

RESOLUTION NO. 22-811

A RESOLUTION OF THE GOLETA WEST SANITARY DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY BY THE DISTRICT OF AN INSTALLMENT PURCHASE CONTRACT AND AUTHORIZING THE EXECUTION OF OTHER NECESSARY DOCUMENTS AND RELATED ACTIONS

WHEREAS, the Goleta West Sanitary District (the “District”) is a sanitary district duly organized and validly existing under the laws of the State of California; and

WHEREAS, the District provides wastewater collection for residents and businesses in the Western Goleta Valley and Isla Vista area and such wastewater is pumped through the system to the Goleta Water Resource Recovery Facility (the “WRRF”) which is owned and operated by the Goleta Sanitary District; and

WHEREAS, the District is authorized by the laws of the State of California to finance and refinance the acquisition and construction of property, facilities and equipment of benefit to the District through the execution of installment purchase contracts; and

WHEREAS, the District proposes to finance: (i) its portion of certain improvements to the WRRF, primarily consisting of a new 500,000-gallon anaerobic digester, a heat and power system with 160kW generator, a biogas conditioning system and exhaust gas purification system and other various improvements associated with such equipment, (ii) the construction and furnishing of a new headquarters/central administration building for the District and (iii) any other capital projects included in the District’s adopted Wastewater Master Plan (collectively, the “2022 Project”); and

WHEREAS, to provide funds necessary to finance the 2022 Project, the District desires to enter into that certain Installment Purchase Contract (the “Installment Purchase Contract”) with the CSDA Finance Corporation (the “Corporation”) in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution; and

WHEREAS, there has been presented at this meeting the form of the Installment Purchase Contract relating to such action; and

WHEREAS, the United States Treasury Department has issued Treasury Regulation Section 1.10-2 (the “Reimbursement Regulations”) constituting final regulations with respect to the use of proceeds of a tax-exempt financing for reimbursement purposes and, in order to comply with the Reimbursement Regulations, the district intends to declare its official intent to be reimbursed for the 2022 Project with proceeds of future tax-exempt borrowings, including but not limited to the Installment Purchase Contract; and

WHEREAS, the District desires to appoint Oppenheimer & Co. Inc., as placement agent, Kosmont Transactions Services, as municipal advisor, and Kutak Rock LLP, as special counsel, in connection with the financing of the 2022 Project; and

WHEREAS, Senate Bill 450 (Chapter 625 of the 2017-2018 Session of the California Legislature) (“SB 450”) requires that the Board of Directors of the District (the “Board”) obtain from an underwriter, municipal advisor or private lender and disclose, prior to authorization of the issuance of bonds, including debt instruments such as the Installment Purchase Contract, with a term of greater than 13 months, good faith estimates of the following information in a meeting open to the public: (a) the true interest cost of the Installment Purchase Contract, (b) the sum of all fees and charges paid to third parties with respect to the Installment Purchase Contract, (c) the amount of proceeds of the Installment Purchase Contract expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Installment Purchase Contract, and (d) the sum total of all debt service payments on the Installment Purchase Contract calculated to the final maturity of the Installment Purchase Contract plus the fees and charges paid to third parties not paid with the proceeds of the Installment Purchase Contract; and

WHEREAS, in compliance with SB 450, the Board obtained from Oppenheimer & Co. Inc., the required good faith estimates and such estimates are disclosed and set forth on Exhibit A attached hereto; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the financing authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such financing for the purpose, in the manner and upon the terms herein provided; and

WHEREAS, consistent with *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, there is no guarantee or presumption that any of the permits or approvals required for the development of the 2022 Project will be issued by District or by any other appropriate government agencies. Accordingly, notwithstanding anything to the contrary herein, the District retains full discretion to review the any application for the 2022 Project and approve, condition, or deny any elements of the 2022 Project pursuant to the District’s policies, and any applicable federal, state and local law, including *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116 and related jurisprudence. Nothing in this Resolution shall be construed as granting an applicant for the 2022 Project with an extraordinary privilege or right with respect to the District’s review of the 2022 Project.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER:

