

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8TH STREET, SUITE 130  
ARCATA, CA 95521  
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# W11a

**1-21-0653**

**(Humboldt Bay Harbor, Recreation, and Conservation District)**

**May 8, 2024**

**CORRESPONDENCE**

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May 3, 2024

Melissa Kraemer  
California Coastal Commission  
North Coast District Office  
1385 8th Street #130  
Arcata, CA 95521  
Melissa.Kraemer@coastal.ca.gov  
*Sent via email*

Re: Comments on Staff Report for Humboldt Bay Harbor, Recreation, & Conservation District, Application No. 1-21-0653; Agenda item w11a-5-2024

Dear Ms. Kraemer,

We are writing on behalf of Humboldt Waterkeeper, which works to safeguard coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community, and Ecological Rights Foundation, which is dedicated to preserving and protecting California's coastal environment through research, education and the enforcement of environmental laws.

These comments are in response to the Staff Report for the Humboldt Bay Harbor, Recreation, & Conservation District's seawater intakes in Samoa, California (Application No. 1-21-0653). The applicant proposes improvements to two seawater intake systems, installation of new screens, pipelines, and other associated infrastructure to provide up to 11.88 million gallons per day (or 8.250 gallons per minute) of water from Humboldt Bay to support the planned Nordic Aquafarms aquaculture facilities and other coastal- dependent uses on the RMT-II site.

The proposed 4,650-foot-long pipeline trench would be 19 feet long, 5 feet deep, and would traverse several parcels to the north that have been used as lumber mills, plywood mills, a cogeneration plant, and other industrial activities over the past 120 years.

### **Concerns Regarding Impacts from Contaminants Along Proposed Pipeline Trench**

We have concerns related to addressing legacy contamination along the proposed route along the Humboldt Bay shoreline for placing two pipelines (one for bay water and one for industrial fresh water from the Humboldt Bay Municipal Water District). Areas of historic industrial contamination along the proposed trench route have been identified by the property owners and their consultants. Including, for example, a pentachlorophenol wood treatment chemical spray

operation at the planer mill on the former Simpson Samoa Wood Mill<sup>1</sup>, currently owned by California Redwood Company. Pentachlorophenol itself is a known carcinogen. Even more concerning is that pentachlorophenol is invariably contaminated with polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (“Dioxins”), endocrine disrupting chemicals that cause birth defects, reproductive, and developmental harm to humans and wildlife at extremely low exposure levels. Dioxins are the chemicals that were present in the infamous defoliant “Agent Orange” that have caused cancer and birth defects in multiple generations of Vietnamese citizens, and well documented deaths of exposed US soldiers. Dioxins bioaccumulate and biomagnify up the food chain and can have devastating effects on local species. Unlike pentachlorophenol, which can degrade fairly rapidly in the environment, dioxins are extremely persistent, with half-lives measured in decades. Thus, sampling for pentachlorophenol alone is never sufficient for human health or ecological risk assessment. The likelihood of disturbing dioxin contaminated soils and groundwater along the proposed trench line needs very careful consideration, particularly considering that Humboldt Bay is on the Clean Water Act 303(d) list as impaired for Dioxins, in part because the chemicals have been found accumulating in the bay’s fish and shellfish.

As far as we can tell, none of the historic industrial use information as it relates to the pipeline trenching was addressed in the project EIR or other planning documents. Given that the proposed pipeline trench route traverses areas with known or likely Dioxin contaminated soil and groundwater, and given the extreme potential human and ecological risks, the horizontal and vertical extent of contamination must be assessed along the proposed trench line prior to excavation to assure protection of Humboldt Bay’s ecology and mariculture operations, groundwater resources, and the local terrestrial ecology as well. Ground disturbance in these areas has the potential to remobilize Dioxins, heavy metals, petroleum hydrocarbons, PCBs, and other toxic materials that could harm Humboldt Bay in the absence of appropriate avoidance mitigation measures.

Appendix B of the Staff Report (page 7) requires the Project to adhere to recommendations in Mitigation Measure HAZ-1 to address historic soil and groundwater contaminants remaining at the Project Site from historic use are referenced in the Interim Measures Work Plan for the Former Evergreen Pulp Mill, currently referred to as Redwood Marine Terminal II (APN 401-112-021) (SHN, 2020). However, these Interim Measures did not anticipate excavation along the rest of the proposed pipeline route.

Furthermore, the proposed pipeline route traverses some areas that were not included in Humboldt County’s Environmental Impact Report for the Nordic Aquafarms Project. According to the EIR, the area proposed for the pipeline trench located along the shoreline of Humboldt Bay “beyond the Project Site eastern parcel boundaries, is under the jurisdiction of the Harbor District” (Nordic Aquafarms DEIR, page 2-6).

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<sup>1</sup> [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T0602300507](https://geotracker.waterboards.ca.gov/profile_report?global_id=T0602300507)

We are particularly concerned about the potential to mobilize contamination from the area east of APN 401-112-013, which is the site of a former planing mill where a pentachlorophenol spill was identified. The planar mill and areas where pentachlorophenol treated lumber was stored has never been characterized for Dioxins contamination. One known pentachlorophenol spill location on the property was partially excavated. That excavation had to cease at groundwater depth with pentachlorophenol still being detected. No sampling for Dioxins was conducted in soils or groundwater. (SHN, 2001). The section of proposed pipeline between the existing stormwater features and proposed bridge crossing, past No Name Dock, and extending to the southern boundary of Redwood Marine Terminal I (APN 401-031-040) was not included in the Project Description in the County's EIR (*Table 2-1 Project Location Summary*, Nordic Aquafarms DEIR, page 2-6). This section of the proposed pipeline trench is identified on the Site Plan in Exhibit No. 2 (attached).

### **Request for Additional Special Conditions**

- 1) Require pre-excavation characterization of soils in the trench route that delineates the full horizontal and vertical extent of any Dioxins, pentachlorophenol, PCBs, metals, petroleum and polycyclic aromatic hydrocarbons, and other toxic compounds associated with past activities on the site,
- 2) Revise Special Condition 6, A.2 to specify that the Sampling and Analysis Plan referenced in the Dewatering Plan requires that if groundwater is encountered, sampling should be done for pentachlorophenol, Dioxins, and other constituents related to the site history,
- 3) Clarify Special Condition 6, A.3 to require excavated materials, and post-excavation walls and floor, to be sampled for Dioxins, pentachlorophenol, and other contaminants of concern based on site history.
- 4) Specify that soil and groundwater contaminant concentrations should be compared to the San Francisco Regional Water Quality Control Board (SFRWQCB) ESLs for aquatic life (SFRWQCB 2019).
- 5) Prohibit excavation during the wet season to protect the bay from runoff.

Attached are relevant documents and images that support our request for additional Special Conditions.

These requirements are similar to **Special Condition 5. Submittal of Revised Soil and Groundwater Management Plan as approved in Sequoia Forest Products LLC's Application No. 1-23-0136 (Agenda item w12b-9-2023):**

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, an updated Soil and Groundwater Management Plan that includes provisions for the following:

i. Following initial excavation of the area, five-point composite confirmation soil and sediment samples shall be collected from the walls and the floor of the excavation area to evaluate contaminant concentrations in remaining soils and sediment. Concentrations of contaminants shall be evaluated using environmental screening levels (ESLs) of significance that could be harmful to Humboldt Bay aquatic life using the San Francisco Regional Water Quality Control Board (SFRWQCB) ESLs for aquatic life (SFRWQCB 2019). Sampling results shall be submitted to the Executive Director for review and written approval.

ii. If test results reveal that dioxins and furans (measured as TEQs) or other constituents of concern are encountered at ESLs of significance that could be harmful to Humboldt Bay aquatic life, the permittee shall submit an updated Soil and Groundwater Management Plan that provides additional recommendations to mitigate the potential for mobilization of constituents of concern. The revised plan shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

We strongly support **Special Condition 7**, which would require the District to submit a Noise Reduction Plan that ensures noise from the project's pumps do not exceed protective thresholds established by NMFS to prevent harm to marine life.

We appreciate the opportunity to review and comment on this Coastal Development Permit.

Sincerely,

Jennifer Kalt, Executive Director  
[jkalt@humboldtwaterkeeper.org](mailto:jkalt@humboldtwaterkeeper.org)

Fred Evenson, Director  
Ecological Rights Foundation  
[evenson@ecologylaw.com](mailto:evenson@ecologylaw.com)

Cc:

Tom Magney, Regional Water Quality Control Board  
Heidi Bauer, Regional Water Quality Control Board  
Elizabeth Pope, Regional Water Quality Control Board  
Rob Holmlund, Humboldt Bay Harbor District  
Scott Thompson, Nordic Aquafarms



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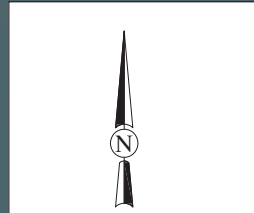
**EXPLANATION**

- ★ INTAKES
- BAY WATER PIPE
- INDUSTRIAL WATER PIPE



**Approximate extent of the proposed pipeline trench that was not analyzed in the County's EIR:**

**FOR PLANNING PURPOSES ONLY**



Path: \\Eureka\Projects\2016\016240-Engr-HBHRCD\005-Intake-Screen\GIS\PROJ\_MXD\BayIntake\_Piping\_SitePlan.mxd User Name: cswanson DATE: 1/12/22 3:25PM

Service Layer Credits:



HBHRCD  
Humboldt Bay Intake Screens  
Samoa, California

January 2022 BayIntake\_Piping\_SitePlan

**EXHIBIT NO. 2**  
**SITE PLAN**  
**CDP APPLICATION NO. 1-21-0653**  
**(Humboldt Bay Harbor District)**





III





New Nav

Vance Ave

Samoa

Samoa Channel





New Navy Base Rd

Vance Ave

Samoa  
Samoa

Samoa Channel

New Navy Base Rd





April 30, 2024

Dr. Caryl Hart, Chair  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105

Re: Application No.1-21-0653 (Humboldt Bay Harbor District Master Water Intakes Project)

Position: Support

Dear Chair Hart:

We write to support agenda item 11a of the commission's May 8, 2024 meeting and to seek your favorable consideration of the Humboldt County Harbor District to redevelop two intake systems and related activities associated with same in order to establish a National Marine Research and Innovation Park with emphasis on establishing aquaculture and mariculture opportunities to produce seafood to augment domestic supplies of desirable species. We thank the members and staff of the coastal commission for your support and guidance to make this 10-year effort spearheaded of the harbor district a reality.

