdust briquette manufacturing by Fiberol Energy Inc. Humboldt Bay is east of the site with access from RMT II. South of the site is vacant industrial land, south west is the Fairhaven Biomass Facility. To the west, across New Navy Base Road there are beach and dune areas that meet the Pacific Ocean.

**REQUIRED APPROVAL(s) BY OTHER PUBLIC AGENCIES:**
County of Humboldt CDP/CUP
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics  ☐ Greenhouse Gas Emissions  ☐ Population/Housing
☐ Agricultural & Forestry Resources  ☐ Hazards & Hazardous Materials  ☐ Public Services
☐ Air Quality  ☐ Hydrology/Water Quality  ☐ Recreation
☐ Biological Resources  ☐ Land Use/Planning  ☐ Transportation/Traffic
☐ Cultural Resources  ☐ Mineral Resources  ☐ Utilities/Service Systems
☐ Geology/Soils  ☐ Noise  ☐ Mandatory Findings of Significance

DETERMINATION
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

[Signature]
George Williamson, AICP

Date
October 19, 2015

Harbor District Planner

For

HBHRCRCD
RMT II

Initial Study MND
CDP/CUP
EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The analysis of each issue should identify:
   a) the significance criteria or threshold used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.
### ENVIRONMENTAL CHECKLIST

<table>
<thead>
<tr>
<th>Issues and Supporting Information</th>
<th>Potentially Significant</th>
<th>Less Than Significant With Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
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<tbody>
<tr>
<td><strong>AESTHETICS:</strong> Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<td>X</td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>X</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<td></td>
<td>X</td>
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<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
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<td>X</td>
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**Discussion**

The project site is surrounded by industrial designated lands associated with historic lumber and pulp mill operations. The site contains numerous industrial buildings and facilities formerly associated with pulp mill operations. The site is visible from New Navy Base Road; however, vegetated open space areas and old landfill berms act as visual buffers of site facilities. Views from the site are of Humboldt Bay, adjacent industrial facilities, and open space areas.

The project would involve maintenance of existing infrastructure and facilities including: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades including substation and energy efficiency retrofits, and upgraded security fencing. These renovations would not expand the facility capacity. The exterior repairs would be aesthetically similar to existing materials and most of the repairs would not be visible from off-site locations. Proposed uses would utilize the interior spaces of existing facilities with little to no exterior changes.

**a)** The project site is located on the Samoa Peninsula which offers informal scenic vistas of Humboldt Bay, beaches, dunes, and the Pacific Ocean. Views of and from the project site would not change as a result of the project. The project site is currently developed with large industrial facilities; the proposed project would not expand facility capacity or construct additional facilities. There would be negligible change to existing views in the project vicinity. There are no designated scenic vistas at or near the site. **No impact** would occur.

**b)** According to the California Scenic Highway Mapping System, the project site is not located within view of a designated or eligible state scenic highway, or locally designated scenic roadway. There are no officially designated Scenic Highways within Humboldt County; however Highway 101, Highway 36, and Highway 299 have been identified as eligible. These eligible routes are not visible from the project site. **No impact** would occur.
c) As discussed above, the project site contains numerous industrial buildings and facilities and is surrounded by industrial designated lands associated with historic lumber and pulp mill operations. The project involves maintenance of existing infrastructure and facilities and would not expand the facility capacity or construct new facilities. The proposed building maintenance (i.e. new roofing and siding) would replace old deteriorating materials. The proposed project is consistent with the existing visual character of the property and its surroundings. A **less than significant impact** would occur.

d) Limited security lighting may be installed for site safety purposes. All exterior lighting would be shielded and/or positioned to broadcast light downward so that light would not shine beyond the site boundaries. The upper portions of the landfill berms may provide a suitable location for the installation of a solar array to generate power. Any such system would be designed to avoid glare to surrounding areas. Therefore, the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. A **less than significant impact** would occur.

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<tr>
<td>AGRICULTURE AND FOREST RESOURCES: Would the project:</td>
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<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
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<td>X</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<td>X</td>
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<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
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<td>X</td>
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<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<td>X</td>
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<tr>
<td>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?</td>
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<td>X</td>
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</table>
Discussion

a) The proposed project site is designed and developed for industrial use and does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is surrounded by similar industrial designated lands. The project would not convert any type of Farmland to non-agricultural use. **No impact** would occur.

b & c) The project site is zoned industrial coastal dependent (MC). No Williamson Act contracts are in place on or near the project site. The project would not conflict with agriculture or forest land zoning or Williamson Act contracts. **No Impact** would occur.

d & e) No forest land or timberland exists on or near the project site. The project would not result in the loss or conversion of forest land, or involve other changes in the existing environment which would result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. **No impact** would occur.

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<tr>
<td>AIR QUALITY: Would the project:</td>
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<tr>
<td>a) Conflict with or obstruct</td>
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<tr>
<td>Implementation of the applicable</td>
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<td>air quality plan?</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<td>x</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td></td>
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<td>x</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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**Discussion**

The project site is located within the North Coast Air Basin (NCAB) and the jurisdiction of the North Coastal Unified Air Quality Management District (NCUAQMD). The NCUAQMD includes Del Norte, Humboldt, and Trinity Counties. The NCAB currently meets all federal air quality standards; however, the entire air basin is currently designated as non-attainment for the State 24-hour and annual average particulate matter smaller than 10 microns in size (PM_{10}) standards. Both natural and anthropogenic sources of particulate matter (including vehicle emissions, dust, wildfire and residential wood burning stoves) in the NCAB have led to the PM_{10} non-attainment designation.

To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM_{10} standard exceedance, and
identifies cost-effective control measures to reduce PM$_{10}$ emissions, to levels necessary to meet California Ambient Air Quality Standards.

a) The project would generate a minor amount of particulate emissions during construction and project operations, mainly in the form of vehicle emissions. The project would not substantially add to the level of PM$_{10}$ or other emissions such that it would cause a cumulatively considerable net increase of pollutant emissions in the area. The project would not conflict with or obstruct implementation of the NCUAQMD Particulate Matter Attainment Plan; therefore, a less than significant impact would occur.

b) As discussed above, the NCAB is currently designated as a state non-attainment area for PM$_{10}$, but does not violate other federal, state, or local air quality standards. In the NCAB, most particulate matter is caused by vehicle emissions, wind generated dust, construction dust, wildfire, and residential wood burning stoves.

The propose project would cause the release of a limited amount of PM$_{10}$ emissions due to construction air emissions in the form of exhaust from construction equipment, worker commute, and haul trucks. Operational vehicle emissions would be due to worker commute, deliveries, and truck trips associated with proposed site uses. The proposed project would not involve grading or moving materials that would generate significant dust. Operational emissions related to potential tenants are expected to be limited to emissions from combustion engines. Any such emissions would be off-set by the air quality credits the District received for the discontinued use of the on-site boiler.

Emissions associated with proposed construction activities would be short term and limited in scope; these activities would not cause a violation of air quality standards or contribute substantially to an existing or projected air quality violation. Project operation would increase vehicle trips to the site; however this would not result in a substantial increase of PM$_{10}$ emissions in the project area. A less than significant impact would occur.

c) As described above, the NCAB is in non-attainment for the criteria air pollutant PM$_{10}$. Project construction would cause minor and short term production of PM$_{10}$ and would not significantly increase the background levels. The project would not substantially add to the level of PM$_{10}$ or other emissions such that it would cause a cumulatively considerable net increase of pollutant emissions in the area. The project would result in a less than significant cumulative impact to air quality from criteria air pollutants and precursor emissions.

d) The project site is adjacent to other industrial uses; there are no residences or schools in the project vicinity. Sensitive receptors in the project area could include recreational users of the beach and dunes across New Navy Base Road, west of the project site. Project construction and operation would not produce substantial pollutants and would not expose sensitive receptors to substantial pollutant concentrations. A less than significant impact would occur.

e) Diesel powered vehicles and equipment may generate localized odors. These odors would be temporary and not likely noticeable beyond the project site. Project operations would not
emit objectionable odors affecting a substantial number of people. A **less than significant impact** would occur.

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<td><strong>BIOLOGICAL RESOURCES:</strong> Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
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**Discussion**

The project site is located on the Samoa Peninsula, west of the City of Eureka in Humboldt County, California. The Peninsula is immediately west of Humboldt Bay and east of the Pacific Ocean. The project area is relatively flat with dune features along New Navy Base Road. The western portion of
the project site contains old landfill berms that range in elevation from sea level up to approximately 40 feet.

