

Red Mountain  
Communication Site Relocation Project  
Humboldt and Del Norte Counties, California

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CEQA Findings of Fact and  
Statement of Overriding Considerations

SCH #2016112048



April 2018



# **Red Mountain Communication Site Relocation Project Humboldt and Del Norte Counties, California**

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## **CEQA Findings of Fact and Statement of Overriding Considerations**

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## Acronyms and Abbreviations

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The following definitions apply to the acronyms and abbreviations used in these findings:

CEQA	California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
DGS	State of California, Department of General Services
Director	Director of Cal OES
Draft EIR/EA	Draft Environmental Impact Report/Environmental Assessment for the Red Mountain Communication Site Relocation Project
EIR	Environmental Impact Report
Final EIR	Final Environmental Impact Report for the Red Mountain Communication Site Relocation Project, including the Draft EIR/EA
MRP	Monitoring and Reporting Program
NOP	Notice of Preparation of an EIR
Cal OES	California Governor's Office of Emergency Services
Project	Communication Site Relocation Project

# Chapter 1. Introduction

These findings were prepared on behalf of the California Governor’s Office of Emergency Services (Cal OES) (the lead agency) for the proposed Red Mountain Communication Site Relocation Project (project), for which an environmental impact report (EIR) was prepared pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000 et seq.). Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Sections 15043, 15091, and 15093. CEQA Guidelines Section 15092(b) requires that one of the following findings or actions be completed for each significant impact of a project: (1) the significant impact is mitigated to a less-than-significant level pursuant to the mitigation measures identified in the EIR, or (2) if there is a residual significant impact after implementation of mitigation measures identified in the EIR, a Statement of Overriding Consideration be completed, supported by substantial evidence in the administrative record, which includes documents, materials, and other evidence.

For this CEQA process, Cal OES prepared a Statement of Overriding Considerations as a stand-alone document that incorporates these findings by reference.

The findings are organized as follows:

- **Findings for less-than-significant impacts and those identified as having no impact.** This section provides Cal OES’s findings associated with impacts identified as having “no impact” or being “less than significant” in the Final EIR. These impacts are listed in Table 1-2 of the Final EIR/EA.
- **Findings for significant, potentially significant, and cumulatively significant impacts reduced to a less-than-significant level through mitigation measures.** This section provides Cal OES’s findings with respect to impacts identified as significant or potentially significant that are reduced to a less-than-significant level through the adoption of feasible mitigation measures identified in the EIR. These findings are made pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091. As described in Chapter 1 of the Final EIR/EA, the project incorporated a wide array of environmental commitments that resulted in Cal OES’s determination that no mitigation would be necessary to reduce significant impacts to a less-than-significant level except for four significant and unavoidable impacts, LU-3, LU-4, CR-1, and PS-1, that are discussed in the applicable section of this document.
- **Findings for significant and unavoidable impacts.** This section provides Cal OES’s findings with respect to impacts determined to be significant and unavoidable even with the adoption of feasible mitigation measures. These findings are made pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091.
- **Findings associated with project alternatives.** This section sets forth Cal OES’s findings with respect to alternatives to the project that were evaluated in the Final EIR. These findings

are made pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091.

- **Monitoring and Reporting Program.** This section includes the Monitoring and Reporting Program (MRP) for those environmental commitments described in Chapter 4 of the Final EIR, incorporated into the project, and proposed for adoption. In adopting these findings, Cal OES hereby commits to implement the MRP pursuant to CEQA Guidelines Section 15097.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 state that no public agency shall approve or carry out a project for which a certified EIR identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, include:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers or make infeasible the mitigation measures or project alternatives identified in the Final EIR.

When making the findings required in subdivision (1), the agency shall also adopt a program for reporting on or monitoring the changes required in the project to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The monitoring requirements of the project are listed in the MRP. The MRP is adopted concurrently with these findings, as required by CEQA Section 21081.6(a)(1) and will be implemented throughout all phases of the project, including design, construction, and operation. Cal OES will use the MRP to track compliance with all environmental commitments

These findings constitute Cal OES's evidentiary and policy basis for its decision to approve Alternative 3b, the environmentally superior alternative identified in Chapter 1 of the Final EIR in a manner consistent with CEQA. These findings are not merely informational, but constitute a binding set of obligations that will come into effect when Cal OES approves the project (Public Resources Code Section 21081.6(b)). The design criteria and environmental commitments identified as feasible and within Cal OES's authority to implement for the approved project become part of the MRP. Cal OES will enforce implementation of the design criteria and environmental commitments. Cal OES, upon review of the Final EIR (which includes the Draft EIR/EA) and based on all the information and evidence in the administrative record, hereby makes the findings set forth herein.

# Chapter 2. Project Description

## 2.1 Background and Need for the Project

The State initiated the planning process to identify and evaluate a range of options that would provide a level of emergency communication services similar to those provided by the State's Red Mountain communication site to Del Norte and Humboldt counties prior to taking it off line in 2022 as required by the U.S. Forest Service (USFS). The planning process, which began in 1997, has entailed evaluations of radio coverage from potential new communication sites in southern Del Norte and northern Humboldt counties and designs of various options for the proposed communication sites.

The radio coverage evaluations were predicated on line-of-site access to the State's terrestrial microwave system at Horse Mountain in Humboldt County, which conveys signals from southern Humboldt County north into Del Norte County including to Crescent City via the existing Red Mountain site, and the ability to provide comparable communication coverage to service areas described in Table 1-2 of the Draft EIR/EA.

A direct line of sight between towers is required for microwave communication. Any new towers need to be located on prominent peaks to provide line-of-sight access. The towers would need to be accessed year-round for maintenance and to have a year-round power source. Remote locations were considered only if access to the site would be feasible. Once the general locations of the new sites were identified by Cal OES technical staff, the State worked closely with representatives of the Yurok Tribe to ensure that the new locations would not be in conflict with tribal interests. No additional tribal input was received by Cal OES under the AB 52 consultation process. When the proposed Orick and Green Diamond 1 sites were added in response to scoping comments, the State communicated these changes to representatives of the Yurok Tribe and the Big Lagoon Rancheria. Subsequently, representatives of the Yurok Tribe and Big Lagoon Rancheria were notified when the Green Diamond 2 site was incorporated into an alternative described and evaluated in the Draft EIR/EA.

Design considerations included land ownership, access, tower size and appearance, power source, associated facility needs, environmental and land-based constraints, and the extent of vegetation removal and ground disturbance.