The California Fisheries and Seafood Institute (CFSI) is the west nation's largest regional trade organization representing individuals and companies engaged in the consumer seafood supply industry. Since 1954 CFSI has served our members in legislative advocacy, governmental affairs, and in the promotion and marketing of seafood. The Institute was established for the following purposes:

1. To preserve, foster and promote the industry and to advocate sound legislation and regulations for the improvement, preservation, and promotion of the consumer seafood supply industry; and
2. To promote consumption of seafood and to enhance a positive image of seafood products to consumers; and
3. To protect the right of the public to expect access to seafood of all types as a valuable source of healthful food products; and
4. To advocate true conservation through utilization of the maximum sustainable yield of all marine resource; and
5. To encourage efforts to plant and maintain those species of marine life susceptible to scientific propagation.

*Voice of the Consumer Seafood Industry*

We support the important milestone that is before you and ask for your approval of the intake systems and associated activities listed in the application will help the harbor district and allow Nordic Aquafarms yellowtail production facility to be the anchor tenant of the innovation park.

Our members will be happy to work with Nordic to process and market their superior fresh fish to California restaurants, retailers, grocers, chefs, and consumers. We welcome this *new fishery* to the consumer seafood supply industry.

We respectfully request your favorable consideration of application 1-21-0653.

Thank you very much.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Ross", with a long horizontal flourish extending to the right.

Rob Ross  
Executive Director.



**From:** [Frank Egger](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** May 8, 2024 Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.) Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Friday, May 3, 2024 2:18:21 PM

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DATE: May 3, 2024

TO: California Coastal Commission

RE: Coastal Permit Application 11a. No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)

FROM: Frank Egger, president, North Coast Rivers Alliance

Dear Chair Hart and Commissioners,

The 2024 Pacific Coast Salmon Season has been shut down again, the second year in a row and the third time in California history. California's Chinook and Coho salmon along with steelhead are teetering on extinction. As former North Coast State Senator Peter Behr, the father of California's Wild & Scenic Rivers Act used to say, "extinction is forever".

The billion dollar Pacific Coast fishing industry is collapsing, both commercial and sport. Commercial fishers are facing bankruptcy and losing their boats. Sport fishing is at its lowest levels in decades.

As we speak, the four dams on the Klamath River are coming down and the two dams on the Eel River will follow, all in the name of restoring California's wild salmon fisheries.

The application before you today to withdraw 11+ million gallons of seawater a day at the intake has been piecemealed through in violation of the CEQA process and the cumulative impacts have not been addressed. The Entrainment issue alone should be a non-starter for this project. The Federal Energy Regulatory Commission recently denied the application for the Fort Ross Pumped Storage Hydropower Project on the Sonoma Coast above Jenner and Entrainment was one of the reasons for denial.

Every State regulatory agency with authority over our coastal waters and rivers and their fisheries must be onboard if California is to save her wild salmon. The Elk River in Humboldt County with listed salmonids has been

declared impaired because of e coli. No sewer wastewater should be released into Humboldt's Coastal waters unless cleansed by Reverse Osmosis.

The Coastal Staff Report addresses the Entrainment issue but hands it off to another agency, the CA Department of Fish & Wildlife, to approve a "Take Permit" to kill Coho.

Please, either deny the permit application before you today or continue it to a date to be determined when you can have the CA Department of Fish & Wildlife appear before you to advise you on what needs to be done with this application to not allow a "Take Permit".

Thank you,

/S/ Frank Egger, president, North Coast Rivers Alliance  
13 Meadow Way, Fairfax, CA. 94930  
[fjegger@gmail.com](mailto:fjegger@gmail.com)

# Law Office of Shannon C. Wilhite

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scmwilite.attorneyatlaw@gmail.com

May 3, 2024

Cheryl Hart  
Chairwoman  
California Coastal Commission  
455 Market St., Suite 300  
San Francisco, CA 94105-2219

Re: Comments on CDP #1-21-0653

Dear Chairwoman Hart and Commissioners,

Please accept the following comments in regard to your consideration of agenda item 11a Application No 1-21-0653 Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project.

I am asking that you deny the Humboldt Harbor District application for the Master Water Intake's Project based on the following factors:

The Harbor District should not be able to convince you or the public that the use of the derelict proposed intake and outgoing pipes to be used primarily by Nordic Aquafarms should be approved by your agency when no actual studies have been done and shown to the public that the intake (and fallout pipe) pipe can be used for the purposes stated in Nordic Aquafarms FEIR. The existing RMT II dock intake structure is deteriorated and needs repairs to seal cracks to prevent water from entering the pipe without going through the screen (Nordic FEIR 302-9) and the Red Tank dock intake concrete structure "appears" to be in functional condition (Nordic FEIR 302-9). Considering the District's failure to maintain the outfall<sup>1</sup> and considering the amount of time that these structures have not been in use and maintained, since 2008, sixteen years ago, when the pulp mill closed it is negligent for an agency such as the Coastal Commission to approve a permit for use prior to assurances that the pipes and structures will be able to be used safely for the purpose the permit is proposing.

There are alternatives to the harbor intake that should be given proper consideration. The District argues that an intake pipe from the open ocean is cost-prohibitive and impossible and the Nordic FEIR states on oceanic seawater intake as an alternative

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<sup>1</sup> To note the Nordic FEIR does not state any issues concerning the outfall pipes which shows a lack of transparency and honesty in their work (Nordic FEIR 302-10)



source that “impact from [this] alternative would be less than significant with the incorporation of mitigation measures ....[however] does not discuss the impacts to marine and terrestrial resources.” (Nordic FEIR 302-14) The oceanic intake, and all other alternatives including slant wells and Humboldt Bay seawater wells should be properly assessed as a viable alternative to the current proposed intake because the Coastal Commission report describes the project as having significant impacts on the Bay, including Longfin smelt take. The CDFW recommends that Nordic conduct a comparative analysis of entrainment and impingement impacts of the oceanic intake alternative and Nordic failed to make any comparisons (Nordic FEIR 302-14). The NMFS 1997 guidelines state the most effective method for reducing adverse impacts of entrainment is avoidance. Without a comparison this agency and the public have no ability to make an informed decision on the best intake system. The long-term damage that will result from the extraction of 11.8 million gallons a day of saltwater on the Bay’s ecosystem is actually unknown as Coastal Commission staff explain in their report because there is not “sufficient information about the life history and morphological changes for most species subject to entrainment and cannot even identify many of these species at their early life stages.” Thus, we are playing with fire. Commission approval of this permit will cause a significant increase of loss to the already threatened and endangered and otherwise species in the Bay which essentially authorizes the loss of millions of plankton, eggs, and juveniles which serve as the base of the food chain in the Bay. It is widely accepted that the Bay life is at a fraction of what it was even 40 years ago. A native elder I know remembers when the Bay was so full of Longfin smelt that you could see the schools. Nordic has not properly considered the alternatives under CEQA. The Commission needs to prioritize Bay health and ecosystem, deny the permit and require a feasibility study on the alternatives.

If mitigation is the only requirement this Commission will order, if we want to create a Bay that serves the public trust by providing not just adequate habitat mitigation but mitigation which creates an opportunity to be restored towards what was a thriving ecosystem we need more than 28 acres of highly productive habitat - we should go with the APF for the species most affected Arrow Goby (57 acres of habitat required), who are not a listed species but as a native species is important to protect. This species, which was the most abundant species sampled (Tenera 4-17) is providing vital resources to other Bay species and as such its numbers should not be allowed to be diminished by providing only 28.5 acres not the full 57 acres it would need simply just to remain at its current numbers. The 28.5 acres is an 95<sup>th</sup> percentile AFP estimate taken for just the species that Tenera picked to use in their report. (CCC Staff Report, October 13, 2023, 1-35, 33)

Special condition #2 should require that both NMFS and Army Corps of Engineers permits should be in place prior to the issuance of the permit. Special condition #3, Final Design, should be submitted for staff review and allowed to be open to the public for comments prior to the issuance of this permit. This is the main upgrade that the District relies on to allow it to remove the seawater from the Bay due to the entrainment and impingement of Bay species and as such the design the District promotes should be reviewed carefully.

Lastly Nordic Aquafarm is current being sued in Humboldt Superior Court for FEIR deficiencies, including their failure to adequately describe alternatives.

In the end the Nordic Aquafarm will only add a couple handfuls of jobs and fish that will be sold overseas. What really is this doing for our local community and

ecosystem?<sup>2</sup> The probable damage to the fragile Bay ecosystem is unacceptable.

Thank you for your consideration to denying the District's permit application.

Sincerely,

*Shannon C. Wilhite*

Shannon C. Wilhite, Esq.

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<sup>2</sup> "Nordic Aquafarms is developing an aquafarm in Humboldt, California - close to the largest market for yellowtail kingfish outside of Japan" last accessed on 5/3/2024 at <https://www.nordicaquafarms.com/>.