The project site is currently developed with industrial buildings and facilities formerly associated with pulp mill operations including paved roadways and graveled parking areas. The project site has been heavily used for industrial purposes for many decades. The limited natural habitat is primarily ruderal (weedy) herbaceous species (non-native annual and perennial forbs), a few areas contained willow hallow, beach grass and dune mat habitats (LACO 2013a). According to USFWS National Wetlands Inventory (NWI) seasonal freshwater marshes may be located on the project site west of Vance Ave.

A California Natural Diversity Database (CNDDB) and CNPS Inventory of Rare and Endangered Vascular Plants records search was conducted for the project area. A list of federal endangered, threatened and candidate species for the project area was reviewed from USFWS Information for Planning and Conservation. These queries reported a number of special-status species with potential to occur in the Eureka USGS quadrangle. Appendix A lists those special status species and the potential for the species to occur on the project site. Most of the listed species have limited potential to occur in the project vicinity.

The preliminary biological evaluation for the Samoa Industrial Waterfront Transportation Access Plan (SIWPTAP) (LACO 2013a) noted the presence of dark-eyed gilia (Gilia millefoliata) along a portion of the southern property boundary. Dark-eyed gilia is listed in the California Native Plant Society’s List 1B.2 (rare, threatened, or endangered in California and elsewhere; fairly endangered in California) and is considered a California Species of Special Concern. The existing leachfield is located near this area, although significant ground disturbing activities are not expected.

There are known osprey nesting sites on and near the project area. Site operations are not expected to affect the birds, however construction activities during nesting will be monitored and limited as appropriate, see Mitigation Measure BIO-2.

The project involves building maintenance activities and would allow industrial uses within existing facilities. No direct impacts to rare or endangered species are expected from project implementation and no riparian or other sensitive habitat would be impacted. The project would not have a substantial adverse effect on special status species or habitats. Implementation of mitigation measures BIO-1 and BIO-2 would reduce impacts to less than significant.

**Mitigation Measure BIO-1: Conduct Rare Plant Survey**
Prior to construction activities near the southern property line, including near the leach filed, the District shall hire a qualified biologist (or other individual appropriately qualified) to conduct seasonally appropriate rare plant survey(s) in this area. If rare plants are impacted by the project, the affected species will be transplanted or replanted on-site as recommended by the biologist.

**Mitigation Measure BIO-2: Osprey Nesting Assessment**
Prior to construction activities, a qualified biologist will determine whether osprey nests in the project area are active. If active nests are identified within 500 feet of the project
footprint, a qualified biologist will monitor osprey behavior when construction begins in order to assess disturbance and potential for nest abandonment. If the osprey exhibit behavior suggesting disturbance, construction activities shall cease. Construction activities shall resume only upon consultation with a qualified biologist.

c) The western portion of the project site (the troughs of the old landfill berms west of Vance Avenue) may contain freshwater emergent and forest/shrub wetlands, according to the National Wetlands Inventory (USFWS 2015). Proposed project maintenance activities would be conducted east of Vance Avenue and would not impact this area of the project site. The project involves building maintenance activities and would allow industrial uses within existing facilities. The upper portions of the landfill berms may provide a suitable location for the installation of a solar array to generate power. Any such system would not impact potential wetland areas. The project would not have a direct effect on federally protected wetlands or waters of the U.S. through direct removal, filling, hydrological interruption, or other means. A less than significant impact would occur.

d) Due to the developed nature of the project site, it is not likely to be used as a wildlife corridor. The project would not interfere with the movement of native resident or migratory fish species or with established native resident or migratory wildlife corridors. No native wildlife nursery sites exist at the project site. A less than significant impact would occur.

e-f) No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applies to the Project site. No impact would occur.

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<tr>
<td>CULTURAL RESOURCES: Would the project:</td>
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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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**Discussion**
The project area has a long history of human use associated with Humboldt Bay including Native American and later with European settlers beginning around 1850. The lands around Humboldt Bay have a rich cultural past including pre-historical use centered on the food resources of the Bay, and more recently based on manufacturing and industrial opportunities presented by the accessible
coastline and available undeveloped land. The project area is within the ethnographic territory of the Wiyot and the general area has potential for archaeological sites.

A records search was conducted through the Northwest Information Center (NWIC) which reviewed base maps that reference cultural resources records and reports, historic period maps, and literature for Humboldt County. One Wiyot site is mapped in a presently undeveloped portion of the project area. An on-site cultural resources investigation was not conducted for the proposed project because the project activities are within previously developed areas of the site.

a, b) According to the records search and based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Humboldt County have been found along the coastal margins, near trending ridgelines and midslope terraces, near the mouths of rivers, near sources of water (including perennial and intermittent streams and springs), and near productive resource environments. Given the project location along Humboldt Bay, there is a potential of identifying Native American resources in the proposed project area. One Wiyot site is mapped in a presently undeveloped portion of the project area.

The project would involve the maintenance of existing facilities, would not result in construction of any area not previously developed, and would involve limited ground disturbing activities in previously disturbed areas; therefore, project implementation would be unlikely to impact cultural resources. Implementation of Mitigation Measures CR-1, CR-2, and CR-3 would reduce potential impacts to less than significant.

If previously unidentified archaeological or historic resources are discovered during project activities, impacts could be significant if not treated properly. Implementation of the recommended protocol for inadvertent cultural resource discoveries would reduce the potential impact to previously unidentified artifacts to less than significant.

Mitigation Measure CR-1: Cultural Resources Survey study. Prior to any ground disturbing activities on undeveloped lands in the southern portion of the property in the vicinity of the reported Wiyot Tribal Cultural Resource, as shown on the following figure, a cultural resources survey study shall be conducted by a qualified archaeologist experienced in NW California archaeology in coordination and consultation with the three Wiyot area THPOs (Bear River, Blue Lake, Wiyot). The study shall provide recommendations for avoiding, minimizing or mitigating significant impacts on Tribal Cultural Resource(s), which shall be enacted by the Harbor District in consultation with the three Wiyot area Tribes.
Mitigation Measure CR-2: Protocols for inadvertent discovery of any cultural or archeological resource. Should an archaeological resource be inadvertently discovered during ground-disturbing activities, the Tribal Historic Preservation Officers (THPO) appointed by the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria and Wiyot Tribe shall be immediately notified and a qualified archaeologist with local experience retained to consult with the Harbor District and other applicable regulatory agencies to employ best practices for assessing the significance of the find, developing and implementing a mitigation plan if avoidance is not feasible, and reporting in accordance with the Harbor District’s Standard Operating Procedures as described below.

1. Ground-disturbing activities shall be immediately stopped at the find locality if potentially significant historic or archeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.

2. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the District, or party who made the discovery.

3. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the District if considered prudent to avoid further disturbances.

4. The Contractor Foreman or authorized representative, or the party who made the discovery and initiated the SOP, shall be responsible for immediately contacting by telephone the contacts listed below to report the find:
   a. The Harbor District’s authorized POC.

5. Upon learning about a discovery, the District shall be responsible for immediately contacting by telephone the contacts listed below to initiate the consultation process for its treatment and disposition:
   a. THPOs with Blue Lake Rancheria, Bear River Band and Wiyot Tribe; and
   b. Other applicable agencies involved in Project permitting.
6. In cases where a known or suspected Native American burial or human remains are uncovered, the following contacts shall be notified immediately:
   a. the Humboldt County Coroner (707-445-7242).
   b. The SOP for Inadvertent Discovery of Native American Remains and Grave Goods (CR-3 below) shall be followed.

7. Ground-disturbing project work at the find locality shall be suspended temporarily while the District, THPOs, a consulting archaeologist and other applicable parties consult about appropriate treatment and disposition of the find. Ideally, a treatment plan may be decided within three working days of discovery notification and the field phase of a treatment plan may be accomplished within five days after its approval, however, circumstances may require longer periods for data recovery. The Treatment Plan shall reference appropriate laws and include provisions for analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents. Where a Project can be modified to avoid disturbing the find, this may be the preferred option. Should Native American remains be encountered, the provisions of State laws shall apply.

8. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know. The District shall be responsible for coordinating any requests by or contacts to the media about a discovery.

9. These Mitigation Measures shall be communicated to the field work force (including contractors, employees, officers and agents) and such communications may be made and documented at safety briefings.