1. All of the recitals herein contained are true and correct and the Board so finds.
2. The form of the Installment Purchase Contract submitted to this meeting and made a part hereof as though set forth herein is hereby approved. The President of the Board, and such other members of the Board as the President may designate, the General Manager/Superintendent of the District, and such other officers of the District as the General Manager/Superintendent of the District may designate (each

an “Authorized Officer”) are, and each of them is, hereby authorized and directed, for and in the name of the District, to execute and deliver the Installment Purchase Contract in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, with the advice and approval of District counsel and Kutak Rock LLP, special counsel to the District (“Special Counsel”), such requirement or approval to be conclusively evidenced by the execution and delivery of the Installment Purchase Contract by such Authorized Officer. In connection therewith, the District approves the execution and delivery of the Installment Purchase Contract so long as the maturity of the Installment Payments (as defined in the Installment Purchase Contract) does not exceed July 1, 2042, the interest rate with respect to the Installment Payments does not exceed 3.500%, and the principal amount of the Installment Payments does not exceed \$14,000,000.

3. In accordance with SB 450, good faith estimates of the following have been obtained from the Placement Agent and are set forth on Exhibit A attached hereto: (a) the true interest cost of the Installment Purchase Contract, (b) the sum of all fees and charges paid to third parties with respect to the Installment Purchase Contract, (c) the amount of proceeds of the Installment Purchase Contract expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Installment Purchase Contract, and (d) the sum total of all debt service payments on the Installment Purchase Contract calculated to the final maturity of the Installment Purchase Contract plus the fees and charges paid to third parties not paid with the proceeds of the Installment Purchase Contract.
4. The District shall, presently intends, and reasonably expects to finance a portion of the 2022 Project with legally available funds. All of the expenditures covered by this Resolution were or will be paid on and after the date which is 60 days prior to the effective date of this Resolution. The District presently intends and reasonably expects to participate in a tax-exempt financing within 18 months of the date of the expenditure of moneys on the 2022 Project or the date upon which the 2022 Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of such moneys), and to allocate from such financing an amount not to exceed amounts advanced for the 2022 Project from legally available funds to reimburse the District. The District intends for this Resolution to constitute the District’s official intent, within the meaning of the Reimbursement Regulations, to support the use of the proceeds of the Installment Purchase Contract to reimburse the District for the prior payment of expenditure related to the 2022 Project.
5. The Board hereby appoints the firms of Oppenheimer & Co. Inc., as placement agent, Kosmont Transactions Services, as municipal advisor, and Kutak Rock LLP, as special counsel, in connection with the financing of the 2022 Project. The Board hereby authorizes the General Manager/Superintendent to execute and deliver agreements with said firms for their respective services. Payment of fees and

expenses with respect to such agreements shall be contingent upon the closing of the financing of the 2022 Project.

6. The Authorized Officers and staff of the District are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents, including but not limited to a fee agreement, costs of issuance agreement, custodian agreement, wire transfer agreement or other similar agreements, which in consultation with District counsel and Kutak Rock LLP, as special counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such Officers or staff members are hereby ratified and confirmed.
7. With regards to the financing for the District's portion of certain improvements to the WRRF, the Board hereby makes the CEQA findings attached hereto as Exhibit B. The Board further finds and declares that it will not give its final approval for any other projects for which this action will generate potentially available funds, in part or in whole, unless and until the District considers any potentially significant environmental impacts of such projects, including any analysis of alternatives, including potentially taking no action, as required by and in compliance with the California Environmental Quality Act.

Section 8. This Resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED AND APPROVED at a special meeting of the Governing Board of the Goleta West Sanitary District held on August 8, 2022.

I, hereby certify that the foregoing Resolution No. 22-811 was passed and adopted at a regular meeting of said Board on the 8th day of August 2022, by the following vote, to wit:

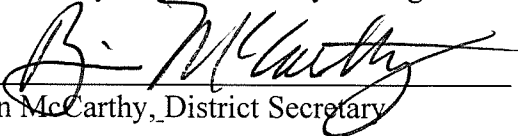
AYES: Lewis, Meyer, Turenchalk, Bearman, Geyer

NOES:

ABSTENTIONS:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of August 2022.



