



GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

February 10, 2020

Linda Sutton
PO Box 631
Redway, CA 95560

SUBJECT: RESPONSE TO PROTEST
GSD PETITIONS FOR CHANGE IN PLACE OF USE ON LICENSE 3404 AND
PERMIT 20789 (APPLICATIONS 9686 and 29981) OF GARBERVILLE SANITARY
DISTRICT, SOUTH FORK EEL RIVER IN HUMBOLDT COUNTY

Dear Ms. Sutton:

The Garberville Sanitary District received a protest filed by Linda Sutton for the petitions for change in place of use on License 3404 and Permit 20789. In accordance with Water Code sections 1700 et seq. and from California Code of Regulations, title 23, sections 796 and 745 et seq., the District is providing an answer to the allegations contained in the protest. The District has reviewed the protest to determine what the protestant's objections are to the approval of the petition and the basis for these objections.

As the acknowledgement letter from the State Water Resources Control Board stated, "Any protest based on an allegation that the proposed appropriation would not be in the public interest, would adversely affect public trust uses, or would have adverse environmental impact must be accompanied by a statement of facts supporting the allegation." We have been unable to identify a specific issue or find a statement of fact that explains how or why the change in place of use:

- a) will not best conserve the public interest or how changing the place of use for the appropriation will affect the public
- b) will have an adverse environmental impact
- c) will adversely affect a public trust use of a navigable waterway

There was no statement of fact in the protest that identified specific impacts on issues such as plants, animals or fish affected, erosion, pollution, or aesthetics, etc. from the proposed action of changing GSD's place of use to include a small portion of the Southern Humboldt Community Park (SHCP).

The following California Environmental Quality Act analyses have been performed for the proposed project and/or the project site, these documents have been prepared, and actions taken:

- Notice of Determination filed by the Garberville Sanitary District for Final Mitigated Negative Declaration for Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary & Place of Use dated Sept 2013 on September 24, 2013.
- Notice of Determination filed by HLAFCo for Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary & Place of Use filed on July 17, 2014.
- Notice of Determination filed by State Water Resources Control Board – Division of Water Rights for Garberville Sanitary District Annexation Project: Change in Jurisdictional Boundary & Place of Use filed on October 11, 2013.
- BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA Adopted RESOLUTION NO. 17-35 on April 25, 2017: RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SOUTHERN HUMBOLDT COMMUNITY PARK PROJECT, AND ADOPTING THE ASSOCIATED MITIGATION AND IMPLEMENTATION MEASURES, THE MITIGATION MONITORING AND REPORTING PROGRAM, THE FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS (CASE NUMBERS GPA-10-02, ZR-10-02, CUP-10-04, SP-10-10 ASSESSOR PARCEL NUMBERS: 222-091-014 AND 222-241-009
- Notice of Determination filed by the County of Humboldt for the Final EIR.
- Southern Humboldt Community Park Final Environmental Impact Report (EIR) (SCH#2010092037), November 2016
- Southern Humboldt Community Park Draft EIR (SCH#2010092037), April 2016
- Humboldt LAFCo Notice of Determination dated Sept. 23, 2019 for the Addendum to CEQA Initial Study/Mitigated Negative Declaration dated Sept 2019 filed on September 23, 2019. This Addendum was prepared by HLAFCo and “evaluates whether proposed minor modifications to GSD’s jurisdictional boundary and Place of Use (POU) would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the 2013 IS/MND.”

The deadlines for filing a challenge to the action have expired for these Notices of Determination. Public comments were received and considered numerous times throughout these CEQA processes prior to each lead or responsible agency’s action. There were no challenges filed for any of these CEQA actions.

The protestant has stated that she is generally opposed to the SHCP proceeding with their approved development project, but has raised no specific issue for the District’s Petition for Change in Place of Use. The Garberville Sanitary District, the Humboldt County Board of Supervisors, the Humboldt Local Agency Formation Commission, and the State Water Resources Control Board – Division of Water Rights have all acted as lead or responsible agency and have reviewed and approved the SHCP’s proposed

projects within this small area proposed for water service in the District's petition for change in place of use.

The District sees no way to resolve as part of this process the protestant's stated overall dislike of the SHCP and their approved development plan. We would have been glad to address a specific issue or issues.

In closing, I believe that this letter supplies the needed answers for your protest to be sufficiently resolved. If you have questions or need further information please contact Jennie Short at jmshort@garbervillesd.org or by phone at (707) 223-4567. All mailed correspondence should be sent to Garberville Sanitary District, Attn: Jennie Short, P.O. Box 211, Garberville, CA 95542.

Respectfully,



Ralph Emerson
GSD General Manager

JMS

Cc: State Water Resources Control Board
Division of Water Rights, Petitions and Licensing Unit
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