10. Ground-disturbing work at a discovery locale may not be resumed until authorized in writing by the District.

11. Final disposition of all collected archaeological materials shall be documented in a data recovery report and its disposition decided in consultation with Tribal representatives.

Mitigation Measure CR-3. Protocols for inadvertent discovery of Native American remains and Grave goods. In the event of a discovery of Native American remains or grave goods, the following protocol would be followed, in addition to the protocol described under Mitigation CR-2.

1. If human remains are encountered, they shall be treated with dignity and respect. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. The preference of the Wiyot area tribes is to leave ancestral burials and remains in situ, and that no photographs or analyses will be made.

2. Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense).

In addition, the provisions of California law (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code) will be followed:

1. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC at (916) 653-4082.
2. The NAHC is responsible for identifying and immediately notifying the most likely descendant (MLD) of the deceased Native American.

3. Within 48 hours of their notification by the NAHC, the MLD will be granted permission by the property owner of the discovery locale to inspect the discovery site if they so choose.

4. Within 48 hours of their notification by the NAHC, the MLD may recommend the means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses (if any) recommended by the MLD may be considered and carried out.

5. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the District rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to the District, the District shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity at an appropriate nearby location not subject to further subsurface disturbance.

c) Paleontological resources are the remains or traces of prehistoric animals and plants, which include fossil remains and geologic sites with fossil-bearing strata. The dunes of the Samoa Peninsula were established during the late Holocene and are generally considered too young to contain fossilized remains. Holocene marine deposits along coastlines are rare because the rise in sea levels during the period generally exceed tectonic uplift (Leroy, 1999). Therefore, the project site has little potential to contain paleontological resources. A less than significant impact would occur.

d) Project activities may involve replacing water/sewer lines in the same alignment as existing lines. Since the proposed project involves negligible ground disturbing activities which would occur in previously disturbed areas, the project is not anticipated to disturb any human remains. No known cemeteries or burial sites are located on the project site; however, given the long history of human activity in the area, encountering human remains during ground disturbing construction activities would be possible.

If human remains or Native American archaeological sites were inadvertently encountered during construction, HBHRC would comply with California Health and Safety Code 7050.5, and contact the county coroner. If the coroner determines that the find is Native American, the coroner is required to contact the Native American Heritage Commission in Sacramento, pursuant to Public Resources Code 5097.98. A less than significant impact would occur.

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<thead>
<tr>
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<th>No Impact</th>
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<tbody>
<tr>
<td>GEOLOGY AND SOILS: Would the project:</td>
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<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>Issues and Supporting Information</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>ii) Strong seismic ground shaking?</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
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<tr>
<td>iv) Landslides?</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
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</table>

**Discussion**

The project area is situated on low gradient land between the Pacific Ocean and the northwestern region of Humboldt Bay. Grading activities associated with historic land uses have resulted in modification of the ground surface throughout the project area. Dune fields have been leveled and slopes adjacent to Humboldt Bay have been reclaimed (filled). Surface disturbance is considered ubiquitous and the site is fairly flat and developed. The project would not expand facility capacity, all site activities would modify existing infrastructure. The level of site use would be less than when the pulp mill was operational.

a) i) Based upon the Alquist-Priolo Fault Hazard maps available on the California Department of Conservation website, the project site is situated in neither an Alquist-Priolo Fault Hazard special studies zone, nor any other mapped potentially active fault zone. A less than significant impact would occur.

ii) Multiple active faults, capable of producing strong seismic shaking, are located within the region and throughout coastal northern California. There are no permanently habitable...
structures on site and proposed project activities would structurally improve existing facilities. The impact from seismic ground shaking would be less than significant.

iii) Based on the soil make up of the area, the occurrence of liquefaction during an earthquake event may be possible on portions of the property. These soils are predicted to be susceptible to liquefaction and portions of the property are mapped as having a high liquefaction potential. Project activities will not build any new structures, nor add any fill material; because of this, impacts would be less than significant.

iv) According to the Humboldt County Hazard Mitigation Map found on their website, the project site is in an area of “Low (slope) Instability”. Additionally, the Hazard Map indicates no known historic landslides in the area, and ground surface gradients are almost entirely below 15 percent slope. Based on the lack of historic landslide occurrence and minimal ground slopes in the area, the risk of landslides at the project site is very low. A less than significant impact would occur.

b) Since the project site’s surface has been modified by historical uses, there is little in the way of exposed soils susceptible to erosion. Buildings and paved areas cover large portions of the property. Much of the unpaved areas are covered with gravel. No project activity would happen outside of these modified areas, therefore the project would not result in substantial soil erosion or loss of top soil. A less than significant impact would occur.

c) A study of the site vicinity projected shallow soils within the project area which consist primarily of loose silty sands (SM on the Unified Soil Classification System) and loose, poorly-graded, fine sands (SP) (LACO 2013b). The topsoils and organic rich soils are thought to be relatively thin (less than ~ 12 inches thick) or nonexistent. The area is underlain by geologically young, unconsolidated Quaternary marine shoreline and eolian (dune) deposits. Fill soils consisting of woody debris, building rubble, and mixed soils may be present near the southern portion of the site. Additionally, soils exposed on the ground surface in the southern region of the site contain abundant shell fragments and coarse sand resembling dredge spoils. These fill soils within the project area are considered as “undocumented” because the origin, composition, thickness, and compaction are unknown. As such, these fill soils (where present) are considered to have an unknown, but possible high settlement potential. Proposed project activities will not build any new structures, nor add any fill material; because of this, impacts would be less than significant.

d) As discussed above, the project site and surrounding area are made up of loose silty sands and fine sands. The proposed project would involve maintenance of existing structures and would not create substantial risks to life or property as a result of expansive soils. A less than significant impact would occur.

e) The existing onsite wastewater system includes a 1,800 gallon wet well, wastewater pumping system and leach field. Wastewater flows are from restrooms, sinks and wash stations within the existing buildings, and are of relatively low volume. The wet well is monitored and solids removed by pumping as needed. The proposed uses are projected to generate fewer workers than were employed for pulp mill operations. The District has installed a groundwater monitoring well between the leach field and Humboldt Bay. The design capacity of the existing system is greater than the wastewater flows projected to be generated by the proposed uses. The project activities include adding denitrification treatment at leachfield, maintenance and collection piping repairs. No new or expansion of existing wastewater facilities would result from the proposed project. Because the soils have historically been
capable of adequately supporting the existing wastewater system, the project includes repair/upgrades to parts of the system, and the proposed uses would generate less wastewater than historical usage, the impact would be less than significant.

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<tr>
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<tr>
<td><strong>GREENHOUSE GAS EMISSIONS:</strong> Would the project:</td>
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<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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Discussion

Greenhouse gases are so called because of their role in trapping heat near the surface of the earth; they are implicated in global climate change, commonly referred to as “global warming.” These GHGs contribute to an increase in the temperature of the earth’s atmosphere by preventing the escape of heat in much the same way as glass in a greenhouse. These gases, mainly water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆), all act as effective global insulators, reflecting visible light and infrared radiation back to earth. These are released into the earth’s atmosphere through a variety of natural processes and human activities.

Climate change is not a local environmental impact; it is a global impact. Unlike criteria pollutants, CO₂ emissions cannot be attributed to a direct health effect. Human activities, such as producing electricity and driving internal combustion vehicles, have contributed to the elevated concentration of GHG gases in the atmosphere. This in turn is causing the Earth’s temperature to rise. A warmer Earth may lead to changes in rainfall patterns, smaller polar ice caps, a rise in sea level, and a wide range of impacts on plants, wildlife, and humans. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is much uncertainty concerning the magnitude and rate of the warming and the extent of the impact on environmental systems.

In 2006, the California Global Warming Solutions Act (Assembly Bill 32) definitively established the state’s climate change policy and set GHG reduction targets (health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The NCUAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

a) Project implementation would cause GHG emissions as a result of combustion of fossil fuels used in construction equipment and vehicles from workers commuting to and from the project site. The NCUAQMD has not adopted a threshold for construction-related GHG.
emissions against which to evaluate significance and has not established construction-generated criteria air pollutant screening levels above which quantitative air quality emissions would be required. Given that construction is short term and the project scale is relatively small, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level. A **less than significant impact** would occur.

b) The current Humboldt County General Plan does not include policies relevant to GHG emissions and global warming. Through the ongoing General Plan update process, Humboldt County has informally established relevant draft goals and policies applicable to reducing GHG emissions; however, as of June, 2015 the county has not adopted the General Plan update.