**From:** [Becki Henson](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** Public Comment on May 2024 Agenda Item Wednesday 11a - Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Friday, May 3, 2024 11:08:26 AM

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I am in support of the Coastal Commission staff recommendation and approve the Harbor District Coastal Development Permit to modernize and operate the seawater intakes. This permit will support the cleanup and redevelopment of a brownfield site into a finfish farm. The Aquaculture Innovation Center will provide opportunities for research and training through collaboration with educational institutions. The proposed mitigation will more than offset the impacts of operating the intakes.

I urge you to approve this application No. 1-21-0653.

Thank you for your time.  
Becki Henson



May 3, 2024

Dear Chairperson Hart and Commissioners:

After a 45-year career in fisheries and environmental policy, I am surprised and dismayed how this action is proceeding. The following are my comments regarding your consideration of agenda item 11a on May 8, 2024:

Whoa! The California Coastal Commission (Commission) is preparing to put the cart before the horse on Coastal Development Permit application number 1-21-0653 for Humboldt Bay Harbor, Recreation & Conservation District. As you are well aware, this application is the water intake portion of the Nordic Aquafarms (Nordic) project—a massive fish farm planned for Samoa Peninsula. Separate Coastal Development Permits have allowed Nordic to piecemeal the project and avoid federal oversight of effects to listed species and critical habitat. By moving ahead with this permit application, the Commission is cutting federal regulators out of involvement in appropriate mitigation and leaving the barn door open so that nothing can be done to address adverse effects for the collective Nordic project in the future.

The threat of disease to wild, native salmonids has not been addressed. The switch to yellowtail/kingfish from Atlantic salmon does not remove the threat of disease to local wild salmon. In particular, yellowtail/kingfish farming comes with a known risk of Infectious Pancreatic Necrosis Virus (IPNV). IPNV is an RNA virus that is smaller than the biofilter size proposed by Nordic and can easily bypass the proposed biofilters and UV treatment. Nordic Aquafarms does not propose, nor does the Commission require, daily PCR testing and ozone treatment of the effluent. IPNV is highly contagious and highly virulent. It can survive in the gut of birds and mammals, which can increase its area of impact. IPNV has high mortality to salmonid fry and fingerlings and can survive in both fresh and salt water. As IPNV spreads from the Nordic facility, salmonids from surrounding watersheds and natal streams will be impacted.

The Commission has already approved the outfall pipe, without addressing the very real threat of IPNV to wild, native salmonids. The Commission has approved development of the fish rearing facility and factory processing, without addressing the threat of IPNV. Now the Commission is setting up to approve the intake pipes without a clear path to addressing take of species under the Endangered Species Act (ESA). Prior to permitting the intakes in Humboldt Bay, it is imperative that ESA consultation be conducted and concluded with the National Marine Fisheries Service (NMFS) through formal consultation with the Army Corps of Engineers (Corps) on the **entire** Nordic Aquafarms project, not just the intakes. The piecemealing of the project into three separate permits limits the ability of the Corps and NMFS to include protective measures that cover all project effects. In addition, the loss of productivity by removing prey biomass is a form of take, because individual fish and cohorts are likely to be harmed by lack of food or reduced prey availability.

The project continues to fail to address the need for a Clean Water Act (CWA) Section 404 permit and confuses the CWA Section 401 permit on the discharge pipe with the permitting needs for the dredging that will occur within Humbolt Bay. This failure slyly obscures the formal ESA consultation needs in an attempt to obviate the consultation and permitting requirements. This failure will make it difficult for the Corps and NMFS to address take of ESA listed species and to consider project effects to ESA listed species and critical habitat.

The project has not only the potential to harm, kill, or injure ESA listed species, it has the potential to eliminate or crash populations of **all** of the salmonids that migrate through the discharge area. Listed and sensitive runs include: *Oncorhynchus kisutch* (Coho Salmon – southern Oregon / northern California Evolutionarily Significant Unit (ESU)), *Oncorhynchus clarkii clarkia* (Coastal Cutthroat Trout), *Oncorhynchus mykiss irideus* (Steelhead – northern California DPS), *Oncorhynchus mykiss* (Steelhead – summer run), *Oncorhynchus tshawytscha* (Chinook Salmon – California Coastal ESU), and *Oncorhynchus tshawytscha* (Klamath River Spring Chinook Salmon). The Environmental Impact Report considers effects to these salmonids as “less than significant” and the Commission has not included any measure to protect these species from IPNV. As these runs crash or are lost due to IPNV, the result will be significant impacts on the native salmonids that are a part of our precious natural resources and our heritage.

Proposing mitigation as simple acres of habitat restoration, as opposed to preventing the spread of disease, does not adequately mitigate for the serious and very real threat of disease and run failure. The proposed Marine Life Mitigation Plan should address necessary mitigation for the entire project and not just the intake impacts. Please reschedule the consideration of this CDP **until after** a complete and specific Marine Life Mitigation Plan is submitted and formal ESA consultation with NMFS has been concluded.

Please slow down and consider that protective measures need to be in place prior to issuing a Coastal Development Permit on application number 1-21-0653. Let the Corps and NMFS complete their regulatory processes before saddling them with a piecemealed project with little to no oversight. Let the Marine Life Mitigation Plan be open to agency and public review, so that important marine life needs can be fully addressed.

Thank you for your consideration of these comments.

Sincerely,

Alison Willy  
Riparian Solutions  
916-690-3501

DATE: May 3, 2024

Re: CDP # 1-21-0653

Chairperson Hart

CA Coastal Commission

455 Market St., Suite 300

San Francisco, CA 94105-2219

Dear Chairperson Hart and Commissioners:

Please accept the following comments regarding your consideration of agenda item 11a on May 8, 2024:

- 1) The sea water intakes should be located offshore to minimize fish contact as described in the National Marine Fisheries Service (NMFS) 1997 guidelines. The NMFS guidelines were provided to the applicant by consultants and are reflected in Appendix R of the project final environmental impact report (FEIR). Construction impacts can be avoided, see additional description in body of letter following below.
- 2) The requirements contained in Special Condition # 3, for a detailed final design of the salt water intakes, should be available for public review and comment by scheduling a subsequent hearing before the CA Coastal Commission. Public participation is crucial for such a complex, and unprecedented proposal.
- 3) The CDP # 1-21-0653 should NOT be issued prior to the submission of a complete, adequate "Marine Life Mitigation Plan", and review at an additional public hearing. Allowing public review and comment on the final Marine Life Mitigation Plans specific elements should be conducted prior to allowing approval by your Executive Director.

These comments are based on my 44 years professional experience as a biologist, work experience with natural resource conservation agencies, and over a decade of monitoring Humboldt Bay Harbor, Conservation, and Conservation District (HBHRCD) project activities.

Additional Comments:

Special Condition # 4 contains significant requirements related to the **Natural Resource damages caused** by the subject project. As stated accurately in the Staff Report (see pages 28, 29, and 31) SUBSTANTIAL and SIGNIFICANT losses of Biological Productivity will occur! It is imperative that this subject Coastal Development Permit (CDP) **NOT** be approved based on what your staff described as "conceptual mitigation" descriptions. Please reschedule the consideration of this CDP AFTER a complete, and specific Marine Life Mitigation Plan is submitted.

The following quote from page 29, describes the limitations of screened pumps for production of sea water; "Even with these measures the proposed project is expected to result in an annual loss of marine

life productivity in Humboldt Bay equal to that produced in about 28.5 acres of the Bay's habitats (Exhibits 8 and 9). This impact is known as the Area of Production Foregone (APF)".

Again, on the staff report page 31, from Analysis of Remaining Impacts from Seawater Extraction – “Even with these protective criteria applicable to salmonids and longfin smelt, the screened intake systems would still result in a **substantial loss of other marine organisms and of biological productivity** (emphasis added) in Humboldt Bay. While the screening and intake standards discussed above would protect against the impingement of larger, mobile organisms, including adult and juvenile fish, they would only slightly reduce the overall rate of entrainment, as most of the marine organisms susceptible to entrainment are small enough to be drawn through screen mesh sizes of 1.0-mm, 0.5-mm, or less, as the vast majority of planktonic organisms are measured in microns, or one onethousandth of a millimeter. Once drawn into the intake, the combined effects of mechanical stress, heating, filtration and other stressors are considered to cause essentially 100% mortality of all entrained organisms. These organisms include fish eggs and larvae, invertebrates, and other zooplankton and phytoplankton in the water column, all of which form the foundation of estuarine and marine food webs. As noted above, these are considered part of the “State’s public trust resources in the bay” and are protected by the Coastal Act.

The most effective method of reducing adverse impacts of entrainment would be **avoidance** as recommended by NMFS 1997 guidelines. The project Final Environmental Impact Report (FEIR) included an appendix R that made CDP applicant aware of these important guidelines to utilize offshore intakes whenever possible to “avoid contact with fish”.

The salt water intake(s) should be located offshore. The intake pipeline could be attached to the top of the Waste Water Discharge pipeline to avoid new construction impacts.

Your staff accepted the inadequate and simplistic approach used in a badly flawed Environmental Impact Report, which failed to conduct a reasonable analysis of alternatives.

The FEIR is currently embroiled in litigation due to many inadequacies including the poor analysis of alternatives as well as dismissive responses to agencies like CA FW, and comments by CA Coastal Commission staff (see letter by Mr. Mark Wolfe, Esq. council for plaintiff, Citizens Protecting Humboldt Bay in appendix 2).