Cal OES's initial evaluation process resulted in the selection of three locations to replace the Red Mountain communication site: Rattlesnake Peak, Rodgers Peak, and Alder Camp. In response to the CEQA/NEPA scoping process, two additional sites—Orick and Green Diamond 1—were incorporated into an alternative described and evaluated in the Draft EIR/EA (Alternative 3). Alternative 3a was added to exclude the Orick site at the request of the NPS, and Alternative 3b was added to include the proposed Green Diamond 2 site to enhance communication coverage to more of the service areas than Alternative 3a. The Red Mountain site and the six proposed sites evaluated in the EIR/EA are shown on Figure 1-1 of the Draft EIR/EA<sup>1</sup>.

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<sup>1</sup> All figures referenced are in the Draft EIR/EA.

In conjunction with planning for the decommissioning of the Red Mountain communication site, the USFS communicated to the State that the CAL FIRE lookout constructed in 1963 on Red Mountain is also subject to the requirement to remove State-owned facilities from Red Mountain by 2022. The preferred alternative (Alternative 3b) identified by Cal OES in the Final EIR/EA addresses the decommissioning of all facilities owned and operated by the State that are currently in use at the Red Mountain site.

## **2.2 Project Objectives**

Communication facilities at the Red Mountain site provide vital public safety radio communications in Humboldt and Del Norte counties, serving approximately 250,000 people. CalFire owns the communications equipment at this site, but many public safety agencies use it for mission-critical communications, including the USFS, NPS, California Highway Patrol, California Department of Transportation, California Department of Parks and Recreation, California Department of Fish and Wildlife, and other local agencies.

The purpose of the project as defined by Cal OES is to provide a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current State communication facility at the Red Mountain site.

The State has identified the following objectives for the project:

- Remove all public safety communications facilities and associated infrastructure owned by the State from Red Mountain and restore the site by December 31, 2022.
- Establish new sites in areas that are the least environmentally sensitive from a natural, cultural, or socioeconomic perspective.
- Provide acceptable access to the State's terrestrial microwave system as well as 100 percent public safety radio coverage to the service areas currently supported by CalFire's Red Mountain site in Del Norte County and northern Humboldt County, including the communities of Crescent City, Klamath, and Orick, as well as main highways in the region (U.S. Highways 101 and 199 and State Highways 197 and 169).
- Provide facilities at new locations that will replace those removed from Red Mountain in a manner that ensures that the sites are integral to the primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies at an equivalent level.
- Develop communication facilities at the fewest number of sites needed to replace the Red Mountain facility and provide equal or greater microwave and radio communication services.
- Design new facilities with consideration for minimizing the visibility of the facilities, extent of grading and excavation, removal of vegetation, and long-term maintenance.
- Use existing access routes, where available, and establish new access routes along the most feasible, shortest route possible.
- Design the facilities to ensure compatibility with Federal, State, and local land management plans and guidelines.

The loss of emergency communication coverage (i.e., the 911 system) currently provided by CalFire from the Red Mountain site would curtail direct emergency communication between the communities in northern Humboldt and southern Del Norte counties. If this coverage is not replaced, the State's first responders would not have the radio communications they rely on for emergency response or the radio dispatch support needed to deploy additional emergency services. The State is required to provide public safety radio communications in the area. The State initiated the project as part of its mission to protect lives and property, build capabilities, and support the state's communities.

The project has been developed over the course of many years with input from emergency management agencies (e.g., Del Norte County Sheriff's Office, California Highway Patrol), land management agencies (e.g., USFS, NPS), and tribal governments (e.g., Yurok Tribe).

In developing the project, the State determined that the combination of three sites— Rattlesnake Peak, Rodgers Peak, and Alder Camp—would provide a level of radio coverage equivalent to that currently provided by Red Mountain and meet the CEQA project objectives. Due to the rural and isolated nature of the areas served by Red Mountain, three types of service areas (community, road, and watershed) were selected for evaluation and analysis in the Draft EIR/EA. These service areas are described in Table 1-2 of the Draft EIR/EA.

## **2.3 Characteristics of the Project**

The project consists of the decommissioning of the Red Mountain communication site and the CAL FIRE lookout and the construction of three new communication sites; Cal OES's preferred alternative includes the Rattlesnake Peak, Alder Camp and Green Diamond 2 sites to replace the functions of the existing facilities at the Red Mountain site.

The State has committed to implementing the environmental commitments and design measures identified in Table 2-1 of the Draft EIR/EA to avoid or minimize the potential impacts associated with the project and alternatives analyzed in this Draft EIR/EA.

### **California Governor's Office of Emergency Services' Discretionary Approvals**

The following actions are proposed and referred to collectively as the project approvals.

- Certification of the Final EIR
- Adoption of these findings, the statement of overriding considerations, and the MRP
- Approval of the project

### **Trustee and Responsible Agencies**

The following agencies are acting as responsible and trustee agencies pursuant to CEQA Guidelines Sections 15381 and 15386, respectively.

- Humboldt County
- California Department of Fish and Wildlife
- Native American Heritage Commission

## Chapter 3. Procedural History

On behalf of Cal OES, DGS prepared and filed a Notice of Preparation (NOP) for an EIR/EA on November 17, 2016, for the Red Mountain Communication Site Relocation Project. The NOP was sent to the California State Clearinghouse, responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. The NOP was available at the Sacramento Central Library at 828 I Street and at DGS Environmental Services Section office at 707 3rd Street, West Sacramento as well as on the project website <http://spifostreet.com/>; availability of the NOP was advertised in the *Eureka Times Standard*, *The North Coast Journal*, and the *Del Norte Triplicate*.

Two scoping meeting were held. The first meeting was held on November 29, 2016, at the Yurok Tribe Council Chambers in Klamath, California, from 4:00 p.m. until 7:00 p.m. and the second on November 30, 2016, at the Six Rivers National Forest Headquarters in Eureka, California, from 3:00 p.m. until 7:00 p.m. The meetings were held at a time that it was determined would encourage the most participation from individuals, city and state employees, and other parties such as non-governmental organizations.

At the scoping meetings, agencies and the public were given the opportunity to learn more about the project and to provide input about the issues that should be addressed in the EIR. The meeting format was an open house style with 13 poster stations set up with handouts showing the updated coverage areas so that attendees could obtain information about the project and environmental process and discuss their concerns with project staff.

Comment cards were available for those who wished to submit a written comment; oral comments were accepted as well. A total of 16 individuals attended the scoping meeting held on November 29, with members of the Yurok Tribe; residents of Del Norte County; and representatives of the California Highway Patrol, California Department of Parks and Recreation, Del Norte County Board of Supervisors, and Humboldt County participating. A total of 11 individuals attended the November 30 meeting, with residents of Humboldt County, members of the Yurok Tribe, and a representative of the local chapter of the Sierra Club participating.