In 2007 the Humboldt County Board of Supervisors initiated a campaign in effort to reduce county-wide carbon emissions by committing to implement the following milestone steps:

- Conduct a baseline emissions inventory and forecast of emissions growth.
- Set an emissions reduction target.
- Develop a Climate Action Plan to meet the emissions reduction target.
- Implement the Climate Action Plan.
- Monitor and report progress and results.

Though not yet adopted or finalized, the ongoing General Plan update recognizes the county’s intent to reduce GHG emissions in the unincorporated area resulting from its discretionary land use decisions to 10 percent below 2003 levels by 2020 as part of a county-wide Climate Action Plan. The county also intends to reduce GHG emissions in its own operations to 10 percent below 2003 levels by 2020.

As stated above, Humboldt County has prepared draft goals and policies related to GHG emissions as part of the General Plan update process, but has not yet adopted any formal GHG emission reduction policies in its General Plan or in a Climate Action Plan. Although the project would produce minor construction- and operational related emissions, the project would not conflict with any plans, policies, or regulations, adopted for the purpose of reducing the emissions of greenhouse gases. **No impact** would occur.

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<tr>
<td>HAZARDS AND HAZARDOUS MATERIALS:</td>
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<td>a) Create a significant hazard to</td>
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<td>or the environment through the</td>
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<td>routine transport, use, or</td>
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<td>disposal of hazardous materials?</td>
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<td>b) Create a significant hazard</td>
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<td>to the public or the environment</td>
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<td>through reasonably foreseeable</td>
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<td>upset and accident conditions</td>
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<td>involving the release of</td>
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*HBHRCDCD*

*Initial Study MND*

*RMT II*

*CDP/CUP*
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<tr>
<td>Hazardous materials into the environment?</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
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<td>x</td>
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<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
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**Discussion**

**a, b)** At typical construction sites, onsite materials that could be considered hazardous include fuels, motor oil, grease, various lubricants, solvents, soldering equipment, and glues. Construction activities for the project would be short-term and one-time in nature, and would involve the limited transport, storage, use, or disposal of hazardous materials. Numerous laws and regulations ensure the safe transportation, use, storage and disposal of hazardous materials. Worker safety regulations cover hazards related to exposure to hazardous materials. Regulations and criteria for the disposal of hazardous materials mandate disposal at appropriate landfills. Modern engineering designs for containment and proven BMPs and standards of care would minimize any potential release of hazardous waste to within the project boundary.
The HBHRCD, contractors, and other construction service providers would be required to comply with hazardous materials laws and regulations for the transport, use, and disposal of hazardous materials. The core group of identified lease tenants would not use or generate hazardous materials. Hazardous materials handling and transportation is regulated and controlled by numerous state, federal, and local agencies. The regulations for handling hazardous materials are sufficiently stringent to render the potential for release to the environment from spill or accidental breach of containment as less than significant. Therefore, the impacts associated with the potential to create a significant hazard to the public or the environment would be considered less than significant.

During construction, routine transport of hazardous materials to and from the project site could indirectly result in an incremental increase in the potential for accidents. Caltrans and the California Highway Patrol (CHP) regulate the transportation of hazardous materials and wastes, including container types and packaging requirements, as well as licensing and training for truck operators, chemical handlers, and hazardous waste haulers. Because the HBHRCD, contractors, and other construction service providers would be required to comply with existing and future hazardous materials laws and regulations for the transport of hazardous materials, the impacts associated with the potential to create a significant hazard to the public or the environment would be less than significant.

c) No schools are located within ¼ mile of the project site. The closest school is Peninsula Union Elementary School approximately 1.4 miles north of the project site. Additionally, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials. No impact would occur.

d) The project site is a former pulp mill facility that is listed as an open cleanup site on the State Water Resources Control Board (SWRCB) Geotracker website. Upon transfer of site to the HBHRCD in 2013, the US Environmental Protection Agency (EPA) was contacted to assess the site contamination risks. EPA identified four million gallons of caustic pulping liquors being stored improperly in fragile tanks. EPA determined that the pulping liquors on site posed a serious danger to public and environmental health, making it eligible for an emergency cleanup. Cleanup of contaminants associated with the former pulp mill is nearly complete by EPA and there will continue to be ongoing monitoring to ensure residual contaminants do not pose a threat to the public or the environment. Theses cleanup areas are located east of the existing buildings and facilities available for lease. There would be no use of the cleanup areas as part of the proposed project. Therefore, the project would not create a significant hazard to the public or the environment. A less than significant impact would occur.

e, f) The project site is located approximately two miles north-east of the Samoa Field Airport (formerly Eureka Municipal Airport). This public general aviation airport is owned by the City of Eureka. The airport has an average of 48 flight operations per week with 60 percent of local origin, and 40 percent transient aircraft. Approximately 10 aircraft are based at the airport (AirNav.com 2015). The airport serves relatively small aircraft and is typically approached from the north or south.

The proposed project would place workers within approximately two miles of the Samoa
Field Airport. However, normal airport operations would not result in airport-related safety hazards for people working in the project area. The project does not include structures or other features which could potentially represent a hazard to aviation. There are no known private airstrips within the project vicinity. A less than significant impact would occur.

g) The Humboldt County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the County. The County OES coordinates and participates in emergency planning, response, and recovery under the direction of the Sheriff and in collaboration with local, state, and federal partners. The OES would coordinate evacuation planning in the event of seismic events, tsunamis, slope failure, floods, storms, fires, and hazardous materials spills.

The project site is located within a mapped tsunami inundation area. Safe evacuation areas are located on the high dunes approximately 1.4 miles north of the project site. The project would not impair implementation of or physically interfere with implementation of tsunami or other evacuation plans because it would not obstruct evacuation routes and would not necessitate any changes to existing evacuation plans. A less than significant impact would occur.

b) Grass fires have been known to occur on the Samoa Peninsula; however the severity of these fires is typically limited due to the proximity to the Samoa Peninsula Fire District in Ferndale and Humboldt Bay Fire in Eureka. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. A less than significant impact would occur.

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<td><strong>HYDROLOGY AND WATER QUALITY:</strong> Would the project:</td>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite?</td>
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<td>Issues and Supporting Information</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?</td>
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<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f) Otherwise substantially degrade water quality?</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard Area 1 as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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**Discussion**

**a, f)** Construction activities can introduce pollutants to stormwater runoff including sediment, paints, solvents, construction debris, trash, and fluids from construction vehicles. The proposed project would involve negligible ground disturbance, therefore substantial sediment runoff is not anticipated. The project would implement construction BMPs to protect stormwater quality. Below are examples of the actions that would be incorporated into project construction as necessary to reduce soil erosion and protect water quality.

1. Erosion and sediment control actions will be in effect and maintained by the contractor on a year-round basis until all disturbed areas are stabilized.
2. Stockpiled material will be covered or watered daily sufficient to eliminate dust.
3. Fiber rolls or similar products will be utilized to reduce sediment runoff from disturbed soils.
4. A stabilized construction entrance will be maintained to minimize tracking of mud and dirt from construction vehicles onto public roads.
5. Storm drain inlets receiving stormwater runoff will be equipped with inlet protection.
The Harbor District would amend the existing SWPPP as necessary to address information regarding design, implementation, operation, monitoring, and reporting of activities associated with construction activities.

When the former pulp mill was operational, the existing ocean outfall pipe was permitted for 15 million gallons per day discharge. Although not currently in use, future site tenants may necessitate outfall pipe use, which would require review and approval from the North Coastal Regional Water Quality Control Board (NCRWQCB).

In association with remediation of the former pulp mill facilities, the Harbor District, in consultation with the NCRWQCB, sealed sewer system inlets and outlets with cement plugs to prevent pollutants from entering the stormwater system at Inlet#5 that connects to the outfall pipe extending into the Pacific Ocean. An additional monitoring well has been installed between the existing system and Humboldt Bay.