It is important to **NOTE** that the waste discharge pipeline for the Nordic Aquafarms project which will be supplied sea water by the subject CDP is under EMERGENCY stabilization measures covered by a CDP approved by your North Coast Region recently and reviewed at your last Commission meeting. The EMERGENCY CDP requires that permanent repairs be designed and submitted to your Executive Director. An evaluation of attaching the intake pipeline to the top of the redesigned and repaired discharge line should be made a condition of the new work both your staff and the Harbor District anticipate being necessary. Attaching the salt water intake line to the top of the waste discharge line would effectively avoid disturbance of marine habitats.

Reliance on a 60-year-old pipeline to accommodate outflows of 12,000,000 gallons per day is unrealistic:

In consideration of the recent damage to the waste discharge line, your staff and Executive Director should be directed to review and reconsider the approval recently given for use of a 60-year-old pipeline to convey 12 million gallons per day (MGD) of waste for the Nordic Aquafarm project. The nexus for this

review should be intake water is a critical element of the complete water system for the combined project. It is undesirable and not good judgement to allow the Harbor District to continue to increase the outflow demands (up to 12 MGD) on a pipeline that is at the end of the normal expected useful life. Adding 10,000,000 gallons per day of flow to a pipeline currently carrying approximately 70,000 gallons per day for 30 years is extremely bad judgment.

At the end of the 30-year time authorization that CDP #1-21-0653 is proposed for, the waste discharge line will be approaching 90 years of age.

The “piecemeal” approach that permitting has followed for these unprecedented large projects is undesirable. A more comprehensive view of the water flows and connection between intakes and discharges is needed.

Special Condition # 3 requiring that “Final Design” features for the salt water intakes be submitted for review by your staff and consideration for approval by the Executive director eliminates opportunities for public review. This is a concern due to the complexity of the subject proposal. Please schedule the review of the final sea water intake(s) design for a hearing by your Commission to allow public involvement.

Good work on Special Condition # 1. Requiring that the applicant to obtain required permits from both the CA North Coast Regional Water Quality Control Board and CA Dept. of Fish and Wildlife prior to issuance of the subject CDP is a sound and desirable approach.

The Special Condition # 2 allowing the applicant to have time to work with both Army Corps of Engineers, and NOAA, National Marine Fisheries Service (NMFS) up until construction is ready to start is undesirable. These requirements should also be completed PRIOR TO ISSUANCE OF THE SUBJECT CDP #1-21-0653.

Special Condition # 4 requires a “non-wasting endowment” to maintain mitigation areas into the future. Good approach, as well as staff work on method to ensure long term viability of mitigation measures.

Special Conditions # 5, 8, 9, and 10 are well done. Staff work reflects positive consideration of many routine aspects of this very complex proposal.

In item 3. Tidal Restoration and Enhancement Activities, from page 43 of the staff report:

“...Though the District’s proposal **remains conceptual** (emphasis added) at this stage and there are a variety of questions and details yet to be sorted through, this mitigation element appears to be feasible and able to provide what would be considered appropriate mitigation to compensate for part of the lost productivity represented by the APF; however, concerns with the site’s existing infrastructure and rights-of-way on the site may limit the extent of restoration that could occur. For example, there are: (1) an abandoned sewer line in the road right-of-way, (2) an operational sewer gravity main bisecting one parcel, and (3) an electrical right-of-way crossing overhead, any of which may limit what might be possible to implement at the site, including due to ongoing disturbance during maintenance or repair activities for these infrastructure facilities. Also, significant upland portions of the parcels along Bay Street appear to be excluded from restoration plans presently, and it is unclear whether any habitat improvements would be proposed in those areas or if they would be left in their existing condition. Nonetheless, the Commission can at this point provide a rough estimate of mitigation opportunity at the



Bay Street parcels. For the portion of the project that would involve major restoration activities such as the creation of new salt marsh, tidal channels, ponds, and pannes, (sic) and the removal of drainage ditches (though not Spartina removal), the Commission could apply up to a 1:4 ratio, as this would represent a significant improvement within a primarily biogenically structured habitat type (i.e. saltmarsh)..."

"Special Condition 4 that requires the District to obtain **an amendment to this permit and/or separate CDP authorization** (emphasis added) to implement this proposed mitigation element."

Due to the uncertainty described in Section 3. Tidal Restoration and Enhancement Activities quoted above, it is imperative that public involvement be allowed on the final project proposal(s) for mitigation credits being considered. Therefore, any additional efforts by the CDP applicant to have more generous mitigation credits applied for APF mitigation should be scheduled as a public hearing before the full CA Coastal Commission. This approach granting full public participation should be employed for either "amendments to CDP # 1-21-0653", or separate CDP authorizations.

Sincerely,

Scott Frazer

P.O. Box 203

Blue Lake, CA 95525

Submitted via email to : Melissa Kraemer, CA Coastal Commission, North Coast Region

## **Appendix 1**

**Image 1:** Degraded outfall pipe showing...



**Image 2:** Degraded outfall pipe showing...



**Image 3:** Degraded outfall pipe showing...



## Appendix 2



September 26, 2022

### By E-Mail

Board of Supervisors Humboldt  
County

c/o Kathy Hayes, Clerk of the Board

825 5th Street, Room 111 Eureka,  
CA 95501

[cob@co.humboldt.ca.us](mailto:cob@co.humboldt.ca.us),

**Re: Appeal of Nordic Aquafarms California, LLC Coastal  
Development Permit and Special Permit (PLN-2020-16698)**

Dear Members of the Board of Supervisors:

On behalf of Redwood Region Audubon Society, please accept and consider the following points in support of the appeal by 350 Humboldt of the Planning Commission's July 28, 2022 approval of the above-referenced permits for the proposed Nordic Aquafarms land-based finfish recirculating aquaculture system ("Project"). As will be explained, the Final Environmental Impact Report ("EIR") prepared for the Project is factually and legally deficient and fails to meet the standards for information disclosure and analysis prescribed by the

California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq. We therefore respectfully request that the Board of Supervisors GRANT the appeal, decline to certify the EIR, and deny approval of the permits in question at this time.

Preliminarily, we affirm and incorporate by reference the points raised in the August 17, 2022 letter of appeal submitted jointly by Redwood Region Audubon, Humboldt Fishermen’s Marketing Association, and 350 Humboldt. That letter documents informational deficiencies and analytic errors in the County’s environmental impact analysis which, as elaborated upon below, result in a flawed Final EIR that cannot lawfully be certified in its present form.

## **I. Failure to Respond to Substantive Comments from Resource Agencies and Others with Required Facts and Analysis**

Several agencies, individuals and organizations submitted timely written comments on the Draft EIR, noting a number of informational and analytic deficiencies and requesting further disclosure and analysis with respect to a variety of issues. Commenters cautioned that without additional critical information and analysis, there EIR’s conclusion that the Project would have no significant unmitigated impacts would not be supportable.

Key among the public agencies commenting on the Draft EIR is the California Department of Fish & Wildlife (“CDFW”). In addition to serving as a Responsible Agency for this Project pursuant to Public Resources Code section 21069, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California and ensuring fisheries are sustainably managed under the Marine Life Management Act. CDFW is also the public agency responsible for oversight and management of aquaculture activities in the State pursuant to Fish & Game Code section 15000-15703.

In its February 18, 2022 comments (letter no. 302 in the Final EIR), CDFW noted several problematic omissions from the Draft EIR’s analysis. It then listed several concrete recommendations for further investigation and analysis of potential significant impacts that the Draft EIR had either omitted. By way of example:



- CDFW observed that the Draft EIR did not analyze the potential for escaped Atlantic salmon (or the alternative species) to compete with native species for food or habitat resources or consume them as prey, noting that such escapes have been documented during transportation from other land-based facilities, neither did it analyze whether farmed fish will have a ‘biochemical presence’ in adjacent marine waters, via the release of 12 MGD of effluent from the facility. CDFW called this “a critical uncertainty” that must be addressed, since the artificial manipulation of olfactory cues in the environment can disrupt salmon migrations, and local streams are home to runs of native salmon or steelhead that are of conservation concern (e.g., state and federally listed coho salmon in Freshwater Creek, a tributary to Humboldt Bay) or that support important fisheries (e.g., Chinook Salmon in the Klamath Basin to the north).
- CDFW recommended that the Final EIR include an analysis of the potential consequences of an escape event, including during transportation of eggs to the facility, incorporate additional measures to reduce impacts to native marine species if an escape occurs, and address the possibility of olfactory disruption.
- Questioning the Draft EIR’ assumption that the risk of entrainment of longfin smelt larvae is minimal because of low salinity levels at the intakes, and noting that the off-site habitat restoration proposal by the Harbor District to mitigate impacts from its planned upgrade the two intakes in Humboldt Bay, CDFW requested that the Final EIR to revise its analysis of entrainment impacts to assume that longfin smelt larvae are viable throughout Humboldt Bay regardless of salinity levels, and accordingly analyze the potential for take of LFS at each phase of water withdrawal.
- Noting that the Draft EIR omits details on how the intake screens would be cleaned and maintained to avoid changes in approach velocity that risk impingement of fish, CDFW requested that the Final EIR include an Operations & Maintenance Plan for both intakes.

These and CDFW’s other comments and reasonable requests for further study triggered a clear and mandatory duty under CEQA to respond with actual information and good faith, reasoned analysis in the Final EIR. Unfortunately, as discussed below, the County’s comment responses in the Final EIR fall far short of this standard.