Brian McCarthy, District Secretary

APPROVED



Larry Meyer, President

Exhibit A

GOOD FAITH ESTIMATES

The following information was obtained from the District's Placement Agent, and is provided in compliance with Senate Bill 450 (Chapter 625 of the 2017-2018 Session of the California Legislature) with respect to the Installment Purchase Contract:

1. *True Interest Cost of the Installment Purchase Contract.* Assuming the maximum aggregate principal amount of the Installment Purchase Contract authorized to be issued (\$14,000,000) is sold, and based on market interest rates prevailing at the time of preparation of this information, a good faith estimate of the true interest cost of the Installment Purchase Contract, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for Installment Purchase Contract, is 3.500%.

2. *Finance Charge of the Installment Purchase Contract.* Assuming the maximum aggregate principal amount of the Installment Purchase Contract authorized to be issued (\$14,000,000) is sold, and based on market interest rates prevailing at the time of preparation of this information, a good faith estimate of the District's finance charge of the Installment Purchase Contract, which means the sum of all fees and charges paid to third parties from the principal amount of the Installment Purchase Contract, is \$140,500.

3. *Amount of Proceeds to be Received by the District.* Assuming the maximum aggregate principal amount of the Installment Purchase Contract authorized to be issued (\$14,000,000) is sold, and based on market interest rates prevailing at the time of preparation of this information, a good faith estimate of the amount of proceeds expected to be received by the District for sale of the Installment Purchase Contract less the finance charge of the Installment Purchase Contract described in paragraph 2 above and any reserves or capitalized interest paid or funded with proceeds of the Installment Purchase Contract, is \$13,859,500.

4. *Total Payment Amount.* Assuming the maximum aggregate principal amount of the Installment Purchase Contract authorized to be issued (\$14,000,000) is sold, and based on market interest rates prevailing at the time of preparation of this information, a good faith estimate of the total payment amount, which means the sum total of all payments the District will make to pay debt service on the Installment Purchase Contract plus the finance charge of the Installment Purchase Contract described in paragraph 2 above not paid with the proceeds of the Installment Purchase Contract, calculated to the final maturity of the Installment Purchase Contract, is \$19,507,566.94.

Exhibit B

CEQA FINDINGS

1. Find that the Goleta West Sanitary District Board of Directors has reviewed and considered the Mitigated Negative Declaration for the proposed project dated March 2022 and on file with the Office of Planning and Research State Clearinghouse SCH Number 2022040242 before taking any action on the project.
2. Adopt the findings concerning mitigation of significant environmental effects pursuant to CEQA Guidelines section 15091. (Attachment A)

**FINDINGS REGARDING SIGNIFICANT EFFECTS PURSUANT
TO STATE CEQA GUIDELINES SECTIONS 15090, 15091 AND
15096**

**BIOSOLIDS AND ENERGY STRATEGIC PLAN PHASE 1
PROJECT**

SCH No. 2022040242

August 8, 2022

I. INTRODUCTION AND PROJECT DESCRIPTION

The Biosolids and Energy Strategic Plan (“BESP”) Phase 1 Mitigated Negative Declaration (the “MND”) analyzes the potential environmental impacts of the proposed Biosolids and Energy Phase 1 Project (the “Project”).

Goleta Sanitary District (“GSD”) owns and operates the Goleta Water Resource Recovery Facility (“WRRF”) located at One William Moffett Place, near the Santa Barbara Municipal Airport in an unincorporated coastal area of Santa Barbara County, California. An assessment of the WRRF conducted in 2016 indicated that some of the unit processes at the WRRF are nearing the end of their service life and would need rehabilitation and replacement soon. The BESP was developed in August 2019 to evaluate biosolids unit processes in detail and summarize the recommended approach to upgrade existing facilities.

The proposed Project is an initial step in GSD’s long-term program for achieving energy neutrality by implementing technologies and strategies to utilize digester gas production and energy recovery. The BESP technology evaluation identified a combined heat and power (“CHP”) system with an internal combustion engine as the most desirable biogas utilization technology and addition of a new anaerobic digester as the most feasible option to achieve firm digestion capacity.