With implementation of the erosion control measures above and the SWPPP the project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. The impact would be less than significant.

b) The proposed project would not require the use of groundwater wells, interfere with groundwater recharge or require any groundwater pumping. The site is not a substantial recharge area for any groundwater recharge basin and there would be no increase in impervious surfaces. Therefore, no impacts on groundwater would occur as a result of the proposed project.

c, d) The project would not substantially alter the existing drainage pattern of the project site or in the area, and would not alter any waterway. Drainage from the site generally infiltrates the substrate or flows directly into Humboldt Bay. Additionally, the site contains a system of storm drain inlets and piping that discharge to Humboldt Bay. The project would involve maintenance of existing facilities that would not result in substantial erosion or siltation and would not increase the rate or amount of surface runoff. Drainage patterns on the site would remain the same as current patterns. A less than significant impact would occur.

e) As discussed above, the site contains a system of storm drain inlets and piping that discharge to Humboldt Bay. Stormwater generally flows away from on-site facilities and either infiltrates into the ground or flows into the stormwater system. The project would not be expected to cause on- or off-site flooding given that the project would not increase impervious surface area. Runoff will continue to infiltrate to the soils and/or through the stormwater system and to Humboldt Bay. The proposed project would not change the existing on-site storm drain system and would not create or contribute runoff that would exceed system capacity. The effects on storm drainage system capacity would be less than significant.

f, h) The eastern portion of the project site adjacent to Humboldt Bay is located within the 100-year flood zone according to Humboldt County’s GIS. The project, however, will not place housing within the 100-year flood zone or place new structures within the 100-year flood zone that would impede or redirect flood flows. A less than significant impact would
occur.

i) The project site is located in a coastal setting but is not located within any levee or dam failure inundation zone. The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding. **No impact** would occur.

j) The project site is located within a mapped tsunami inundation area and may be subject to inundation in the event of a tsunami or seismically generated seiche in Humboldt Bay. The project area has been subject to past tsunami evacuation planning. There is a designated tsunami evacuation site approximately 1.4 miles north of the project site on high elevation dunes adjacent to Peninsula Union Elementary School. The onsite landfill berms are of sufficient height as to not be inundated during the event predicted in the Samoa Peninsula plan, and could be used as a Redwood Marine Terminal II and Town of Fairhaven evacuation site. The tsunami inundation area and evacuation routes would be disclosed to tenants and tsunami evacuation routes would be posted on-site. The project site is not down-gradient of a debris-flow source and would not be subject to mudflows. Although the project is located within a potential tsunami inundation zone, because evacuation plans exist and because the project would not impede any identified evacuation route, the impact would be **less than significant**.

<table>
<thead>
<tr>
<th>Issues and Supporting Information</th>
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<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td><strong>LAND USE AND PLANNING</strong>: Would the project:</td>
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<tr>
<td>a) Physically divide an established community?</td>
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</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
<td></td>
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<td>x</td>
</tr>
</tbody>
</table>

**Discussion**

a) The project consists of maintenance activities and allowing industrial uses within existing facilities. No aspect of the project would physically divide an existing community; therefore, **no impact** would occur.

b) The site is designated and zoned for coastal dependent industrial use (MC). Around Humboldt Bay there are over 1,800 acres of underutilized coastal dependent industrial designated land and demand for uses conforming with all applicable requirements is very low. The District is proposing an innovative pilot project that will allow for compatible
industrial, manufacturing, energy generation and research uses until there is increased demand for coastal dependent uses.

The proposed project would allow for a range of general industrial and research related uses that would utilize existing warehouse and other site facilities with no changes to size, shape, and capacity of buildings or infrastructure. This project would permit aquaculture, coastal-dependent, coastal-related, heavy industrial, and research/light industrial use types. Priority will be given to aquaculture, coastal dependent and coastal related uses and similar uses where a substantial conformity determination can be made. Leases for other listed and similar uses will be shorter term, five years or less, with limited tenant improvements. Should aquaculture, coastal dependent and coastal related use tenants become viable, other tenants occupying space proposed for those uses will have a lease clause to vacate within 6 months.

With approval of the proposed conditional use permit and implementation of appropriate lease terms specifying allowable uses and time frames, the project would not conflict with County General Plan policies. A less than significant impact would occur.

c) Humboldt County does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. No impact would occur.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>MINERAL RESOURCES: Would the project:</td>
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<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td></td>
<td></td>
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</tbody>
</table>

Discussion

a-b) There are neither known mineral resources of value to the region nor known locally important mineral resources located on the project site. No impact to mineral resources would occur.

<table>
<thead>
<tr>
<th>Issues and Supporting Information</th>
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<tbody>
<tr>
<td>NOISE: Would the project:</td>
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<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or</td>
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</tr>
<tr>
<td>Issues and Supporting Information</td>
<td>Potentially Significant</td>
<td>Less Than Significant With Mitigation</td>
<td>Less Than Significant</td>
<td>No Impact</td>
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<tr>
<td>noise ordinance, or applicable standards of other agencies?</td>
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<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td></td>
<td></td>
<td>x</td>
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</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>x</td>
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<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
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<td>x</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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</table>

**Discussion**

The proposed project site is located in a sparsely populated area, surrounded primarily by industrial uses where noise is part of general operations. The closest noise receptors during both daytime and nighttime are the residences in the existing town of Samoa, approximately one mile from the project site. Humboldt Bay is east of the site and to the west is New Navy Base Road and the Pacific Ocean.

The Humboldt County General Plan specifies that noise levels of 45 dB Ldn indoors and 55 dB Ldn outdoors are the maximum noise level below which there are no effects on public health and welfare. However, higher outdoor levels are identified as “normally acceptable” (60 dB to 70 dB Ldn) and “normally unacceptable” (70 dB to 80 dB Ldn).

a, c, d) The primary noise sources in the project area are traffic noise from New Navy Base Road, the adjacent industrial uses, and the Pacific Ocean. Noise impacts from the project itself would be minimal due to the nature of the project and distance of the project site to sensitive receptors.

Construction activities associated with the project could temporarily increase ambient noise levels. Demolition and dismantling of former pulp mill facilities and hazardous materials clean-up activities have been ongoing on the site for the past couple of years with no

*HBHRCD*

*RMT II*

*Initial Study MND CDP/CUP*
significant noise impacts. Construction noise would be limited in duration and intensity such that construction noise at sensitive receptors would be less than significant.

During hours of operation, noise sources would include vehicle and truck traffic and noise generated from heavy machinery. Employees at the facility would be most exposed to these noises and/or vibrations, and would be required to comply with all applicable work safety practices to minimize noise impacts. Potential uses involving heavy machinery would be contained within existing buildings and would be required to meet the industrial performance standards of the zoning ordinance. Noise would not exceed 70 dB at property line.

Due to the isolated and industrial nature of the area, the project is not anticipated to result in a substantial permanent, temporary, or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. A less than significant impact would occur.

b) Proposed project activities would not generate excessive ground borne vibration or ground born noise levels. Construction activities could create a small temporary increase in ground borne vibrations, but the vibration would diminish rapidly with distance from the construction equipment. The project does not include any pile driving. Potential uses involving heavy machinery would be contained within existing buildings and would be required to meet the industrial performance standards of the zoning ordinance, which protect adjacent properties from excessive noise and vibrations. The project would not significantly expose persons to noise or vibration levels in excess of standards. A less than significant impact would occur.

c, f) The project site is located approximately two miles north-east of the Samoa Field Airport (formerly Eureka Municipal Airport). This public general aviation airport is owned by the City of Eureka. The airport has an average of 48 flight operations per week with 60 percent of local origin, and 40 percent transient aircraft. Approximately 10 aircraft are based at the airport (AirNav.com 2015). The airport serves relatively small aircraft and is typically approached from the north or south. There are no know private airstrips in the project vicinity.

The proposed project would place workers within approximately two miles of the Samoa Field Airport. However, the project site is not directly under the typical north-south take-off/landing approach path. Normal airport operations would not expose people in the project area to excessive noise levels. Additionally, the project would not result in significant changes to the noise levels that would expose people in the project area to excessive noise levels. A less than significant impact would occur.
<table>
<thead>
<tr>
<th>Issues and Supporting Information</th>
<th>Potentially Significant</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>POPULATION AND HOUSING:</strong> Would the project:</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>a) Induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td></td>
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<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
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<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td>x</td>
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</tbody>
</table>

**Discussion**

**a-c)** The project consists of maintenance activities and allowing industrial uses within existing facilities. The project may result in job creation associated with industrial type uses. However, this would not induce substantial population growth and would not result in the extension of utilities or roads. The project would not create new housing or displace existing housing or people necessitating the construction of replacement housing. **No impact** would occur.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC SERVICES:</strong> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
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<tr>
<td>a) Fire protection?</td>
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<td>x</td>
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<tr>
<td>b) Police protection?</td>
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<td>x</td>
<td></td>
</tr>
<tr>
<td>c) Schools?</td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>d) Parks?</td>
<td></td>
<td></td>
<td>x</td>
<td></td>
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<tr>
<td>e) Other public facilities?</td>
<td></td>
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<td>x</td>
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</tbody>
</table>

**Discussion**

**a-e)** The Samoa Peninsula Fire District station is located in Fairhaven, approximately 1 mile south of the project site and police protection is provided by the Humboldt County Sheriff Department. The project would not directly or indirectly induce substantial population growth nor create substantial new demand for services. The project would have no impact on service ratios, response times, or other performance objectives for schools, parks, or other public facilities. The project would not require new or physically altered governmental facilities. **No impact** would occur.
<table>
<thead>
<tr>
<th>Issues and Supporting Information</th>
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</thead>
<tbody>
<tr>
<td><strong>RECREATION:</strong> Would the project:</td>
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<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
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<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
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</tbody>
</table>

**Discussion**
a-b) The project would not directly or indirectly induce substantial population growth. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project does not include and would not require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. **No impact** would occur.