Under CEQA, lead agencies have to “receive *and evaluate* public reactions to environmental issues related to the agency’s activities.” (Guidelines, § 15201, emphasis added.) This means that a lead agency has to provide “a good faith reasoned analysis in response[ ]” to every public comment received and cannot simply dismiss concerns raised by the public. (*Santa Clarita Org. for Planning v. County of L.A.* (2003) 106 Cal.App.4th 715, 723.) Therefore, if an agency fails to adequately respond to even a single “significant [public]

comment” highlighting a significant environmental issue, then the EIR is invalid. (*The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-17; see also *Laurel Heights*, 47 Cal.3d at 405 [indicating that an EIR must fully discuss an agency’s rationale in order to “enable meaningful participation and criticism by the public”].) The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or municipalities, sometimes referred to as “sister agencies.” (See *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 357-360.) Conclusory statements unsupported by specific references to empirical information, scientific authorities, or explanatory information are insufficient as responses to comments made by agencies or the public. (CEQA Guidelines, § 15088(c).) Recommendations and objections on major environmental issues that are rejected must be addressed in detail, and the lead agency should explain its reasons for not accepting those suggestions. (*Id.* 15088(c); *People v County of Kern* (1976) 62 Cal.App.3d 761.)

Here, CDFW’s comments unquestionably “raised serious concerns” about the quality of the analysis of impacts to biological resources in Humboldt Bay. The Final EIR’s responses to them, however, are dismissive and perfunctory at best, and they fail to provide the level of “good faith reasoned analysis” required by CEQA. For example, responding to CDFW’s request for further study of the consequences of a possible escape event, the Final EIR simply restates the Draft EIR’s assertions that the likelihood of a fish escape event is low, that survival of an escaped fish is “unlikely,” and that the proliferation of escaped fish is “low.” The response generally refers the reader to Master Response 3, which in turn refers to the Draft EIR’s discussion of the “Alternative Fish Species and Water Sources Alternative” Chapter

4. In other words, rather than perform an actual analysis of the potential consequences of an escape event, including during transportation of eggs to the facility, and rather than incorporating additional measures to reduce impacts if escape occurs, the Final EIR simply dodges the question.

Similarly, rather than actually evaluating the risk of olfactory disruption to native species resulting from the Project’s discharge of pheromones or other chemicals as CDFW requested, the Final EIR’s response to this comment merely asserts that a professor at the University of Maine’s Aquaculture Research Institute disagreed that outflow from a land-based fish farm could cause significant straying (not returning to spawn) and that according to certain unidentified, unappended “literature she has reviewed on the topic,” there is no reason to fear that the Project would cause straying. And rather than providing an Operations and Maintenance Plan for the two intake structures as CDFW requested, the Final EIR simply defers the concern to future consideration after the system is designed. Likewise, rather than amend the Draft EIR’s analysis of potential impacts from impingement to assume LFS larvae would be present throughout Humboldt Bay, the Final EIR simply dismisses CDFW’s concern on this point as “speculative,” citing its own discussion of salinity tolerance of LFS larvae.

The Final EIR's response to comments from the California Coastal Commission are similarly evasive or perfunctory. For example, the Commission questioned the Draft EIR's unsupported assertion that impacts on special-status species and habitat from water withdrawals from the intakes of less than 695 gpm would be "de minimis" such that habitat restoration mitigation would not be necessary, and specifically requested clarification and elaboration to document the factual basis of this assertion. (Comment letter no. 301, p. 2.) In response, the Final EIR states: "[a]s described in the DEIR (Section 3.3.6, Page 3.3-52), it is important to note that the DEIR finds that the impact to Essential Fish Habitat to be a less than significant impact at all levels of water withdrawal and no mitigation is required. From a CEQA perspective this is adequately addressed." (Final EIR, p. 2-81.) This is circular reasoning and is entirely unresponsive to the Commission's concern.

Other commenting organizations raised similar substantive concerns about the Draft EIR's analysis. A consortium of groups including EPIC, the Sierra Club, 350 Humboldt, and Humboldt Baykeeper submitted detailed comments in a letter dated February 18, 2022 (Letter No. 503 in the Final EIR). Among these concerns, which Redwood Region Audubon also raised, was the Draft EIR's treatment of energy consumption and greenhouse gas (GHG) emissions associated with the Project. These groups pointed out that although the CEQA Guidelines do not mandate a full lifecycle analysis ("LCA") to account for "energy used in building materials and consumer products" in typical development projects, a consensus among the international scientific community is that LCAs *are* required to understand the effects of aquaculture, especially on the unprecedented scale of this Project. Commenters presented evidence in the form of published LCA studies of other land-based closed containment recirculating aquaculture systems (RASs),<sup>1</sup> demonstrating that such LCAs are feasible, non-speculative, and indeed critically necessary to estimate the Project's GHG emissions.

In response, the County declined to perform a LCA to more accurately quantify or estimate total GHG emissions from the Project, citing the CEQA Guidelines and claiming that the approach used in the Draft EIR, which accounts for emissions from production processes at the Project itself, but does not account for emissions from production processes for inputs such as fishfeed stock that occur offsite. This response likewise fails to meet the standard for comment responses required by CEQA. Where information is available to address questions raised by the public, an agency must use its best efforts to find out and disclose all that it reasonably can. Guidelines, § 15144; *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commr's* (2001) 91 Cal.App.4th 13544, 1370; *Cleary, supra*, 118 Cal.App.3d at p. 359 (agency has duty to address comments "in detail," providing "specific factual information" as had been requested by the commenter). The decision not to provide the information sought by CDFW ultimately undermines the defensibility of the Final EIR's conclusions that the Project will have no significant impacts on biological resources.

Such cavalier responses fail to meet CEQA's standard for a "reasoned, factual response" to substantive comments from a sister agency. CEQA is clear that "[c]onclusory statements unsupported by factual information will not suffice" as comment responses. CEQA Guidelines, § 15008(c). Rather, substantive comments on material issues must be responded to with "good faith, reasoned analysis." *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1363-1365. At a minimum, the Final EIR must acknowledge the conflicting opinions and explain why suggestions made in the comments have been rejected, supporting

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<sup>1</sup> See Comment letter 503, pp. 9-1.

its statements with relevant data. (*See Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940.)

Furthermore, the EIR's failure to disclose the source of feedstock renders its Project Description inadequate. CEQA is clear that an EIR's project description must include all relevant parts of a project, including activities that will foreseeably result from project approval. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376 (EIR must include an analysis of the environmental effects of other

Project-related action if a reasonably foreseeable consequence of the initial project).) In other words, an EIR's project description encompasses the entire activity that is proposed for approval; reasonably foreseeable indirect changes to the environment that will result from that activity are included in the EIR's analysis of environmental impacts, not the project description. (*City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 477.)

The list of possible sources of feedstock for the Project here is finite and definable. Indeed the Final EIR itself affirms that the Project is "likely to utilize Skretting, Cargill, and or BioMar as feed suppliers." (FEIR, p. 2-212.) Although the Final EIR asserts that these suppliers "will participate in ASC Feed Standards among other certification programs," this obviously does not constitute disclosure, analysis, or mitigation of different potential environmental impacts associated with sourcing feed from each of these particular sources. Such disclosure and analysis was demonstrably feasible and should have been included in the EIR, and its omission renders the EIR legally deficient. (*Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 426, 440 (EIR must provide decision-makers with "sufficient analysis to intelligently consider the environmental consequences of the project [and] must disclose what it reasonably can, and any determinations that it is not feasible to provide specific information must be supported by substantial evidence.)

## II. Inadequate Analysis of Alternatives

In its comments on the Draft EIR, CDFW also asked the County to analyze additional alternative Project locations, and to also evaluate a reduced facility site alternative. CDFW further requested a comparative analysis of entrainment and impingement impacts associated with the three alternative sea water sources described in the Draft EIR, including an offshore oceanic sea water intake that would necessarily avoid any adverse impacts to special-status species and habitat in Humboldt Bay.

While the Final EIR offers some measure of factual support for the Draft EIR's claim that no alternative locations are feasible (the applicant having conducted and documented its site search along the West Coast), it fails to sufficiently explain why a reduced size alternative was rejected. The Final EIR merely asserts, with no facts or analysis in support, that any reduced size version of the Project would be financially infeasible because it "would not yield the required return on the investment to justify development of the Project Site at a smaller scale." The Final EIR fails to justify this claim, which is facially specious, as there must necessarily be a threshold level of investment return per square foot where the Project becomes profitable at some point in the future. That threshold level could easily be (and likely is) significantly lower than the size of the Project as currently proposed. Without this information, the EIR's explanation for why lower size alternative was dismissed as infeasible is unsupported.

Similarly with regard to CDFW's request for a comparative analysis of impingement and entrainment impacts from an offshore intake versus intake as proposed, the Final EIR summarily dismisses this option with an offhand statement: "[a]n oceanic seawater intake would presumably also be designed to comply with the NMFS 1997 fish screen design criteria and would thus result in an equivalent level of impingement and/or entrainment of marine life as the Project's proposed Humboldt Bay screened water intake, albeit species composition may vary." This response simply fails to consider whether habitat quality, species presence, seasonal and tidal differences, etc., differ between the Bay and the ocean to an extent that an offshore intake would result in lesser impacts from entrainment or impingement.

As a consequence, the Final EIR's responses to comments from a sister agency concerning the Draft EIR's alternatives analysis not only fail to meet CEQA's standards for comment responses discussed above, they result in a legally deficient discussion of alternatives in the first instance. An EIR's discussion of alternatives "must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.) The discussion "must reflect the analytic route the agency traveled from evidence to action. . . . An EIR which does not produce



adequate information regarding alternatives cannot achieve the dual purpose served by the EIR, which is to enable the reviewing agency to make an informed decision and to make the decisionmaker's reasoning accessible to the public, thereby protecting informed self-government." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.