The Draft EIR/EA was prepared by Cal OES and submitted to the State Clearinghouse on December 18, 2017, for public review and comment for a 45-day period, which concluded on January 29, 2018. The Draft EIR/EA was posted at the State Clearinghouse and the Notice of Availability (NOA) of the EIR was emailed to relevant public agencies, responsible agencies, and interested parties. Print versions of the Draft EIR/EA were available at the Sacramento Central Library at 828 I Street and at the DGS Environmental Services Section office at 707 3rd Street, West Sacramento, as well as a number of locations in Del Norte and Humboldt counties (see page 1-16 of the Draft EIR/EA) and on the DGS and NPS websites. Availability of the Draft EIR was advertised in the *Eureka Times Standard*, *The North Coast Journal*, and the *Del Norte Triplicate*.

Comments on the Draft EIR/EA were submitted by two government agencies, a tribal representative, two individuals who responded through the Redwood National Park web site, two individuals who responded via email to the DGS, and one non-governmental organization that submitted a comment

letter as well as form letters from 238 individuals; the names and email addresses of those who submitted the form letter are shown in Appendix 1 of the Final EIR/EA. Chapter 2 of the Final EIR/EA contains the comment submittals and the responses to each comments. Chapter 3 of the Final EIR/EA contains edits and revisions made to the text, tables, and figures in the Draft EIR/EA in response to comments. Responses to agency comments were provided to each commenting agency in March 2018.

## Chapter 4. Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for OES's decision to implement Alternative 3b includes, without limitation, the following documents:

- the NOP (dated November 17, 2016) and all other public notices issued by DGS in conjunction with the scoping period for the proposed project (provided in Appendix A of the Draft EIR/EA in CD format);
- all comments submitted by agencies or members of the public during the scoping comment period on the NOP (provided in Appendix A of the Draft EIR/EA in CD format);
- the Draft EIR/EA (dated December 18, 2017) for the project (State Clearinghouse No. 2016122048);
- all comments submitted by agencies or members of the public during the comment period on the Draft EIR/EA (provided in Chapter 2 of the Final EIR/EA);
- responses to agency comments on the Draft EIR/EA provided to each commenting agency in March 2018.
- the Final EIR (March 2018) for the project, including comments received on the Draft EIR/EA and responses to those comments as well as revisions to the Draft EIR/EA;
- documents cited or referenced in the Draft EIR/EA and Final EIR/EA;
- the Monitoring and Reporting Program (MRP) for the project;
- all findings and resolutions adopted by Cal OES in connection with the project and all documents cited or referred to therein;
- all reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by Cal OES, consultants to Cal OES (including California Department of General Services staff), or responsible or trustee agencies with respect to OES's compliance with the requirements of CEQA and with respect to OES's action on the project;
- all documents submitted to Cal OES by other public agencies or members of the public in connection with the project up through final consideration of project approval;
- any documentary or other evidence submitted to Cal OES at public meetings; and
- any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the Department of General Services, Environmental Services Section, located at 707 3rd Street, West Sacramento, California 95605. All files have been made available to the Director of Cal OES (Director) and the public for review in considering these findings and whether to approve the project.

# Chapter 5. Findings Required Under CEQA

Sections 5.1 through 5.4 below contain Cal OES’s findings with respect to the environmental impacts of the project pursuant to the requirements of Public Resources Code 21081 and CEQA Guidelines Sections 15091 and 15097.

The Final EIR, consisting of the Draft EIR/EA, comments on the Draft EIR/EA, responses to comments on the Draft EIR/EA, and revisions to the Draft EIR/EA, are hereby incorporated by reference into these findings without limitation. Incorporation of these items is intended to address the scope and nature of mitigation measures (e.g., environmental commitments), the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for associated significant and unavoidable impacts.

## 5.1 Less-Than-Significant Impacts and Areas of No Impact

The Director agrees with the characterization in the Final EIR concerning issue areas identified as having “no impact” and those impacts identified as “less than significant” and finds that those impacts have been described accurately and that they are less than significant as described in the Final EIR. The Director also agrees with determinations made in the Draft EIR/EA under “Issues or Potential Impacts Not Discussed Further” that identified issue areas or thresholds of significance that either are not applicable to the project or that no impact related to the issue area or threshold of significance would occur.

This finding applies to the following impacts evaluated in the Final EIR and determined to result in “no impact” or determined to be “less than significant.”

### Land Use, DEIR/EA Section 4.2

- **Impact LU-1:** Decommissioning or construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would disrupt other land uses in or near Red Mountain and the proposed sites and associated primary access routes. (less than significant).
- **Impact LU-2:** The operation and maintenance of Alternatives 1, 2, 3, 3a, 3b and 4 would conflict with adjacent land uses. (less than significant).
- **Impact LU-3:** Alternatives 1, 2, 3 a and 3b would be inconsistent with the goals, policies, and objectives of the Del Norte County General Plan. (less than significant).
- **Impact LU-4:** Alternatives 1, 2, 3 a and 3b would be inconsistent with the goals, policies, and objectives of the Humboldt County General Plan. (less than significant).
- **Impact LU-5:** Alternatives 1, 2, 3, 3a, 3b and 4 would be inconsistent with the goals, policies, and objectives of the Redwood National Park General Management Plan. (less than significant).

- **Impact LU-6:** Alternatives 1, 2, 3, 3a, 3b and 4 would be inconsistent with the goals, policies, and objectives of the Six Rivers National Forest Land and Resource Management Plan. (no impact).
- **Impact LU-7:** Alternatives 1, 2, 3, 3a, 3b and 4 would be inconsistent with the goals, policies, and objectives of the North Coast Area Plan of the Humboldt County Local Coastal Program. (less than significant).

### **Geology and Soils, DEIR/EA Section 4.3**

- **Impact GS-1:** Surface erosion would occur from construction or decommissioning activities associated with Alternatives 1, 2, 3, 3a, 3b and 4. (less than significant).
- **Impact GS-2:** Road surface erosion related to the construction or decommissioning activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would occur. (less than significant).

### **Vegetation, Wildlife, and Wetlands, DEIR/EA Section 4.5**

- **Impact BR-1:** Construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would affect special-status plants or their habitat through removal of individuals, habitat modification, or the spread of invasive plants. (less than significant).
- **Impact BR-2:** Construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would affect special-status invertebrates (Western bumble bee) or their habitat. **Impact BR-3:** Construction activities associated with the proposed project and the alternatives would affect special-status amphibians (Del Norte salamander, northern red-legged frog) or their habitat. (less than significant).
- **Impact BR-3:** Construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would affect special-status amphibians (Del Norte salamander, northern red-legged frog) or their habitat. (less than significant).
- **Impact BR-4:** Construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would affect special-status bats (Pallid bat) or their habitat. (less than significant).
- **Impact BR-5:** Construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would affect special-status arboreal and terrestrial mammals (Sonoma tree vole, ring-tailed cat, Humboldt marten, and Pacific fisher) or their habitats. (less than significant).
- **Impact BR-6:** Construction activities associated with Alternatives 1, 2, 3, 3a, 3b and 4 would affect nesting birds or their habitats, and potentially negatively affect the California condor reintroduction project at the activity areas. (less than significant).
- **Impact BR-8:** Implementation of Alternatives 1, 2, 3, 3a, 3b and 4 would restrict movement of wildlife species through the activity areas. (less than significant).