The primary components of the proposed Project consist of:

- One new digester with a capacity of 550,000 gallons, which will replace existing Digester 1. The new digester will include the installation of auxiliary equipment, including digester mixing apparatus, digester cover, and digester heating elements (heat exchanger, piping, etc.). This new digester is designed to allow sufficient capacity for the plant if any of the existing digesters, including the largest digester (i.e., Digester 3), goes out of service;
- A CHP system featuring one new 160-kilowatt (kW) generator set that will be fueled by digester gas. Waste heat from the CHP engine will be used to heat the digesters. Additionally, the two existing digester gas booster blowers will be replaced with two new blowers to match the CHP engine;
- A Biogas pretreatment system designed to reduce hydrogen sulfide (H₂S), siloxanes, and moisture in the digester gas used to fuel the CHP engine.

GSD assumed the role as the lead agency for the environmental review of the proposed Project and prepared the MND analyzing its potential environmental impacts. On May 2, 2022, GSD held a public hearing on the draft MND. On June 6, 2022, GSD certified the MND and approved the Project. Finally, on June 17, 2022, GSD filed a notice of determination. A more detailed description of the Project is included in the MND.

Goleta West Sanitary District (“GWSD”) and GSD are parties to a 1960 agreement (“1960 Agreement”) under which any improvement to the WRRF requires the consent of GWSD. Additionally, ~~per the 1960 Agreement, GWSD is responsible for a portion of the expenses for~~ any WRRF improvement project. Accordingly, GWSD constitutes a responsible agency and therefore relies on the MND prepared and certified by GSD in taking these actions.

II. POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES § 15091(A)(1))

Pursuant to Section 21081(a) of the Public Resources Code and Sections 15091(a)(1) and 15096(h) of the State CEQA Guidelines, GWSD finds that, for each of the following potentially significant effects identified in the MND, changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. The significant effects and mitigation measures are stated fully in the MND. These findings are explained below and are supported by substantial evidence in the record of proceedings.

A. Air Quality

- 1) **Significant Effect: Impact AQ-III-B** – The Project may result in a cumulatively considerable net increase of criteria pollutants during construction for which the project region is non-attainment under an applicable federal or state ambient air quality standards.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. 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.

Mitigation Measure: MM-AIR-1 is proposed to mitigate the significance of AQ-III-B. MM-AIR-1 requires compliance with various measures during construction to mitigate fugitive dust emissions. Such measures include, but are not limited to, use of water trucks or sprinkler systems, limiting the speed of on-site vehicles to 15 mph or less, covering soil stockpiled for more than 2 days, installation of gravel pads at all access points, and treating disturbed land following clearing, grading, or excavation.

Rationale: MM-AIR-1 is proposed to mitigate the significance of AQ-III-B. MM-AIR-1 requires compliance with various measures during construction to mitigate fugitive dust emissions. The proposed measures would mitigate fugitive dust emissions during construction of the Project and thus would reduce any air quality impact resulting from construction to a less than significant level.

B. Biological Resources

- 1) **Significant Effect: Impact BI-IV-A** – Twenty-eight species of native birds were detected on-site, including several with the potential to nest there. Nests, eggs, and nestlings of all native bird species are protected by the Migratory Bird Treaty Act and the

California Fish and Game Code. Vegetation clearing and grading, if occurring during the nesting season (January 15th to September 15th), may have the potential to destroy nests, eggs, and nestlings, which could violate these regulations. Therefore, impacts to nesting birds from Project disturbances would be potentially significant without mitigation.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. 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.

Mitigation Measures: MM-BIO-1 is proposed to mitigate the significance of BI-IV-A. MM-BIO-1 requires compliance with various measures to mitigate potential impacts to nesting birds. Such measures include, but are not limited to, surveying of the site and monitoring of any potential nesting areas and, if nesting birds are detected, postponement of construction within 300 feet of active nests (500 feet if the bird is a raptor or species of special concern), worker environmental awareness training, daily biological monitoring construction activities, and use of flags and/or stakes to designate buffer areas.