<table>
<thead>
<tr>
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<th>No Impact</th>
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<tbody>
<tr>
<td><strong>TRANSPORTATION/TRAFFIC:</strong> Would the project:</td>
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<tr>
<td>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.</td>
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<tr>
<td>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
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<tr>
<td>Issues and Supporting Information</td>
<td>Potentially Significant</td>
<td>Less Than Significant With Mitigation</td>
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<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<td>x</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td></td>
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<td>x</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td></td>
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<tr>
<td>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td></td>
<td></td>
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<td>x</td>
</tr>
</tbody>
</table>

**Discussion**

New Navy Base Road is a predominantly two-lane rural arterial road posted at 55 miles per hour with passing lanes, acceleration lanes, and center medians incorporated intermittently. The road provides primary access to Highway 255 and Highway 101 to the north. All other streets accessing New Navy Base Road are controlled with one-way stop sign intersections, while New Navy Base Road itself is not controlled until its intersection with Highway 255. The project site would be accessed from Vance Avenue via Samoa Pulp Lane (private roadways), which intersects New Navy Base Road (County road).

Samoa Pulp Lane intersects New Navy Base Road at a 90-degree “T” intersection. There is a stop sign for traffic on Samoa Pulp Lane driving onto New Navy Base Road. The intersection has a right-turn lane and an acceleration lane for traffic traveling northbound onto New Navy Base Road. There is also a short acceleration lane for left turns onto New Navy Base Road southbound. On both the southbound and northbound approaches from New Navy Base Road, the single travel lane splits into two lanes to facilitate turning onto Samoa Pulp Lane. The intersection of Samoa Pulp Lane and Vance Avenue is also a "T" intersection, although larger radii allow wide turn movements for large trucks.

a) There is not expected to be an increase in traffic to and from the site as a result of new uses, compared to past facility use. Project related traffic would be associated with both employees and other operational truck traffic depending on the type of use. Truck traffic to and from the site would use New Navy Base Road to Samoa Pulp Lane to Vance Avenue and then to the project site; trucks would use the same route when exiting. There would be a maximum of 20 truck trips per day.

The estimated parking requirements, based on Humboldt County Code (H.C.C.) standards for industrial uses per building square foot, are shown in the table below. There is approximately 255,510 square feet of onsite space available for parking, loading, and associated travel ways. This includes paved and unpaved areas both north and south of the
shops & stores, machine, and warehouse buildings. These areas could accommodate up to 800 standard parking spaces. Therefore, there is more than enough capacity to meet parking requirements. Vehicle trips would be generated primarily by employees traveling to and from the site.

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>H.C.C Parking Standards 313-109.1.4.4</th>
<th>Minimum Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Offices</td>
<td>One parking space for every 300 sq.ft. plus one for each employee</td>
<td>12 (plus one for each office employee)</td>
</tr>
<tr>
<td>3,650 square feet</td>
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<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>Either one parking space for each 1,500 sq.ft. or one space for each employee at peak shift</td>
<td>48</td>
</tr>
<tr>
<td>71,440 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Either parking space for each 2,500 sq.ft. or one space for each four employees</td>
<td>53</td>
</tr>
<tr>
<td>131,200 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL REQUIRED</td>
<td></td>
<td>113</td>
</tr>
</tbody>
</table>

Because daily traffic estimates resulting from the project would be much lower than those previously experienced at the project site and the baseline traffic conditions have not significantly changed, potential impacts would not significantly alter the current level of service to existing roads within the project area. The project will not conflict with any plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system. A less than significant impact would occur.

b) There is no applicable Congestion Management Program; therefore, there would be no impact.

c) The project site is located approximately two miles north-east of the Samoa Field Airport (formerly Eureka Municipal Airport). The project would not result in a change in or impact to air traffic patterns. No impact would occur.

d) The project would not alter any street or roadway network or result in incompatible uses on public roadways. No impact would occur.

e) There would be no lane closures on major or through highways or streets. The project will not substantially alter existing emergency access routes. No impact would occur.

f) There are no plans or policies regarding public transit or alternative transportation that apply specifically to the project area. The streets serve as adequate bicycle and pedestrian routes, though for the most part they are not designated or signed as such. There is no public transportation service to any part of the project area. The project would not conflict with policies nor adversely affect facilities for public transit, bicycles, or pedestrians. There would be no impact.
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td><strong>UTILITIES AND SERVICE SYSTEMS:</strong> Would the project:</td>
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<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
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<td>x</td>
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</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td></td>
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<td>x</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td></td>
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<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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</tbody>
</table>

**Discussion**

The proposed project site contains water and wastewater treatment systems formerly associated with pulp mill operations. The project would involve renovations to these systems including piped repairs and wastewater treatment with added denitrification. These renovations would not expand the facility capacity. Additionally, proposed project uses would require less water and produce less wastewater than previous site uses.

a) The existing onsite wastewater treatment system includes a 1,800 gallon wet well, wastewater pumping system and leach field. The wet well is monitored and solids are removed by pumping as needed. The District has installed a groundwater monitoring well between the leach field and Humboldt Bay. As mentioned previously, the proposed project involves upgrades to the wastewater system including onsite leachfield denitrification upgrade, maintenance and collection piping repairs. Monitoring and upgrades to existing facilities as a...
part of the proposed project would ensure that wastewater treatment requirements of the RWQCB would not be exceeded; a less than significant impact would occur.

b) Wastewater flows are from restrooms, sinks and wash stations within the existing buildings, and are of a relatively low volume. The proposed uses are projected to generate fewer workers than were employed for previous onsite pulp mill operations and the design capacity of the existing system is greater than the wastewater flows projected to be generated by the proposed uses. The onsite water filtration system and clarifiers were used primarily to treat industrial water to water quality standards required for pulp production. These systems are still operational should they be needed by the proposed users. With a relatively low volume of use for existing facilities, expansion and construction of new water or wastewater treatment facilities would not occur as a result of the proposed project and a less than significant impact would occur.

c) Proposed project construction would not result in any new structures, expanded impermeable surfaces, or increased run off. Refer to the Hydrology and Water Quality section for discussion of stormwater. No expansion or new stormwater facilities are proposed; therefore no impact would occur.

d) Humboldt Bay Municipal Water District (HBMWD) service includes both domestic and industrial water delivery to the site. The domestic system serves restrooms and related facilities requiring potable water. The industrial supply system has 30 million gallons/day water delivery and treatment capacity and a two million gallon storage tank adjacent to New Navy Base Road. The proposed project would require less water than system capacity and would use less than historic pulp mill activities. HBMWD has sufficient water supplies available to serve the project from existing entitlements; therefore impacts are considered less than significant.

e) The project site has an onsite wastewater treatment system that was designed for pulp mill operation and has greater capacity than needed for proposed tenant uses. No wastewater will be treated off site. A less than significant impact would occur.

f) Humboldt County, through Humboldt Waste Management Authority, trucks its solid waste approximately 175 miles to two out-of-county landfills (Humboldt County 2012). One third of this waste ships to Dry Creek landfill near Medford, Oregon under a long-term contract. The remaining two thirds of solid waste are hauled to the Anderson landfill near Redding, California. These two landfills together allow the county to meet its landfill disposal needs for the next 20 years. Construction of the upgrades and renovations to facilities would generate a small volume of construction waste that would be hauled by the construction contractor to approved disposal site. Long-term ongoing waste disposal needs are expected to be comparatively low compared to previous site uses. Both the Anderson Landfill and the Dry Creek Landfill have adequate capacity to handle and dispose of solid waste generated by project activities. A less than significant impact would occur.

g) Construction of the project improvements and renovations would generate a small volume of construction waste that would be hauled by the construction contractor to an approved disposal site. Waste would include construction materials remnants, replaced materials, and worker-generated trash and debris. During construction and operation of the project, the
District must comply with all County, and State solid waste diversion, reduction, and recycling mandates, including compliance with the Humboldt County Integrated Waste Management Plan; therefore, impacts would be **less than significant**.