- **Impact BR-9:** Implementation of Alternatives 1, 2, 3, 3a, 3b and 4 would negatively affect surrounding wildlife and vegetation by exposure to electromagnetic energy. (less than significant).

## Cultural Resources, DEIR/EA Section 4.6

- **Impact CR-12:** Alternatives 3, 3a and 4 would cause a substantial adverse change in the significance of a historical or archaeological resource. (less than significant).
- **Impact CR-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would potentially result in disturbance of undiscovered prehistoric or historic resources. (less than significant).

## Air Quality, DEIR/EA Section 4.7

- **Impact AQ-1:** Alternatives 1, 2, 3, 3a, 3b and 4 would violate air quality standards or contribute substantially to an existing or projected air quality violation. (less than significant).
- **Impact AQ-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would expose sensitive receptors to substantial pollutant concentrations. (less than significant).
- **Impact AQ-3:** Alternatives 1, 2, 3, 3a, 3b and 4 would create objectionable odors affecting a substantial number of people. (less than significant).
- **Impact AQ-4:** Alternatives 1, 2, 3, 3a, 3b and 4 would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable Federal or State ambient air quality standard. (less than significant).
- **Impact AQ-5:** Alternatives 1, 2, 3, 3a, 3b and 4 would conflict with or obstruct implementation of an applicable air quality plan. (less than significant).

## Environmental Justice, DEIR/EA Section 4.8

- **Impact EJ-1:** Implementation of Alternatives 1, 2, 3, 3a, 3b and 4 would adversely affect a minority or low-income population and/or community. (less than significant).

## Aesthetics, DEIR/EA Section 4.9

- **Impact AES-1:** Alternatives 1, 2, 3, 3a, 3b and 4 would have a substantial adverse effect on a scenic vista. (less than significant).
- **Impact AES-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings associated with a state scenic highway. (less than significant).
- **Impact AES-3:** Alternatives 1, 2, 3, 3a, 3b and 4 would substantially degrade the existing visual character and quality of the sites and their surroundings. (less than significant).

- **Impact AES-4:** Alternatives 1, 2, 3, 3a, 3b and 4 would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. (less than significant).

## **Hazards and Hazardous Materials, DEIR/EA Section 4.10**

- **Impact HM-1:** Alternatives 1, 2, 3, 3a, 3b and 4 would create a substantial hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (less than significant).
- **Impact HM-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would physically interfere with, or impair implementation of, emergency response plans or emergency evacuation plans. (less than significant).
- **Impact HM-3:** Alternatives 1, 2, 3, 3a, 3b and 4 would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. (less than significant).
- **Impact HM-4:** Alternatives 1, 2, 3, 3a, 3b and 4 would expose people to EMF created at one or more of the proposed sites. (less than significant).

## **Noise, DEIR/EA Section 4.11**

- **Impact N-1:** The proposed project and alternatives would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. (less than significant).
- **Impact N-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. (less than significant).
- **Impact N-3:** Alternatives 1, 2, 3, 3a, 3b and 4 would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (less than significant).
- **Impact N-4:** Alternatives 1, 2, 3, 3a, 3b and 4 would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (less than significant).

## **Public Services and Utilities, DEIR/EA Section 4.12**

- **Impact PS-1:** Alternatives 1, 2, 3, 3a and 3b would affect consistent and reliable emergency communication to portions of Del Norte and Humboldt counties. (less than significant).
- **Impact PS-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would result in a disruption to utility services for an extended period because of relocating infrastructure, accidental disruption, or a reduction in energy delivered to customers. (less than significant).

- **Impact PS-3:** Alternatives 1, 2, 3, 3a, 3b and 4 would encourage activities that result in the use of large amounts of fuel or energy or use fuel or energy in a wasteful manner. (less than significant).
- **Impact PS-4:** The construction and operation of Alternatives 1, 2, 3, 3a, 3b and the decommissioning of the Red Mountain site (Alternative 4) would result in the generation of increased solid waste. (less than significant).

### **Transportation/Traffic Circulation, DEIR/EA Section 4.13**

- **Impact TC-1:** Alternatives 1, 2, 3, 3a, 3b and 4 would affect road and traffic conditions on U.S. Highway 101 and local roads. (less than significant).
- **Impact TC-2:** Alternatives 1, 2, 3, 3a, 3b and 4 would increase traffic safety hazards during construction. (less than significant).
- **Impact TC-3:** Alternatives 1, 2, 3, 3a, 3b and 4 would disrupt emergency access. (less than significant).

### **Climate Change, DEIR/EA Section 4.14**

- **Impact CC-1:** Alternatives 1, 2, 3, 3a, 3b and 4 would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or that would interfere with regulations adopted to reduce GHG emissions. (less than significant)

### **Cumulative Impacts, DEIR/EA Chapter 5**

- Cumulative impacts related to land use (less than significant).
- Cumulative impacts related to geology and soils (less than significant).
- Cumulative impacts related to water resources (less than significant).
- Cumulative impacts related to vegetation, wildlife, and wetlands (less than significant).
- Cumulative impacts related to cultural resources (less than significant).
- Cumulative impacts related to air quality (less than significant).
- Cumulative impacts related to environmental justice (less than significant).
- Cumulative impacts related to aesthetics (less than significant).
- Cumulative impacts related to hazards and hazardous materials (less than significant).
- Cumulative impacts related to noise (less than significant).
- Cumulative impacts related long-term operations-related air quality (less than significant).
- Cumulative impacts related to public services (less than significant).
- Cumulative impacts related to transportation and traffic circulation (less than significant).
- Cumulative impacts related to climate change (less than significant).

## **5.2 Significant Impacts Sufficiently Reduced Through Environmental Commitments and Design Measures**

As the implementing agency for the proposed decommissioning and construction activities, Cal OES has committed to implementing the environmental commitments and design measures identified in

Table 2-1 of the Draft EIR/EA to avoid or minimize the potential impacts associated with the action alternatives. In conjunction with design measures used to avoid sensitive areas and reduce the potential for significant impacts under CEQA, these environmental commitments have been incorporated into the action alternatives for purposes of the impact analysis in Chapter 2 of the Final EIR.

There were no CEQA-specific mitigation measures identified during the analysis of resource topics in Chapter 4 and 5 of the Draft EIR; however, to be consistent with CEQA terminology, a project-specific monitoring and reporting program (MRP) has been developed.