Rationale: MM-BIO-1 is proposed to mitigate the significance of BI-IV-A. MM-BIO-1 requires compliance with various measures to mitigate potential impacts to nesting birds. Compliance with said measures would mitigate the likelihood of having an impact on nesting birds on and around the Project site and thus would reduce any biological impacts to nesting birds resulting from the Project to a less than significant level.

C. Cultural Resources

- 1) **Significant Effect: Impacts CR-V-A, CR-V-B and CR-V-C** – Given the archeological significance of the Project site and the proposed ground disturbing activities involved with the Project, the Project may result in substantial adverse changes in the significance of a historical resource/archaeological resource pursuant to 14 CCR Section 15064.5 and has the potential to disturb human remains.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. 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.

Mitigation Measures: MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, and MM-CUL-5. The mitigation measures identified in Section 3.5.3 of the MND have been created to minimize impacts to cultural resources to less than significant. Implementation of MM-CUL-1 would ensure data recovery in areas of high to moderate density and variability possessing data potential capable of providing information about the prehistoric and historic periods in this area; MM-CUL-2 would establish a program of treatment and mitigation in the case of an inadvertent discovery of cultural resources during ground-disturbing phases and would provide for the proper identification,

evaluation, treatment, and protection of any cultural resources throughout the duration of the proposed Project; MM-CUL-3 would ensure the preparation and implementation of a Worker Environmental Awareness Program (WEAP), ~~MM-CUL-4 would ensure that a~~ qualified archaeologist is retained to monitor all initial ground disturbing activities and to respond to any inadvertent discoveries during Project construction; and MM-CUL-5 would ensure the proper treatment and protection of any inadvertent discovery of cultural resources, including human remains and burial artifacts, and that all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology, can evaluate the significance of the find.

Rationale: Mitigation Measures M-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, and MM-CUL-5 were proposed to mitigate the significance of CR-V-A, CR-V-B and CR-V-C. The measures set forth in these mitigation measures including data recovery, pre- and post-construction tasks, WEAP training, archaeological monitoring and compliance with established standards should the Project result in the inadvertent discovery of archaeological resources collectively help to mitigate the otherwise potentially significant impacts to cultural resources. Thus, potentially significant impacts to cultural resources would be reduced to less than significant levels with MM-CUL-1 through MM-CUL-5 incorporated.

D. Geology and Soils

- 1) **Significant Effect: Impact GEO-VII-F** – Given the proximity of past fossil discoveries in the surrounding area and the potential for significant invertebrate and vertebrate fossils below any artificial fill present within the proposed Project site, the site is highly sensitive for supporting paleontological resources. In the event that ground-disturbing activities associated with construction of the proposed Project has the potential to destroy a unique paleontological resource or site. Without mitigation, the potential damage to paleontological resources during construction would be a potentially significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. 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.

Mitigation Measure: MM-GEO-1. MM-GEO-1 was proposed to mitigate the significance of GEO-VII-F. The measures set forth in MM-GEO-1 includes, but is not limited to, hiring a qualified paleontologist to prepare a resources impact mitigation program, monitor various stages of the Project, and impose various buffers and conditions in the event that a paleontological resource is unearthed to ensure that the resource is recovered and documented.

Rationale: MM-GEO-1 was proposed to mitigate the significance of GEO-VII-F. Compliance with the monitoring, reporting and preservation measures set forth in MM-GEO-1 would mitigate the potential damage to any paleontological resource unearthed during the construction of the Project. Accordingly, potentially significant impacts to

paleontological resources would be reduced to less than significant levels with MM-GEO-1 incorporated.

E. **Tribal Cultural Resources**

- 1) **Significant Effect: Impact TCR-XVIII-A** – The Project site meets the criteria of historically or culturally significant pursuant to PRC Section 5024.1(g). Additionally, through tribal consultations and cultural resource investigations, tribal cultural resources have been identified within the proposed Project site. Accordingly, given the proposed ground disturbing activities involved with the Project, the Project may result in a substantial adverse change to the significance of a tribal cultural resource that is eligible for listing in the California Register of Historical Resources or in a local register for historical resources and determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1(g).