<table>
<thead>
<tr>
<th>Issues and Supporting Information</th>
<th>Potentially Significant</th>
<th>Less Than Significant With Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MANDATORY FINDINGS OF SIGNIFICANCE:</strong></td>
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<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</td>
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<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</td>
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<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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</tbody>
</table>

**Discussion:**

Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed, and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
• Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

a) The project as a whole does not have the potential to substantially degrade the quality of the environment including, fish or wildlife species or their habitat, plant or animal communities, or eliminate important examples of California history or prehistory. The proposed project is not located in an area where the degradation of biological communities would occur. See Biological Resources Section for a specific discussion of biological resources supporting this finding. No impacts to known historic and cultural resources would occur. See Cultural Resources Section for a specific discussion of historic resources supporting this finding.

b) The project's individual impacts would not add appreciably to any existing or foreseeable future significant cumulative impact, such as visual quality, historic resources, traffic impacts, or air quality degradation. Incremental impacts, if any, would be small and undetectable. All potential impacts would be less than significant with implementation of mitigation measures.

c) The project is not expected to have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. The proposed project has been designed to be consistent with General Plan policies and zoning requirements, and measures to reduce project related impacts to the environment have been incorporated into the project design wherever possible to ensure compliance.
REFERENCES


Humboldt County General Plan Update, Conservation and Open Space Element. 2012.


Appendix A

Special Status Species Evaluated

<<Insert special status species table>>
Mitigation Monitoring / Reporting Program

(HMMRP)
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

This Mitigation Monitoring/Reporting Program (MMRP) has been prepared for the project described below in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines and was adopted by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners on __________, 2015.

PROJECT TITLE: Redwood Marine Terminal II Interim Use and Site Improvement Project

STATE CLEARINGHOUSE NUMBER: 2015092007

LEAD AGENCY: Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD), 601 Startare Drive, Eureka, CA 95501

PROJECT LOCATION: The project site is located on the Samoa Peninsula, 1 TCF Drive, Samoa, CA (APN 401-112-21). Sections 20 and 21, Township 5 North, Range 1 West H.B.M.

GENERAL PLAN LAND USE DESIGNATION: Industrial / Coastal Dependent (MC)

ZONING: Industrial / Coastal Dependent, Archaeological Resource Area (MC/A)

PROJECT DESCRIPTION: A Coastal Development Permit for renovation of existing facilities and infrastructure on the project site; these renovations will not expand the facility capacity. Renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing. Additionally, a Conditional Use Permit for short term industrial tenant approval until the Humboldt Bay Area Plan can be amended to allow a broader range of industrial uses and interim uses.

CONTACT PERSON: George Williamson, AICP, District Planner; phone: (707) 825-8260; fax: (707) 825-9181; e-mail: districtplanner@humboldtbay.org

INTRODUCTION: The purpose of this MMRP is to ensure that the mitigation measures adopted in connection with project approval are effectively implemented. This MMRP establishes the framework that HBHRCD and others will use to implement the adopted mitigation measures and the monitoring and/or reporting of such implementation.

ENFORCEMENT: In accordance with CEQA, the primary responsibility for making a determination with respect to potential environmental effects rests with HBHRCD rather than the monitor or preparer of the CEQA documents. As such, HBHRCD is identified as the primary enforcement agency for this MMRP. The District shall ensure that language assuring compliance shall be incorporated into design and contract documents prepared for the project.
**PROGRAM MODIFICATION:** After adoption of this MMRP, minor changes to this MMRP are permitted but can only be made by HBHRC. The Harbor District Planner, after consultation with affected Departments or Agencies, may make minor modifications to this MMRP. If, for any reason, any mitigation measure specified in this MMRP cannot be implemented due to factors beyond the control of HBHRC, at a noticed public hearing before the HBHRC Board of Commissioners substitution of another mitigation measure may be approved. In no case shall deviations from this MMRP be permitted unless this MMRP continues to satisfy the requirements of Section 21081.6 of CEQA, as determined by HBHRC.

**SUMMARY OF POTENTIAL PROJECT IMPACTS:** Below is a table that summarizes the impact potential for each category of impact as identified and analyzed in the Initial Study.

<table>
<thead>
<tr>
<th>Category</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>5.1 Aesthetics</td>
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<td>5.2 Agricultural Resources</td>
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<td>5.3 Air Quality</td>
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<td>5.4 Biological</td>
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<td>5.5 Cultural</td>
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<td>5.6 Geology and Soils</td>
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<td>5.7 Greenhouse Gas Emissions</td>
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<td>5.8 Hazards and Hazardous Materials</td>
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<td>5.9 Hydrology and Water Quality</td>
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<td>5.10 Land Use and Planning</td>
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<td>5.11 Mineral Resources</td>
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<td>5.12 Noise</td>
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<td>5.13 Population</td>
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<td>5.14 Public Services</td>
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<td>5.15 Recreation</td>
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<td>5.16 Transportation and Traffic</td>
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<td>5.17 Utilities &amp; Service Systems</td>
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<td>5.18 Mandatory Findings of Significance</td>
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</table>

**MMRP IMPLEMENTATION TABLE:** To assure that this MMRP is effectively implemented the table on the following pages establishes the framework that HBHRC and others will use to implement the adopted migration measures and the monitoring and/or reporting of such implementation.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Responsibility for Implementation</th>
<th>Timing of Implementation</th>
<th>Responsibility for Confirming Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BIO-1: Conduct Rare Plant Survey</strong></td>
<td>Qualified biologist hired by HBHRCD</td>
<td>Prior to construction</td>
<td>HBHRCD</td>
</tr>
<tr>
<td>Prior to construction activities near the southern property line, including near the leach field, the District shall hire a qualified biologist (or other individual appropriately qualified) to conduct seasonally appropriate rare plant survey(s) in this area. If rare plants are impacted by the project, the affected species will be transplanted or replanted on-site as recommended by the biologist.</td>
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<tr>
<td><strong>BIO-2: Osprey Nesting Assessment</strong></td>
<td>Qualified biologist hired by HBHRCD</td>
<td>Prior to/ during construction</td>
<td>HBHRCD</td>
</tr>
<tr>
<td>Prior to construction activities, a qualified biologist will determine whether osprey nests in the project area are active. If active nests are identified within 500 feet of the project footprint, a qualified biologist will monitor osprey behavior when construction begins in order to assess disturbance and potential for nest abandonment. If the osprey exhibit behavior suggesting disturbance, construction activities shall cease. Construction activities shall resume only upon consultation with a qualified biologist.</td>
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<tr>
<td><strong>CR-1: Cultural Resources Survey Study.</strong></td>
<td>HBHRCD</td>
<td>Prior to ground disturbing activities</td>
<td>HBHRCD</td>
</tr>
<tr>
<td>Prior to any ground disturbing activities on undeveloped lands in the southern portion of the property in the vicinity of the reported Wiyot Tribal Cultural Resource, as shown on the following figure, a cultural resources survey study shall be conducted by a qualified archaeologist experienced in NW California archaeology in coordination and consultation with the three Wiyot area THPOs (Bear River, Blue Lake, Wiyot). The study shall provide recommendations for avoiding, minimizing or mitigating significant impacts on Tribal Cultural Resource(s), which shall be enacted by the Harbor District in consultation with the three Wiyot area Tribes.</td>
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<tr>
<td>Mitigation Measure</td>
<td>Responsibility for Implementation</td>
<td>Timing of Implementation</td>
<td>Responsibility for Confirming Completion</td>
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**CR-2: Protocols for inadvertent discovery of any cultural or archaeological resource.**

Should an archaeological resource be inadvertently discovered during ground-disturbing activities, the Tribal Historic Preservation Officers (THPO) appointed by the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria and Wiyot Tribe shall be immediately notified and a qualified archaeologist with local experience retained to consult with the Harbor District and other applicable regulatory agencies to employ best practices for assessing the significance of the find, developing and implementing a mitigation plan if avoidance is not feasible, and reporting in accordance with the Harbor District's Standard Operating Procedures as described below.