The Director agrees with the characterization in the Final EIR that there were no significant impacts identified other than those described in the following section. Impacts identified as no impact or less than significant did not require further mitigation beyond the environmental commitments and design measures described in section 2.1.5 of the Draft EIR/EA to reduce impacts to less than significant.

### **5.3 Significant and Unavoidable impacts**

The Director agrees with the characterization in the Final EIR concerning all impacts identified as “significant and unavoidable.” For this project, the impacts listed below were identified as significant and unavoidable, that is, these impacts remain significant despite the incorporation of all feasible measures to substantially lessen or avoid these impacts. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each significant and unavoidable impact identified in the Table 1-1 of the Final EIR.

**Impact LU-3:** The proposed project and alternatives would be inconsistent with the goals, policies, and objectives of the Del Norte County General Plan. (significant and unavoidable impact, Alternative 4).

**Finding:** Under Alternative 4, the Red Mountain site would be decommissioned and none of the proposed sites would be developed. Because none of the proposed sites would be available to replace the coverage provided by the Red Mountain site when it is decommissioned, Alternative 4 would severely limit implementation of elements of the Del Norte County Emergency Operations Plans. The impact would be significant and unavoidable.

**Impact LU-4:** The proposed project and alternatives would be inconsistent with the goals, policies, and objectives of the Humboldt County General Plan. (significant and unavoidable impact, Alternative 4)

**Finding:** Under Alternative 4, the Red Mountain site would be decommissioned and none of the proposed sites would be developed. Because none of the proposed sites would be available to replace the coverage provided by the Red Mountain site when it is decommissioned, Alternative 4 would severely limit implementation of elements of the Humboldt County Emergency Operations Plans. (significant and unavoidable impact, Alternative 4)

**Impact CR-1:** The proposed project and alternatives would cause a substantial adverse change to the significance of a historical or archaeological resource. (significant and unavoidable impact, Alternatives 1, 2, and 3b)

**Finding:** Under Alternatives 1 and 2, the development of a new structure at the proposed Rodgers Peak site would require excavation in the general vicinity of a cultural site (lithic scatter) identified during a survey by a qualified archaeologist, accompanied by a member of the Yurok Tribe Cultural Committee. This survey determined that additional buried artifacts associated with this cultural site could be present beneath the surface or leaf litter that surrounds the site. No subsurface testing or site significance evaluation was completed based on cultural consideration made by the Yurok Tribe.

Cal OES assumes that this cultural site is significant pending further archaeological work to determine otherwise. Preliminary surface observations were not conclusive; however, this site was not found to be associated with significant events (Criterion 1), nor the life of an important person(s) (Criterion 2), and the lithic scatter does not appear to represent the work of a master or have distinctive characteristics of type and period (Criterion 3). Subsurface testing may reveal the site is eligible for inclusion in the California Register of Historic Resources (CRHR) under Criterion 4 because the resource may be likely to yield information important in prehistory. Integrity considerations remain largely unknown; however, a road and existing radio tower facility are located over the site, which has disturbed the location and design of the archaeological scatter. If ground disturbance is proposed, effects could potentially be adverse, assuming there is a subsurface archaeological deposit with intact horizons. Without additional information, this impact would be significant and unavoidable.

Under Alternatives 1, 2, and 3b, Cal OES has determined that the visibility of a new tower at either the proposed Rodgers Peak site (Alternatives 1 and 2) or the proposed Green Diamond 2 site (Alternative 3b) would result in a visual intrusion on the Lyons Ranches Historic District. In response to an NPS request, the visual analysis presented in section 4.9 of the Draft EIR/EA includes visual simulations for five key observation points (KOP) selected by the NPS along the Bald Hills Road portion of Redwood National Park. Due to the geographic location of the proposed Rodgers Peak and Green Diamond 2 sites, Cal OES is unable to mitigate this impact by moving locations or reducing the size of the tower while meeting the CEQA objectives listed in Chapter 1 of the Final EIR; the impact of Alternatives 1, 2 and 3b would therefore be significant and unavoidable. However, Cal OES did select the location of the proposed Green Diamond 2 site to (1) avoid placement on lands within Redwood National Park, and (2) reduce the potential of visual intrusion on the Lyons Ranches Historic District as described on page 4.9-31 of the Draft EIR/EA.

**Impact PS-1:** The proposed project and alternatives would affect consistent and reliable emergency communication to portions of Del Norte and Humboldt counties. (significant and unavoidable, Alternative 4).

**Findings:** The removal of Cal OES's communication site at the Red Mountain site without implementation of any of the proposed sites described in Chapter 2 of the Draft EIR/EA would result in an extended period of time (e.g., several years) when a disruption of critical Cal OES communication services in Humboldt and Del Norte counties would occur. As indicated in Table 4.12-1 of the Draft EIR/EA, a number of service areas in Humboldt and Del Norte counties would experience a loss of emergency communication coverage for an extended period of time that the existing Cal OES emergency communication system could not replace. Implementation of Alternative 4 would create new radio dead spots where radio coverage would not be available to first responders and emergency service providers. Under CEQA, Alternative 4 would have a significant

and unavoidable impact on consistent and reliable emergency communications in portions of Humboldt and Del Norte counties. Cal OES finds that although changes or alterations have been required in, or incorporated into Alternative 3b, to substantially lessen the significant environmental impacts associated with Alternatives 1 and 2 identified in the Draft EIR/EA, this impact would remain significant and unavoidable.

## **5.4 Findings Regarding Project Alternatives**

Public Resources Code Section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

When a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate the range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision makers may reject the alternative if they determine that specific considerations make the alternative infeasible or if the alternative does not meet the objectives for the project.

The CEQA Guidelines require that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project...” (CEQA Guidelines Section 15126.6[a]). The lead agency has the discretion to determine how many alternatives constitute a reasonable range and that an EIR need not present alternatives that are incompatible with fundamental project objectives. Additionally, CEQA Guidelines Section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

Cal OES considered a reasonable range of alternatives as presented in the Final EIR, including the analysis presented in Chapters 4 and 5 of the Draft EIR/EA.

## **Alternatives Considered but Not Evaluated Further**

Section 2.5 of the Draft EIR/EA provides a comprehensive discussion of alternatives that Cal OES considered, but did not carry forward for analysis in the Draft EIR/EA. Under this discussion, two fundamental elements were considered as part of the decision to exclude alternatives from consideration: site evaluation and site-specific elements for sites considered in the Draft EIR/EA.