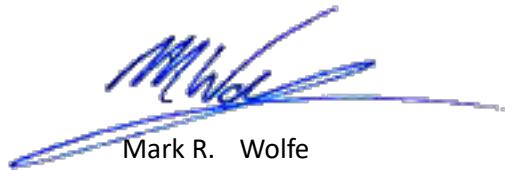
### III. Conclusion

For the above reasons, the Final EIR is not certifiable in its current form. The Board of Supervisors should therefore GRANT the appeal and direct staff to prepare and circulate a revised Draft EIR that addresses the deficiencies outline above as well as those raised by other commenting agencies, organizations, and individuals.

Thank you for your consideration of these concerns.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C



Mark R. Wolfe

On behalf of Redwood Region Audubon Society.

MRW:sa

**COMMISSIONERS**

1<sup>st</sup> Division: Aaron Newman  
2<sup>nd</sup> Division: Greg Dale  
3<sup>rd</sup> Division: Stephen Kullmann  
4<sup>th</sup> Division: Craig Benson  
5<sup>th</sup> Division: Patrick Higgins

Humboldt Bay Harbor,  
Recreation and Conservation District  
(707) 443-0801  
P.O. Box 1030  
Eureka, California 95502-1030



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**Date:** 05/02/24

**To:** Melissa Kraemer

**CC:** Tom Luster, California Coastal Commission  
Chris Mikkelsen, HBHRCD

**From:** Rob Holmlund, HBHRCD

**Re:** Applicant Response to W11a-1-21-0653: CDP Hearing on 05/08/24

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**Introduction**

Following review of the posted Staff Report, items listed below were found to be in error or unclear. The Humboldt Bay Harbor, Recreation, and Conservation, District requests an amendment or an addendum to the Staff Report before the May 8th hearing to clarify these details.

**Items Requiring Clarification or Revision**

**Page 2/3 Clarification – CDFW**

Final CDFW mitigation requirements (acres) have not yet been determined. This is first referenced on page 2, but there are multiple citations throughout the Staff Report. The Harbor District recommends updating the language to note the mitigation requirements remain under review with CDFW and have not yet been finalized. Language presently included reflects recent discussion with CDFW; however, final requirements are yet to be determined, considerate of screen mesh size reductions, phased withdrawals, and other factors.

**Page 5 Standard Conditions - Expiration**

As written, the permit must be vested within two years. The Harbor District requests this be updated to three years to provide greater flexibility in the event of construction delays, to avoid the need to revisit or renew the permit in the future.

**Page 7 – Screen Intake Velocity**

The staff report states the velocity associated with a 1.0 mm screen to be 0.12 feet per second. This is incorrect. The velocity associated with a 1.00 mm screen is 0.20 feet per second. The value of 0.12 feet per second is associated with a 0.50 mm screen. The Harbor District requests that the required velocity be corrected to 0.20 feet per second throughout the staff report and permit. This provides the Harbor District the flexibility to proceed with a 1.00 mm screen in the event CDFW and CCC mitigatory ratios disincentivize the design upgrade to a 0.50 mm screen by retaining mitigatory requirements equivalent (or close to) those required with a 1.00 mm screen.

**Page 8 – Eelgrass Protection**

*Item 7: Eelgrass Protection. The Final Plans shall include a plan showing that all authorized activities and associated structures or infrastructure around Red Tank Dock shall remain a minimum of 30-feet away from the outside edge of any eelgrass bed within or adjacent to the intake site.*

There are eelgrass beds on both sides and along most of the length of Red Tank Dock. Needed infrastructure upgrades includes work along the dock (i.e., saltwater conveyance pipes, electric supply conduits, controls, etc.) that will all be within 30 feet of eelgrass. These activities will not involve in-water work and will not impact the eelgrass; however, activities will be proximal to eelgrass. Further, in-water activities associated with the screen installation and maintenance work at Red Tank Dock may be within 30 feet of eelgrass, but this work is not expected to have any impact on eelgrass. The Harbor District suggests modifying this condition to limit the 30-foot buffer to in-water work only. The Harbor District also requests allowances for in-water work within 30 feet of eelgrass if appropriate monitoring and mitigation is conducted similar to Condition 5.5.b. on page 14 of the Staff Report and to be included in the required Eelgrass Protection Plan. The Harbor District also requests language that allows for impacts to eelgrass with commensurate compensatory mitigation to be detailed in the Eelgrass Protection Plan and reviewed/approved by the Commission. Given the species is annual and present near Red Tank Dock, it is conceivable that small-scale impacts may unavoidably occur, not knowing the future distribution of the species in this specific area two years from now. The Harbor District would accept mitigatory requirements related to any unavoidable eelgrass impacts as an additional Special Condition.

**Page 9 – Clarification of Structured and Unstructured Habitats**

The Staff Report uses the terms structured and unstructured habitats. The Harbor District and their consulting team are not familiar with these terms or the difference between what is considered structured versus unstructured. The Harbor District requests written definitions of these terms in the amended Staff Report, particularly to support mitigation design planning moving forward.

**Page 9 – Spartina Removal Clarifications**

*Item 2c. Up to 15% of the total impact acreage (i.e. up to 4.275 acres) may be mitigated for via Spartina densiflora eradication where no other restoration activity is implemented (e.g., active revegetation), and Spartina constitutes at least 26% of the relative vegetation cover.” See also Page 41. “Even with these ecological benefits, the total amount of credit for Spartina eradication absent other associated mitigating actions (e.g., active revegetation) to be provided as part of overall mitigation for this project should account for no more than 15% of the mitigation needed for the total APF (i.e., about 4.275 acres).* The Harbor District interprets this language to mean that, in addition to Spartina removal to occur at Bay Street, the Harbor District can treat up to an additional 4.275 acres of Spartina to support required APF mitigation. The Harbor District is seeking confirmation from the Commission that we are correctly understanding the language in the Staff Report.

**Page 10, Item 4 & Page 47 – Clarification of Mitigation Requirements**

The Harbor District requests clarification of the provided values of 5.8 acres and 7.125 acres to ensure compensatory mitigation ratios are clearly understood, given there are several different values present throughout the Staff Report specific to mitigatory requirements.

*The Plan shall identify one or more mitigation sites that are available to the Applicant for mitigation use that will provide creation or substantial restoration of at least 5.8 acres of estuarine and/or marine habitat in addition to other potential enhancements. Later in the Staff Report (p.47): By setting a maximum, the Commission is assured that no less than 7.125 acres of compensatory mitigation will be provided by the Project’s 28.5-acres APF while providing some flexibility to address nuances that may arise within specific mitigation proposals. With allowances for enhancement activities such as derelict piling removal and Spartina eradication, the minimum area of mitigation to be provided as habitat creation or substantial restoration would be approximately 5.8 acres.*



The Harbor District is trying to resolve the discrepancy between the two values and requests confirmation that the 5.8 acres are before ratios are applied and the 7.125 acres are after application of the ratios. Or, conversely, is the Commission saying that 5.8 acres of the 7.125 acres must be habitat creation and substantial restoration, while the balance of 1.325 acres may be associated uniquely with *Spartina* treatment only (which conflicts with the 4.275 acres of allowed *Spartina* removal on page 9)? Please amend the Staff Report to clarify and formulaically demonstrate the application of ratios to arrive at a value of 7.125 acres.

**Top of page 35 – Correct CDFW 41%**

*The District proposed, and CDFW concurred, that using a 0.5-mm mesh instead of a 1.0-mm mesh would result in a 41% reduction in longfin smelt entrainment.* The Harbor District understands this to be incorrect. The reduction is actually 43% in total – 20% for the screen design and 23% for the screen size – for the 1.0 mm mesh. There has not yet been agreement by CDFW on reduction of longfin smelt entrainment using the 0.5 mm mesh screens.

**Page 34-36 APF Calculations Related to Screen Mesh Reduction**

The current Coastal Commission Staff Report does not provide credit for the design changes to the intake screens for the project that resulted in decreasing the size of the wedge wire screen (WWS) screen openings at the intakes from 1.0 to 0.5 mm. As per Section 13142.5(b) of the Water Code, this screen size reduction reflects the best available design and technology feasible to minimize the intake and mortality of all forms of marine life. A technical memorandum from Tenera dated March 11, 2024 provided estimates on the expected reduction in fish entrainment with the change to the 0.5 mm WWS. The average reduction in entrainment with the 0.5 mm WWS was 74.8% which resulted in a decrease in the estimate of APF required to compensate for the impacts due to entrainment from 28.8 to 7.8 acres for the estimate at the 95th percentile based on the APF estimates from the seven fish taxa. The estimated average entrainment reduction was 36% for the 1.0 mm WWS. The Staff Report provides no credit for this almost 40% further decrease in entrainment effects using a 0.5mm mesh screen size. Information was also presented in a memorandum from Tenera dated March 29, 2024 that was sent to the Coastal Commission staff showing that most stages of larvae for crabs important in Humboldt Bay are also largely protected from entrainment with the change to a 0.5 mm WWS. The only credit for mitigation was the one percent reduction allowed for in the State Water Board Desal Policy for intakes utilizing intake screens with openings that are 1.0 mm.

The arguments in the Coastal Commission Staff Report and the State Water Board Desal Policy are that fish larvae only comprise a very small proportion of the total number of planktonic organisms subject to entrainment and that the reduction in entrainment for fish larvae is minimal compared to the total entrainment of all forms of plankton. On average, the proportion of fish larvae in the plankton is likely to be small relative to other planktonic forms, but the proportion is also likely to be highly variable. Unlike many forms of plankton (i.e., diatoms, dinoflagellates, copepods, etc.) which may occur throughout the year and fluctuate in response to changes in oceanographic conditions, fish larvae tend to be very seasonal and, at times, likely make up a larger proportion of the plankton at the intake. The same is true for the larvae of many species of crabs that reproduce seasonally. Therefore, protecting fish and crab larvae that generally have limited exposure to entrainment during their reproductive periods is much more important than protecting other plankton that may occur throughout the year, have high replacement rates, and also occur over large areas of the ocean. Due to their life history traits and economical importance, incentives should be given to best available measures that further protect fish and crabs.