1. Ground-disturbing activities shall be immediately stopped at the find locality if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.

2. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the District, or party who made the discovery.

<p>| Construction contractor | During construction | HBHRCD |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Responsibility for Implementation</th>
<th>Timing of Implementation</th>
<th>Responsibility for Confirming Completion</th>
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</thead>
</table>
| 3. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the District if considered prudent to avoid further disturbances.  
4. The Contractor Foreman or authorized representative, or the party who made the discovery and initiated the SOP, shall be responsible for immediately contacting by telephone the contacts listed below to report the find:  
   a. The Harbor District’s authorized POC.  
5. Upon learning about a discovery, the District shall be responsible for immediately contacting by telephone the contacts listed below to initiate the consultation process for its treatment and disposition:  
   a. THPOs with Blue Lake Rancheria, Bear River Band and Wiyot Tribe; and  
   b. Other applicable agencies involved in Project permitting.  
6. In cases where a known or suspected Native American burial or human remains are uncovered, the following contacts shall be notified immediately:  
   a. the Humboldt County Coroner (707-445-7242).  
   b. The SOP for Inadvertent Discovery of Native American Remains and Grave Goods (CR-3 below) shall be followed.  
7. Ground-disturbing project work at the find locality shall be suspended temporarily while the District, THPOs, a consulting archaeologist and other applicable parties consult about appropriate treatment and disposition of the find. Ideally, a treatment plan may be decided within three working days of discovery notification and the field phase of a treatment plan may be accomplished within five days after its approval, however, circumstances may require longer periods for data recovery. The Treatment Plan shall reference appropriate laws and include provisions for analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents. Where a Project can be modified to avoid disturbing the find, this may be the preferred option. Should Native American remains be encountered, the provisions of State laws shall apply.  
8. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know. The District shall be responsible for coordinating any requests by or contacts to the media about a discovery.  
9. These Mitigation Measures shall be communicated to the field work force (including contractors, employees, officers and agents) and such communications may be made and documented at safety briefings.  
10. Ground-disturbing work at a discovery locale may not be resumed until authorized in writing by the District.  
11. Final disposition of all collected archaeological materials shall be documented in a data recovery report and its disposition decided in consultation with Tribal representatives. |

In the event of a discovery of Native American remains or grave goods, the following protocol would be followed, in addition to the protocol described under Mitigation CR-2.

1. If human remains are encountered, they shall be treated with dignity and respect. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. The preference of the Wiyot area tribes is to leave ancestral burials and remains in situ, and that no photographs or analyses will be made.

Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense).

In addition, the provisions of California law (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code) will be followed:

1. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC at (916) 653-4082.
2. The NAHC is responsible for identifying and immediately notifying the most likely descendant (MLD) of the deceased Native American.
3. Within 48 hours of their notification by the NAHC, the MLD will be granted permission by the property owner of the discovery locale to inspect the discovery site if they so choose.
4. Within 48 hours of their notification by the NAHC, the MLD may recommend the means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses (if any) recommended by the MLD may be considered and carried out.
5. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the District rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to the District, the District shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity at an appropriate nearby location not subject to further subsurface disturbance.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Responsibility for Implementation</th>
<th>Timing of Implementation</th>
<th>Responsibility for Confirming Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR-3</td>
<td>Construction contractor</td>
<td>During construction</td>
<td>HBHRCD</td>
</tr>
</tbody>
</table>
October 2, 2015

George Williamson
Humboldt Bay Harbor
P.O. Box 1030
Eureka, CA 95502

Subject: Redwood Marine Terminal II, Coastal Development Permit / Conditional Use Permit
SCH#: 2015092007

Dear George Williamson:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on October 1, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse
Document Details Report
State Clearinghouse Data Base

<table>
<thead>
<tr>
<th>SCH#</th>
<th>2015092007</th>
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<tbody>
<tr>
<td>Project Title</td>
<td>Redwood Marine Terminal II, Coastal Development Permit / Conditional Use Permit</td>
</tr>
<tr>
<td>Lead Agency</td>
<td>Humboldt Bay Harbor</td>
</tr>
</tbody>
</table>

**Type**: MND Mitigated Negative Declaration

**Description**: A Coastal Development Permit for renovation of existing facilities and infrastructure on the project site; these renovations will not expand the facility capacity. Renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing. Additionally, a Conditional Use Permit for short term industrial tenant approval until the Humboldt Bay Area Plan can be amended to allow a broader range of industrial uses.

**Lead Agency Contact**

<table>
<thead>
<tr>
<th>Name</th>
<th>George Williamson</th>
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<tbody>
<tr>
<td>Agency</td>
<td>Humboldt Bay Harbor</td>
</tr>
<tr>
<td>Phone</td>
<td>707 825 8260</td>
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<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>P.O. Box 1030</td>
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<tr>
<td>City</td>
<td>Eureka</td>
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<tr>
<td>Fax</td>
<td></td>
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<tr>
<td>State</td>
<td>CA</td>
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<tr>
<td>Zip</td>
<td>95502</td>
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**Project Location**

<table>
<thead>
<tr>
<th>County</th>
<th>Humboldt</th>
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<tr>
<td>City</td>
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<tr>
<td>Region</td>
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<tr>
<td>Lat / Long</td>
<td>40° 48' 17&quot; N / 124° 11' 37&quot; W</td>
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<tr>
<td>Cross Streets</td>
<td>New Navy Base Road</td>
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<tr>
<td>Parcel No.</td>
<td>401-112-21</td>
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<td>Township</td>
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<td>Range</td>
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<td>Section</td>
<td>20/21</td>
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<td>Base</td>
<td>HB&amp;M</td>
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</table>

**Proximity to:**

- **Highways**: Hwy 255
- **Airports**: Eureka City Airport
- **Railways**: NCRA
- **Waterways**: Humboldt Bay, Pacific Ocean
- **Schools**: Peninsula Union
- **Land Use**: GPD: Industrial/Coastal Dependent (MC); Z: MC, Archaeological Resource Area

**Project Issues**: Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Noise; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse

**Reviewing Agencies**: Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 1E; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Air Resources Board; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; Public Utilities Commission; Department of Fish and Wildlife, Marine Region

Date Received: 09/02/2015  Start of Review: 09/02/2015  End of Review: 10/01/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.
RESOLUTION NO. 2015-15

A RESOLUTION ADOPTING AN INITIAL STUDY WITH A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE REDWOOD MARINE TERMINAL II INTERIM USE AND SITE IMPROVEMENT PROJECT

WHEREAS, the Redwood Marine Terminal II Interim Use and Site Improvement Project ("the Project") will renovate existing facilities and infrastructure and allow for short term industrial tenant use of site facilities.

WHEREAS, on September 1, 2015 the Humboldt Bay Harbor, Recreation and Conservation District ("the Harbor District") as lead agency circulated an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines; and

WHEREAS, at their October 22, 2015 meeting, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District heard public comment on the Initial Study/Mitigated Negative Declaration; and

WHEREAS, on October 22, 2015, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District, after due consideration of all evidence and reports offered for review, does find and determine the following:

The Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District has considered the proposed Mitigated Negative Declaration together with any comments received during the public review process, and finds, on the basis of the whole record before it, that:

(1) There is no substantial evidence the project will have a significant effect on the environment, and

(2) The negative declaration reflects the lead agency's independent judgment and analysis; and

WHEREAS, the documents and materials on which this decision is based are on file with the District Clerk at the office of the Humboldt Bay Harbor, Recreation and Conservation District at 601 Startare Drive, Eureka, CA;
NOW, THEREFORE, BE IT RESOLVED that after careful consideration of maps, facts, exhibits, correspondence, public and agency comments and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District hereby adopts the Initial Study/Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Program for the Redwood Marine Terminal II Interim Use and Site Improvement Project.

PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 22nd day of October, 2015, by the following polled vote:

AYES:

NOES:

ABSENT:

______________________________
RICHARD MARKS, President
Board of Commissioners

ATTEST:

______________________________
GREG DALE, Secretary
Board of Commissioners
CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2015-15 entitled,

A RESOLUTION ADOPTING AN INITIAL STUDY WITH A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE REDWOOD MARINE TERMINAL II INTERIM USE AND SITE IMPROVEMENT PROJECT

As regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 22nd day of October, 2015; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of October, 2015.

GREG DALE, Secretary
Board of Commissioners