### ***Site Evaluation***

Early in the Cal OES planning process, radio coverage evaluations were performed at 12 sites to find the fewest number of sites that would provide coverage equal to that provided by the Red Mountain site. Selection criteria were based on two essential communications needs: 1) access to the State's terrestrial microwave system, and 2) radio coverage. Other factors were also considered, and attempts were made to find sites at existing radio facilities with adequate road access and commercial power availability.

Microwave access was determined by path profile analysis, a technique used to determine whether a signal can be connected back to a dispatch center. Connection to a dispatch center is a critical component. The State microwave network provides the link needed to connect dispatch to the radio site. Red Mountain is one of the main sites in the existing State microwave network, and the selected replacement sites must be able to be connected to the State microwave network. Path profile analysis was completed using computer simulation, and the empirical work was completed by site visit.

Radio coverage indicates the likelihood of a radio being able to communicate in the area with other radios and with dispatch. Radio propagation software was used to generate coverage plots along with radio coverage site surveys to validate the results. This metric is independent of microwave access, but both are required to support public safety radio communications.

The proposed sites had to demonstrate the ability to provide both microwave system access and required radio coverage. Of the 12 sites initially evaluated, nine were excluded from further consideration because they failed to meet the two essential communications needs. Careful consideration was made for sites known to be culturally or environmentally sensitive.

Listed below are the nine sites evaluated for radio coverage that were excluded from consideration and the reasons they were excluded:

4. **Nickowitz Peak** lacks microwave line of sight to Rattlesnake Peak, Crescent City, and Horse Mountain; lacks radio coverage to Klamath and U.S. Highway 101.
5. **Mckinnon Hill** lacks microwave line of sight to Rattlesnake Peak, Crescent City, and Horse Mountain; lacks radio coverage to Klamath and U.S. Highway 101.
6. **Bee Mountain** lacks microwave line of sight to Rattlesnake Peak and Crescent City; lacks radio coverage to Klamath and U.S. Highway 101.

7. **Miners Creek** lacks microwave line of sight to Rattlesnake Peak and Crescent City; lacks radio coverage to Klamath and U.S. Highway 101.
8. **Wiregrass** lacks microwave line of sight to Rattlesnake Peak and Crescent City; lacks radio coverage to Klamath and U.S. Highway 101.
9. **Burrill Peak** lacks microwave line of sight to Rattlesnake Peak and Crescent City and provides only marginal line of sight to Horse Mountain; lacks radio coverage to Klamath and U.S. Highway 101.
10. **Weitchpec** lacks microwave line of sight to Rattlesnake Peak, Crescent City, and Horse Mountain; lacks radio coverage to Klamath and U.S. Highway 101.
11. **School House Mountain** lacks adequate radio coverage to U.S. Highway 101 and nearby lagoons; overall radio coverage is inferior to Rodgers Peak and it lacks microwave line of site to the State microwave network.
12. **Requa** only has microwave line of site to Crescent City; its path to Horse Mountain is marginal. Lacks adequate radio coverage to Klamath and Highway 169. Alder Camp is the preferred choice as it provides superior coverage along U.S. Highway 101 further into Klamath. Additionally, Alder Camp is on State-owned property and can easily accommodate the State's proposed facility.

In an effort to address comments related to exclusion of the proposed Rodgers Peak and consideration of a new site that would not be on NPS lands, Cal OES expanded its evaluation of the original nine sites and added three additional sites (Green Diamond 1, Green Diamond 2, and Orick) in the alternative development process after receipt and evaluation of scoping comments.

### ***Site-Specific Elements***

This section discusses elements (e.g., access, power source) that were considered but not carried forward as part of one or more alternatives in the Draft EIR/EA. Included are the location of access roads, contractor use areas, and the location and use of processing/disposal areas for a long-term source of coarse sediment. Several access roads initially considered by the design team were eliminated due to resource conflicts (e.g., cultural resources) and concerns raised by landowners.

### **RED MOUNTAIN**

An alternative to regrade and revegetate the Red Mountain site after removal of all State facilities and equipment was initially considered by the State. Subsequent discussions involving USFS and the Yurok Tribe resulted in the USFS determination that additional surface disturbance of this site would not be consistent with the National Historic Preservation Act and the Six Rivers National Forest Land and Resource Management Plan.

### **RATTLESNAKE PEAK**

Access to the site is from the community of Klamath using unpaved roads. An existing Green Diamond Resource Company (GDRC) road would be extended approximately 1.4 miles to provide

access to the proposed site. The State considered multiple routes across private and NFS lands from the north and west, each of which would require road improvements or reconstruction to be feasible, as well as crossings of riparian reserves and other sensitive landforms on NFS lands. One route from the South Fork Smith River road would require more than 10 miles of extensive reconstruction of a 4-wheel drive trail (including grading, surfacing, and drainage structures) to provide access to this site. The primary access route shown on Figure 2-4 was developed in conjunction with GDRC road managers during the scoping process.

## RODGERS PEAK

Three alternative elements considered for the proposed Rodgers Peak site but eliminated from consideration were related to tower height, power source, and vegetation clearing. The CEQA Notice of Availability described a tower height between 120 feet and 220 feet (see Appendix A of the Draft EIR/EA). Additional information on potential tree height over a 30-year period indicated that a tower in excess of 199 feet above grade would not be necessary to ensure line of site with the Cal OES Horse Mountain communication site. Additionally, the Federal Aviation Administration (FAA) requirement for lighting on towers in excess of 199 feet resulted in limiting any proposed tower on Rodgers Peak to 199 feet (including the 19-foot mast) to reduce potential impacts to the uses and resources of Redwood National Park (e.g., aesthetics). A preliminary feasibility analysis of constructing an electrical distribution line to Rodgers Peak indicated that commercial power (buried or above ground) would be inconsistent with the management objectives of Redwood National Park. After radio coverage evaluations were completed, Cal OES assessed potential year-around power sources. Cal OES explored the possibility of commercial power and determined that a significant development effort would be required to get commercial power to the Rodgers Peak site (Cal OES 2016). The nearest commercial power source to Rodgers Peak is 7 miles from the site near U.S. Highway 101 at Big Lagoon. Power lines generally following the alignment of the primary access route would be necessary, the cost of which is estimated at \$150,000.00 per mile (above ground pole and line) (\$1,050,000.00 total cost). This route would require extensive coordination with GDRC to ensure that it could be developed consistent with current authorizations from Federal (e.g., U.S. Fish and Wildlife Service) and State (CAL FIRE) agencies. Based on the information available to Cal OES, providing a commercial source of power to the Rodgers Peak site would not be practicable.

Initially, the Cal OES design team believed that the proposed Rodgers Peak site would require vegetation clearing to provide line-of-site microwave coverage to the existing Cal OES Horse Mountain site and the proposed Rattlesnake Peak site. Subsequently, Cal OES determined that the proposed Rodgers Peak site would have adequate coverage with Horse Mountain given the projected maximum tree height in 30 years, but the requirement for line-of-site clearing towards Rattlesnake Peak was excluded from consideration to reduce the potential impacts related to vegetation and visual resources.