The ETM as currently implemented was not designed to be used in estimating APF for intakes with modified intake designs that may exclude larvae due to small screen openings. The ETM was originally designed for use at power plants that typically use intake screens that do not exclude most larval fishes. The calculation of the ETM estimates of proportional mortality (PM) used in this study assumed that the larvae of the seven fishes analyzed would be subject to entrainment over the period of time necessary for the larvae to reach the length when they are no longer subject to entrainment. This



## Applicant Response to W11a-1-21-0653: CDP Hearing on 05/08/24

was assumed to be approximately 25 mm in length. The change in the design of the intake to use 0.5 mm WWS changes the size range and duration of time that larvae are subject to entrainment. These estimates would vary for each taxon due to the different morphology and growth rates among the taxa. This could be accounted for by adjusting the mortality values provided in the Technical Memorandum sent to the CCC Staff that is dated March 29, 2024 to account for only the larvae that would be subject to entrainment. These adjustments would need to be done separately for each taxon to cover only the larvae subject to entrainment through the 0.5 mm WWS.

The Staff Report states that the seven taxa analyzed for the study are surrogates for other organisms subject to entrainment. Fish larvae are not appropriate surrogates for a number of reasons (i.e., larvae can swim, exhibit behavior, are seasonal, etc.), but also fish larvae are differentially subject to entrainment at relatively small sizes when analyzing an intake using 0.5 mm WWS. The APF values used in the Staff Report are based on ETM estimates that may overestimate impacts due to the larval durations used in the calculations. The upper limit on the larval duration for each taxon should be set by the age of the larvae when they are no longer likely to pass through the 0.5 mm WWS, which is less than 25 mm in length used for the 1 mm WWS calculation. These differential effects would not occur for smaller planktonic organisms.

We appreciated that the Staff Report acknowledges that screening improvements (decreasing slot size from 1.0 to 0.5 mm) will benefit larval fish by decreasing entrainment at the intakes; however, there is no incentive to make such improvements if no credit is given to the mitigation acreage. Therefore, we suggest an approach that could be considered in the future or as more data becomes available. The details of this approach are described below.

If the goal of the ETM and APF is to estimate impacts to a broad range of planktonic organisms subject to entrainment, then the best approach would be to use the volumetric model detailed in the initial study completed for the project using a set of durations based on the turnover of the source water body subject to entrainment. This approach was also discussed in Appendix 4 of the Expert Review Panel III Report (2013).

The text in Appendix 4 states that the results of the volumetric model would be expected to provide results similar to those obtained using data from biological sampling. However, the volumetric model ETM estimates from the Tenera 2021 Volumetric ETM Model Report, based on a maximum turnover rate in the source water of 30 days, was 0.104 and very close to the average ETM estimate in the current report for fish larvae of 0.118. This is consistent with the statement in Appendix 4 that there has generally been a “good and unbiased match” between the two methods. Finally, Appendix 4 lists situations that would provide appropriate uses of the volumetric model including projects where the intake volumes are low and also projects with moderate intake volumes that the parties agree to abide by the volumetric approach (e.g., desalinization operations). This applies to the current project in Humboldt Bay.

An alternative approach to the current ETM calculations would be to combine the results from the larval fishes after adjusting for the screen reductions with an ETM estimate based on a volumetric model as proposed in Appendix 4. Using the more conservative, unadjusted estimates from the ETM combined with the results from the volumetric model results from the Tenera 2021 Volumetric ETM Model Report results in reductions in the ETM ranging from 12.0% to 47.9% for source water turnover periods of 30 and 4.16 days, respectively. Using a more reasonable turnover rate for the source water of 14 days results in a reduction of 22.0% (Table 1).

Using this approach, the weighted ETM estimates provided in Table 1, that include consideration of entrainment on small plankton, indicate a reduction in the ETM values that form the basis for the determination of APF mitigation acreage. At the 95<sup>th</sup> percentile, this approach would result in an estimated 16.7 acres to compensate for the impacts of entrainment. The Harbor District requests consideration of this approach and effects on APF as more information becomes available to best incentivize project improvements on this and future projects.





**Table 1. Calculation of weighted estimate of ETM using results from larval fish entrainment study (Tenera 2023) and volumetric model report (Tenera 2021). Weights assume that fish larvae make up one percent of the plankton community and the remaining plankton subject to entrainment are included in the volumetric model.**

	Proportion of Plankton Community	Turnover (d) applied to volumetric model			
		4.16*	7	14	30
Volumetric ETM (%)		0.0611	0.0758	0.0921	0.1040
Current Fish Larvae ETM (%)		0.1183	0.1183	0.1183	0.1183
	Weights				
Volumetric ETM (%)	0.99	0.0605	0.0750	0.0911	0.1029
Fish Larvae ETM (%)	0.01	0.0012	0.0012	0.0012	0.0012
Weighted ETM Estimate (%)		0.0617	0.0762	0.0923	0.1041
Percent Reduction from Current ETM		47.87%	35.57%	21.96%	11.98%
95% percentile APF estimates (acres)		9.9	12.3	14.8	16.7

\*4.16 days is the estimate of turnover using the simple exchange model of Sheldon and Alber (2005) (as cited in Tenera 2021).

**Page 42 – Correct High Cover Spartina Ratio (Typo)**

*For the portion of work that would be limited to treatment of Spartina, which is presently estimated as approximately 2.5 acres of moderate cover and 1.2 acres of the high cover classes (26-60% and 60-100%, respectively), the corresponding ratios of 1:1.7 and 1:1.32 would apply and would total less than the 15% Spartina only treatment threshold of 4.275 acres. The Harbor District assumes this is a typo that should be corrected to 1:3.2.*

**Conclusion**

Thank you for reviewing these requested corrections, clarifications, and updates. We look forward to seeing an Addendum to the Staff Report or similar document to address these issues and appreciate the collaboration shown by the Commission throughout the process.



**From:** [Whittlesey, Joseph](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** RE: Public Hearing Notice 1-21-0653 (HBHD)  
**Date:** Thursday, May 2, 2024 4:25:09 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Humboldt County Division of Environmental Health (DEH) has reviewed the hearing notice and staff report for the subject project, and DEH staff recommends approval with the following comment:

Under California Health and Safety Code, Section 25404 et seq., any business that contains on-site more than 55 gallons, 500 pounds, or 200 cubic feet of a hazardous material, or generates hazardous waste as part of their business activity, must report these activities and be inspected. Contact Humboldt County Environmental Health's Hazardous Materials Unit at 707-268-2220 or [mwoveland@co.humboldt.ca.us](mailto:mwoveland@co.humboldt.ca.us) if you store hazardous materials above these quantities or generate any amount of hazardous waste. Characterize and dispose of all hazardous waste using a licensed hazardous waste hauler and a licensed hazardous waste disposal facility.

Thank you,

Joey Whittlesey  
Senior Environmental Health Specialist  
[Land Use Program](#)  
[Division of Environmental Health](#)  
100 H Street, Suite 100, Eureka, CA 95501  
Phone: (707) 268-2240 – Fax: (707) 441-5699

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**From:** NorthCoast@Coastal <[NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov)>  
**Sent:** Thursday, April 25, 2024 6:00 PM  
**Subject:** Public Hearing Notice 1-21-0653 (HBHD)

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Please see attached and below for a public hearing notice on item 1-21-0653 (Humboldt Bay Harbor District).

## IMPORTANT PUBLIC HEARING NOTICE

### Coastal Development Permit

**Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project).** Application of Humboldt Bay Harbor, Recreation, & Conservation District to (1) redevelop two seawater intake systems at two existing docks and withdrawal up to 11.88 million gallons per day of estuarine baywater to support aquaculture and other coastal-dependent uses,

**From:** [Charity Kemp](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** Public comment on May 2024 agenda item Wednesday 11 A – application number 1–20 1–0653 (Humboldt Bay Harbor District, Humboldt Bay, master, water, intake, project, Humboldt county)  
**Date:** Wednesday, May 1, 2024 3:00:02 PM

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I am in support of the Coastal Commission staff recommendation and approval of the Harbor District Coastal Development Permit to modernize and operate the seawater intakes. The permit will lower the barriers of entry to the aquaculture industry through the creation of the future Aquaculture Innovation Center and will support the cleanup efforts.

Thank you for your time.

Charity Marcelli  
Sent from my iPhone

**From:** [Rob McBeth](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** Public Comment on May 2024 Agenda Item Wednesday 11a - Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Wednesday, May 1, 2024 2:48:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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I am in support the Coastal Commission staff recommendation and approve the Harbor District Coastal Development Permit to modernize and operate the seawater intakes. This permit will support the cleanup and redevelopment of a brownfield site into a finfish farm. The permit will lower the barriers of entry to the aquaculture industry through the creation of the future Aquaculture Innovation Center. The Aquaculture Innovation Center will provide opportunities for research and training through collaboration with educational institutions. The proposed mitigation will more than offset the impacts of operating the intakes. I urge you to approve this application and I support Application No. 1-21-0653.

Thank you for your time.