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. 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.

Mitigation Measures: MM-TCR-1, MM-TCR-2, MM-TCR-3, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, and MM-CUL-5. The mitigation measures identified in Section 3.5.3 and 3.5.5 of the MND have been created to minimize impacts to tribal cultural resources to less than significant. Implementation of MM-TCR-1 would ensure involvement of consulting tribe(s) in the WEAP training of all Project personnel to ensure awareness of the appropriate procedures and protocols they must follow in the event tribal cultural resources are inadvertently discovered; MM-TCR-2 would ensure that consulting tribe(s) are retained to monitor all initial ground disturbing activities and archaeological excavations; and MM-TCR-3 would ensure the proper treatment and protection of any inadvertent discovery of TCRs. Additionally, implementation of MM-CUL-1 would ensure data recovery in areas of high to moderate density and variability possessing data potential capable of providing information about the prehistoric and historic periods in this area; MM-CUL-2 would establish a program of treatment and mitigation in the case of an inadvertent discovery of cultural resources during ground-disturbing phases and would provide for the proper identification, evaluation, treatment, and protection of any cultural resources throughout the duration of the proposed Project; MM-CUL-3 would ensure the preparation and implementation of a Worker Environmental Awareness Program (WEAP); MM-CUL-4 would ensure that a qualified archaeologist is retained to monitor all initial ground disturbing activities and to respond to any inadvertent discoveries during Project construction; and MM-CUL-5 would ensure the proper treatment and protection of any inadvertent discovery of cultural resources, including human remains and burial artifacts, and that all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology, can evaluate the significance of the find.

Rationale: Mitigation Measures MM-TCR-1, MM-TCR-2, MM-TCR-3, M-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, and MM-CUL-5 were proposed to mitigate the significance of TCR-XVIII-A. ~~The measures set forth in these mitigation measures~~ including involvement of consulting tribes in WEAP training and Project monitoring, proper treatment of inadvertently discovered TCRs, data recovery, pre- and post-construction tasks, WEAP training, archaeological monitoring and compliance with established standards should the Project result in the inadvertent discovery of archaeological resources collectively help to mitigate the otherwise potentially significant impacts to tribal cultural resources. Thus, potentially significant impacts to tribal cultural resources would be reduced to less than significant levels with MM-TCR-1 through MM-TCR-3 and MM-CUL-1 through MM-CUL-5 incorporated.

F. Utilities/Service Systems

- 1) **Significant Effect: Impact WAS-XIX-D and WAS-XIX-E** – The Project description estimates a disposal of about 3,150 tons of solid waste. The Santa Barbara County Environmental Thresholds and Guidelines Manual indicates that more than 350 tons of construction-related solid waste could be considered significant. Therefore, without mitigation, the proposed disposal of solid waste will be potentially significant. Furthermore, without mitigation, the proposed disposal of solid waste could violate State and local regulations that set forth the percentage of construction debris that may be diverted from landfills.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. 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.

Mitigation Measures: MM-WAS-1 – Mitigation Measure MM-WAS-1 was proposed to mitigate the significance of WAS-XIX-D and WAS-XIX-E. MM-WAS-1 will ensure that the construction contractor does not dispose of greater than 350 tons of solid waste in any California landfill. This measure will be achieved through recycling and repurposing to the extent practicable and enforced by GSD through a contract mechanism or other legally binding requirement.

Rationale: Mitigation Measure MM-WAS-1 was proposed to mitigate the significance of WAS-XIX-D and WAS-XIX-E. MM-WAS-1 ensures that the total solid waste sent to landfill complies with State and local regulations and falls below the local significance threshold. Accordingly, the potentially significant impact resulting from solid waste disposal will be reduced to a less than significant level with MM-WAS-1 incorporated.

G. Finding Regarding All Other Mitigation Measures

With the exception of those mitigation measures set forth in the MND and explained in these findings, GWSD finds that there are no feasible mitigation measures that would

substantially lessen or avoid any significant effect that the Project would have on the environment.