## ALDER CAMP

Several alternative sites were considered around the perimeter of the Alder Conservation Camp. These sites were excluded based on the level of additional disturbance required (e.g., clearing, grading) and the distance to a commercial power sources. In the initial planning process, access to this proposed site would have required use of NPS roads. In response to comments from the NPS on

the Administrative Draft EIR/EA, alternate access was identified through lands managed by GDRC, thereby excluding this site from NPS jurisdiction.

## GREEN DIAMOND 1

Initially, two potential Green Diamond 1 sites on GDRC land were identified in the evaluation process. An on-site field review, including input from a professional geologist, identified that one of these sites was associated with the Franciscan Formation, a rock unit known for potential slope stability and erosion issues. The extensive grading that would be required to develop one of these sites, in conjunction with geologic and soil characteristics observed in the field, resulted in exclusion of one of these sites.

As a result of ongoing coordination and communication with NPS (the NEPA lead agency), Alternative 3a was developed as a sub-alternative of Alternative 3 for consideration in the Draft EIR/EA. Under this alternative, the Red Mountain site would be decommissioned and the proposed Rattlesnake Peak, Alder Camp, and Green Diamond 1 sites would be developed. The Orick site would not be developed.

As a result of subsequent communication with NPS after its review of the Administrative Draft EIR/EA, Alternative 3a was developed as a sub-alternative of Alternative 3 for consideration in the Draft EIR/EA. Under this alternative, the Red Mountain site would be decommissioned, and the proposed Rattlesnake Peak, Alder Camp, and Green Diamond 1 sites would be developed. The Orick site would not be developed.

## GREEN DIAMOND 2

No other elements were considered for the Green Diamond 2 site.

## ORICK

No other elements were considered for the Orick site.

## Alternatives

The following six alternatives were analyzed in the Draft EIR/EA to determine whether they would meet Cal OES's objectives while avoiding or substantially lessening any of its significant impacts:

### *Alternative 1*

**Description:** Alternative 1 would consist of decommissioning State-owned facilities at the Red Mountain site and developing three new communication sites at the proposed Rattlesnake Peak, Rodgers Peak, and Alder Camp sites.

**Summary of Impacts:** Alternative 1 meets the project objectives as defined by Cal OES. It provides a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current state communication facility at the Red Mountain site. This alternative under CEQA would have a significant and unavoidable impact on cultural resources associated with the proposed Rodgers Peak site.

**Findings:** Changes or alterations have been required in, or incorporated into, Alternative 1, that avoid or substantially lessen the significant effects on the environment; however, this alternative would still result in a significant and unavoidable impact on cultural resources (CR-1). (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) The Director finds that Alternative 1 is not the environmentally superior alternative.

### *Alternative 2*

**Description:** Under Alternative 2, the boundaries of the Rodgers Peak site would expand from 1.5 acres to about 3.9 acres, and a solar array would provide the primary power source. About 3.3 acres of vegetation would be cleared under this alternative to provide for adequate solar coverage. Under this alternative, all other features and activities described for this site would be consistent with Alternative 1, and no changes would occur for any of the other sites included under Alternative 1.

**Summary of Impacts:** Alternative 2 meets the project objectives as defined by Cal OES. It provides a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current State communication facility at the Red Mountain site. This alternative would have a significant and unavoidable impact on cultural resources associated with the proposed Rodgers Peak site.

**Findings:** Changes or alterations have been required in, or incorporated into Alternative 2, which avoid or substantially lessen the significant effects on the environment, however this alternative would still result in a significant and unavoidable impact on cultural resources (CR-1). (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) The Director finds that Alternative 2 is not the environmentally superior alternative.

### *Alternative 3*

**Description:** Under Alternative 3, the actions for the Red Mountain and the proposed Rattlesnake Peak and Alder Camp sites would be the same as under Alternative 1, and the proposed Green Diamond 1 and Orick sites would be developed. The Rodgers Peak site, which is on land managed by the NPS, would not be developed and the existing facilities used by Humboldt County and the U.S. Geological Survey would remain, as authorized by the NPS.

**Summary of Impacts:** Alternative 3 meets most of the project objectives as defined by Cal OES. It provides a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current state communication facility at the Red Mountain site. This alternative does not develop communication facilities at the fewest number of sites needed to replace the Red Mountain facility, nor does it provide equal or greater microwave and radio communication services.

**Findings:** Changes or alterations have been required in, or incorporated into Alternative 3, which avoid or substantially lessen the significant effects on the environment. (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) The Director finds that Alternative 3 would not meet the stated objectives of Cal OES and that it is not the environmentally superior alternative.

### ***Alternative 3a***

**Description:** Alternative 3a is identical to Alternative 3 except that the proposed Green Diamond 1 site would be developed and the Orick site would not be developed.

**Summary of Impacts:** Alternative 3a meets the project objectives as defined by Cal OES. It provides a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current state communication facility at the Red Mountain site, but to a lesser degree than other alternatives.

**Findings:** Changes or alterations have been required in, or incorporated into, Alternative 3a, that avoid or substantially lessen the significant effects on the environment. (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) The Director finds that Alternative 3a would not meet the stated objectives of Cal OES and that it is not the environmentally superior alternative.

### ***Alternative 3b***

**Description:** Alternative 3b is identical to Alternative 3a except that the proposed Green Diamond 2 site would replace the proposed Green Diamond 1 site.

**Summary of Impacts:** Alternative 3b meets the project objectives as defined by Cal OES. It provides a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current state communication facility at the Red Mountain site. This alternative enhances communication coverage to more of the service areas than Alternatives 1, 2, 3, or 3a. The impacts for Alternative 3b have been reduced relative to Alternatives 1 and 2, but this alternative under CEQA would have a significant and unavoidable impact on cultural resources associated with the visual intrusion on the Lyons Ranches Historic District.

**Finding:** Changes or alterations have been required in, or incorporated into Alternative 3b, which avoid or substantially lessen the significant effects on the environment. (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) The Director finds that Alternative 3b would meet the objectives of the project. However, while it would still result in a significant and unavoidable impact on cultural resources, this impact would be less than the impacts associated with Alternatives 1 and 2. The Director accepts Alternative 3b because it is the environmentally superior alternative.

### ***Alternative 4***

**Description:** Under Alternative 4, the no-project alternative, decommissioning activities would be implemented at Red Mountain consistent with existing permits issued to the State by the USFS. None of the proposed sites would be developed.