**Rob McBeth | O&M Industries**

5901 Ericson Way | Arcata, CA 95521

Phone: 707-822-8800 | E-mail: [rmcbeth@omindustries.com](mailto:rmcbeth@omindustries.com)



**From:** [Judy Rice](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Cc:** [rmcbeth@omindustries.com](mailto:rmcbeth@omindustries.com)  
**Subject:** Public Comment on May 2024 Agenda Item Wednesday 11a-Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Wednesday, May 1, 2024 2:19:43 PM

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I am in support of the Coastal Commission staff recommendation and approval of the Harbor District Coastal Development Permit to modernize and operate the seawater intakes. I support the cleanup and redevelopment of a brownfield site into a finfish farm, as this permit will allow.

Thank you,

Judy Rice

(707)496-6399

Lifelong resident of Humboldt County.



**From:** [Andi Chandler](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Cc:** [rmcbeth@omindustries.com](mailto:rmcbeth@omindustries.com)  
**Subject:** Public Comment on May 2024 Agenda Item Wednesday 11a - Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Wednesday, May 1, 2024 1:50:10 PM

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I am in support of the Aquaculture Innovation Center and the opportunities it will provide for research and training through collaboration with educational institutions. I am in support of the Coastal Commission staff recommendation and approval of the Harbor District Coastal Development Permit to modernize and operate the seawater intakes.

Thank you for your time.

Andi Chandler

**From:** [Jim McBeth](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** Public Comment on May 2024 Agenda Item Wednesday 11a - Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Wednesday, May 1, 2024 1:00:18 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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To whom I may concern,

I am in support of the Coastal Commission staff recommendation and approval of the Harbor District Coastal Development Permit to modernize and operate the seawater intakes. The proposed mitigation will more than offset the impacts of operating the intakes.

Thank you for your time.

**Jim McBeth | Project Manager | O&M Industries**  
5901 Ericson Way | Arcata, CA 95521  
Phone: 707-822-8800 | E-mail: [jimm@omindustries.com](mailto:jimm@omindustries.com)  
[www.omindustries.com](http://www.omindustries.com)



**From:** [Teresa Davis](#)  
**To:** [NorthCoast@Coastal](mailto:NorthCoast@Coastal)  
**Subject:** Public Comment on May 2024 Agenda Item Wednesday 11a - Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)  
**Date:** Wednesday, May 1, 2024 12:52:56 PM

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This letter is for my full support of the Coastal Commission staff recommendation and I approve the Harbor District Coastal Development Permit to modernize and operate the seawater intakes. This permit will support the cleanup and redevelopment of a brownfield site into a finfish farm. The proposed mitigation will more than offset the impacts of operating the intakes. I urge you to approve this application and I support Application No. 1-21-0653.

Thank you for your time.

**Teresa Davis - LifeLong Humboldt County Resident**  
[tdavis3823@gmail.com](mailto:tdavis3823@gmail.com)



May 1, 2024

California Coastal Commission  
Sent Via Email to [NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov)

Re: Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)

Dear Chair, Vice Chair and Commissioners,

On behalf of the board and staff of the Greater Eureka Chamber of Commerce, I am pleased to write this letter in support of the Coastal Commission staff recommendation to approve the Harbor District Coastal Development Permit to modernize and operate the seawater intakes, as part of Nordic Aquafarms' project planned for the Samoa Peninsula.

This permit will support the cleanup and redevelopment of a brownfield site into a finfish farm. It will also, importantly, lower the barriers of entry to the aquaculture industry through the creation of the future Aquaculture Innovation Center, which will provide opportunities for research and training through collaboration with educational institutions.

The proposed mitigation will more than offset the impacts of operating the intakes.

We strongly urge you to approve the staff-recommended Harbor District Coastal Development Permit to modernize and operate the seawater intakes.

Respectfully,

  
Nancy Olson  
President | CEO



# OPERATING ENGINEERS LOCAL UNION No. 3

1330 BAYSHORE WAY, SUITE #103, EUREKA, CA 95501 • (707) 443-7328 • FAX (707) 443-9238

Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

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California Coastal Commission  
P.O. Box 4908  
Eureka, CA 95502-4908

[NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov)

Dear Commissioners

I am writing on behalf of Operating Engineers Local #3 District 40 which represents Union heavy equipment operators in Humboldt and Del Norte Counties. We hope that you will support the Coastal Commission Staff recommendations and approve the Humboldt Harbor District Coastal Development Permit to modernize and operate the seawater intakes. Nordic Aquafarms has shown a commitment to mitigation that will more than offset the impacts of operating the intakes and we hope their participation in our community will provide opportunities for training and education through the creation of the Aquaculture Innovation Center.

Our office especially supports this project since the permit will allow the remediation and redevelopment of a Brownfield site into a thriving fish farm that will provide careers for local residents and a new industry to support our community. Operating Engineers Local #3 is confident that the plan for this coastal development will allow Humboldt Bay Harbor to provide careers and opportunities, without compromising the beauty and history of our port. Nordic Aquafarm has continued to exhibit fair and equitable practices for their proposed project and industry for our area. We look forward to seeing this project move forward with your approval of the permits presented.

Sincerely,

Jeff Hunerlach, District Representative  
Operating Engineers Local #3 District 40 Eureka



April 29, 2024

California Coastal Commission  
1385 8th Street #130  
Arcata, CA 95521

Re: Application No. 1-21-0653 (Humboldt Bay Harbor District, Humboldt Bay Master Water Intakes Project, Humboldt Co.)

Position: Support

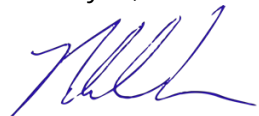
I am writing on behalf of the California Aquaculture Association (CAA)<sup>i</sup> to express support for Humboldt Bay Harbor, Recreation, & Conservation District's proposal for an Aquaculture Business Park (the project).

The project aims to repurpose and enhance existing systems to accommodate Nordic Aquafarms and other potential tenants within the planned "aquaculture business park" situated in the Harbor District. This park, set in the historically significant Samoa Peninsula, once a hub of employment and industrial infrastructure investment, now faces economic challenges with traditional livelihoods waning and resource-dependent industries declining. The park emerges as a pivotal opportunity to revitalize the region's economy by leveraging regional competitive advantages, conducting cutting-edge research, and fostering the development of commercially viable aquaculture and renewable energy technologies.

Drawing on expertise from diverse fields such as aquaculture, marine science, biotechnology, energy, and engineering, the park will serve as a hub for research, development, and commercial application activities. This collective knowledge will inform technology entrepreneurs as they innovate within the burgeoning green economy, creating new markets and opportunities.

Utilizing refurbished industrial infrastructure, the site aims to diversify the economy of the Humboldt Bay region. The park's focus areas include sustainable aquaculture research and production for both shellfish and finfish, renewable energy research encompassing wave, offshore wind, and osmotic power projects, and enhancing regional goods transportation and shipping capabilities through improved public shipping docks and bulk storage facilities.

Thank you,



Michael Lee, Executive Director

<sup>i</sup> The California Aquaculture Association (CAA) is a producer-supported association representing finfish, shellfish, and algae growers and seafood related businesses throughout California since 1983. The CAA promotes commercial production of plants and animals in aquatic systems to satisfy the needs of consumers for wholesome products that are produced by sustainable means conserving California's land and water resources.

**From:** [Flannery, Corianna@Wildlife](mailto:Flannery.Corianna@Wildlife)  
**To:** [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal); [Luster, Tom@Coastal](mailto:Luster.Tom@Coastal)  
**Cc:** [Wilkins, Eric@Wildlife](mailto:Wilkins.Eric@Wildlife); [Aarreberg, Arn@Wildlife](mailto:Aarreberg.Arn@Wildlife)  
**Subject:** edits to Nordic Intakes staff report  
**Date:** Wednesday, May 1, 2024 11:50:07 AM

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Hi Melissa & Tom,

Just a few edits to the staff report for your consideration. Thought it would be easiest to copy the text from the staff report and track change our edits. Of most importance is the edit regarding our concurrence on reducing entrainment for the new screen design. And just a heads up - I will be unavailable after today (will return to the office May 28). Ccing Eric and Arn if you have any questions. We are working on calculating how the revised screen design reduces take and mitigation and will be providing the HD with a written response. That may be provided while I am out on leave, currently under review. Will share that with you all once we can.

- California Department of Fish and Wildlife (CDFW): The project requires an Incidental Take Permit from CDFW pursuant to the California Endangered Species Act for projected incidental take of state listed threatened Longfin Smelt (*Spirinchus thaleichthys*). ~~and Coho Salmon (*Oncorhynchus kisutch*).~~

The District ~~additionally developed an APF for~~ **estimated entrainment** of longfin smelt, pursuant to guidance by CDFW and to allow for any mitigation needed specifically for this listed species could be provided. CDFW used a modified calculation method to determine expected entrainment and needed mitigation for the longfin smelt.

- **The District did not calculate APF for longfin smelt due to limited data.**

The District proposed, ~~and CDFW concurred,~~ that using a 0.5-mm mesh instead of a 1.0-mm mesh would result in a ~~41%~~ reduction in longfin smelt entrainment. **CDFW is still reviewing the District's revised screen design and proposed reduction in entrainment and mitigation.**

- **The District proposed a ~93% reduction from 28,013 to 1,961 larvae by using the 0.5-mm slot size. We did previously agree to a reduction in entrainment based on the 1.00mm screen design and other benefits of WWS module design (reduction from 28,013 to 15,881 larvae) - but we are not at agreement on the reduction in take/mitigation for the revised 0.5-mm design. Will be providing the HD with a written response.**

Cheers,  
Cori

Corianna Flannery | Environmental Scientist  
California Department of Fish and Wildlife – Marine Region  
Environmental Review and Water Quality Project  
619 Second St., Eureka, CA 95501  
Cell: (707) 499-0354  
[Corianna.Flannery@wildlife.ca.gov](mailto:Corianna.Flannery@wildlife.ca.gov)  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)