**Summary of Impacts:** Alternative 4 under CEQA would have a significant and unavoidable impact on land use and public services related to consistent and reliable emergency communications in portions of Humboldt and Del Norte counties. Cal OES determined that, although changes or alterations have been required in, or incorporated into, the project to substantially lessen the

significant environmental impact identified in the Final EIR, this impact would remain significant and unavoidable.

**Finding:** The Director finds that Alternative 4 would not meet the objectives of the project and would not provide adequate changes or alterations that avoid or substantially lessen the significant effects on the environment. (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) Further, Alternative 4 would result in significant and unavoidable impacts to land use and public services and would increase the severity of some of the project’s environmental impacts relative to Alternative 3b. The Director finds that Alternative 4 is not the environmentally superior alternative.

In addressing the no-project alternative, Cal OES followed the direction of the State CEQA Guidelines, which provides that the no-project analysis shall discuss the existing conditions as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126[d][4]).

## CONCLUSION

In compliance with CEQA, these Findings examine the six alternatives and the extent to which they lessen or avoid the project’s significant environmental effects while meeting the project objectives.

The Director finds that a good faith effort was made to evaluate all reasonable alternatives considered in the Draft EIR/EA that could feasibly obtain its basic objectives, even when the alternatives might impede the attainment of the objectives or might be too costly. The Director also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the Final EIR and the ultimate decision on the project.

## Chapter 6. Statement of Overriding Considerations

Before approving a project for which an Environmental Impact Report (EIR) has been prepared, CEQA requires that the lead agency find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh significant effects on the environment. This must be a written finding stating the agency's specific reasons supporting its action based on the Final EIR and/or other information in the record.

Pursuant to CEQA Section 21081 and CEQA Guideline Section 15093, the Director hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the project, as set forth below, independently and collectively outweigh the significant and unavoidable impacts and are overriding considerations warranting approval of the project. Any one of the reasons for approval cited below is sufficient to justify approval of the project. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

On the basis of the Findings made in the companion document and the substantial evidence in the whole record of this proceeding, the Director finds that there are significant benefits of the project to support approval of the project in spite of the unavoidable significant impacts and therefore makes this Statement of Overriding Considerations.

In the Draft EIR/EA, significant effects were identified under Alternatives 1, 2, 3b, and 4 that could not be mitigated to levels that are less than significant. Cal OES, as lead agency under CEQA, must make written findings for each significant effect to approve Alternatives 1, 2, 3b, or 4.

Alternatives 1 and 2 under CEQA would have a significant and unavoidable impact on cultural resources associated with the proposed Rodgers Peak site. Alternatives 1 and 2 would have a significant and unavoidable impact on the Lyons Ranches Historical District associated with visual intrusion visible at five KOPs specified by the NPS and analyzed in the Draft EIR/EA. Although Alternative 3b would have an impact on three of these KOPs as identified in section 4.9 of the Draft EIR/EA that would be less than under Alternatives 1 and 2, it would still result in a significant and unavoidable impact.

Alternative 4 under CEQA would have a significant and unavoidable impact on land use and public services related to consistent and reliable emergency communications in portions of Humboldt and Del Norte counties.

Although the Director finds that the project will result in these significant and unavoidable impacts, the Director also finds that the project benefits outweigh these impacts. The State thereby finds that the benefits of Alternative 3b outweigh and render acceptable the unavoidable significant impacts to cultural resources identified in the findings and the Final EIR.

The Director finds that, as part of the process of obtaining project approval, all significant effects on the environment from implementation of the project have been eliminated or substantially lessened, where feasible. All mitigation measures (e.g., environmental commitments and design measures) proposed in the Final EIR that are applicable to the project are adopted as part of this approval action. Furthermore, the Director has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

Alternative 3b provides a primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies to replace the current State communication facility at the Red Mountain site. The benefits include the following:

- Removes all public safety communications facilities and associated infrastructure owned by the State from Red Mountain and restored the site by December 31, 2022, as required by the USFS Land and Resource Management Plan.
- Establishes new sites in areas that are the least environmentally sensitive from a natural, cultural, or socioeconomic perspective.
- Provides acceptable access to the State’s terrestrial microwave system as well as replacement public safety radio coverage to the service areas in Del Norte County and northern Humboldt County currently supported by Calfire’s Red Mountain site, including the service areas described in Table 1-2 of the Draft EIR/EA.
- Provides facilities at new locations that will replace those removed from Red Mountain in a manner that ensures that the sites are integral to the primary public safety communications hub for State, Federal, and local law enforcement, transportation, and resource agencies at an equivalent level.
- Develops communication facilities at the fewest number of sites needed to replace the Red Mountain facility and provides equal or greater microwave and radio communication services.
- Designs new facilities with consideration for minimizing the visibility of the facilities, extent of grading and excavation, removal of vegetation, and long-term maintenance.
- Uses existing access routes, where available, and establishes new access routes along the most feasible, shortest routes possible.
- Ensures compatibility with Federal, State, and local land management plans and guidelines. and
- Although significant, the impacts of Alternative 3b have been reduced relative to the other alternatives considered in the Draft EIR/EA and Alternative 3b is the environmentally superior alternative.

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Having considered these benefits, the Director finds that the benefits of the project outweigh the unavoidable adverse environmental effects and that the adverse environmental effects are therefore acceptable. The Director further finds that each of the above considerations is sufficient to approve the project. For each of the reasons stated above, and for all of them, the project should be implemented notwithstanding the significant unavoidable adverse impacts identified in the Final EIR.

## Chapter 7. Monitoring and Reporting Program

DGS has prepared a Monitoring and Reporting Program (MRP) for the project in accordance with Public Resources Code Section 21081.6, subd. (a)(1) and CEQA Guidelines Section 15097. The Director, in adopting the Findings of Fact, also approves the MRP.

The State MRP to track compliance with project Environmental commitments measures. [.] The MRP will remain available for public review during the compliance period. The MRP is attached to and incorporated into Alternative 3b and is approved in conjunction with certification of the Final EIR and adoption of the Findings of Fact. In the event of any conflict between these findings and the MRP with respect to the requirements of an adopted Environments Commitments, the more stringent measure shall control and shall be incorporated automatically into both the findings and the MRP.

Chapter 4 of the Final EIR includes Table 4-1, which will provide the basis for documenting monitoring and reporting of compliance with the environmental commitments for the selected alternative. The table includes the following:

- Environmental commitment: identifies each of the environmental commitments. These environmental commitments are fully described in Chapter 2 of the Draft EIR/EA
- Timing: identifies when the environmental commitments will be implemented.
- Responsible party: identifies the specific agency or agencies with which coordination/consultation is required to satisfy the requirements of the mitigation measure.
- Verification: provides checkboxes to be initialed and dated by the individual designated to verify compliance with a specific environmental commitment.

The Director hereby adopts the MRP as presented in the Final EIR.