

## McNamara, Cade

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**From:** Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>  
**Sent:** Friday, February 18, 2022 1:49 PM  
**To:** CEQAResponses  
**Cc:** McNamara, Cade; loetker@humboldtby.org; Teufel, Cassidy@Coastal  
**Subject:** Comments on Nordic Aquafarms Land-Based Aquaculture Project DEIR  
**Attachments:** CCC-NordicDEIRComments2-18-2022.pdf

Hello Cade  
Attached please find Coastal staff's comment letter on the DEIR.  
Thank you

**Melissa B. Kraemer** *(she/her)*  
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California Coastal Commission  
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**CALIFORNIA COASTAL COMMISSION**

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February 18, 2022



Cade McNamara, Planner II  
Humboldt County Planning & Building Dept.  
3015 H Street  
Eureka, CA 95501

RE: Comments on Nordic Aquafarms Land-Based Aquaculture Project DEIR

Dear Mr. McNamara,

The California Coastal Commission (Commission) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above-referenced Project. As noted in Table 2.2, implementation of the Project will require approval of coastal development permits (CDPs) by the Commission (for the seawater intake and ocean discharge aspects of the project) and the County (for the construction and operation of the onshore fish cultivation facility). The County's approval of its CDP for the project would be appealable to the Commission pursuant to section 30603(a) of the Coastal Act and section 312-13.12 of the County Coastal Zoning Regulations, because the Project would be located between the sea and the first public road and/or within 300 feet of the inland extent of a beach or of the mean high tide line and/or within 100 feet of a wetland or estuary.

To fulfill its regulatory responsibility, the Commission will rely on information contained in the final EIR in assessing the Project's environmental effects and conformance with applicable policies and standards within County's local coastal program (LCP) and/or the Coastal Act. The final EIR would be used in the consideration of any appeal of the County's CDP (should any such appeal be filed) and/or in the review of the portions of the development within the Commission's primary permitting jurisdiction.

At this time, the focus of our comments is limited to just some the coastal resource issues raised in the CDP evaluation and Project conformance with the applicable policies and standards within County's LCP and the Coastal Act. Commission staff has separately, through its CDP review process, provided detailed comments and requests for additional information to Nordic and the Harbor District in response to their respective CDP applications submitted for the ocean discharge and seawater intake components of the Project, and we will continue to share our application comments with the County and collaborate with the County on CDP application review.

1. Rare Plant and Dune Mat Impacts, Buffers, and Alternatives

Sec. 3.3.6, pg. 3.3-13 states that approximately 0.87 acres of dark-eyed gilia and/or dark-eyed gilia habitat, including an estimated 100,000 individual dark-eyed gilia plants,

would be significantly impacted during construction and operation of the Project. Dark-eyed gilia is recognized by the California Natural Diversity Database and California Native Plant Society's California Rare Plant Ranks as a species with the rarity ranking of 1B.2: "plants rare, threatened or endangered in California and elsewhere, fairly threatened in California." Most of the rare plant area is near the southern portion of the property in the Phase 2 project footprint (pg. 2-15; Appendix F, Figure 3). This impact is proposed to be mitigated offsite at a 3:1 ratio in an area "where natural dune ecosystems are established and where gilia would be better protected by restoring contiguous dune habitat with intact dune systems and long-term protection within natural resource conservation areas off-site..." (pg. 3.3-13). Impacts to dune mat (characterized in the DEIR as either high or low quality) are discussed on pgs. 3.3-54-55. The project proposes to use the offsite rare plant mitigation site(s) as a combined mitigation area to also provide mitigation for impacts to low quality dune mat and to avoid areas of high-quality dune mat plant communities.

The Alternatives chapter of the DEIR (sec. 4) evaluates a limited range of alternatives and excludes discussion of an alternative that includes only Phases 0 and 1 or another smaller-scale alternative. Please expand the range of alternatives evaluated in section 4 to consider feasible smaller scale alternatives for the terrestrial footprint of the proposed development that may reduce the effects of the Project on dark eyed gilia and dune mat plants and habitat areas.

In addition, although areas deemed high-quality dune mat in the DEIR would be protected with a 35-ft buffer from the nearest building, a 20-ft-wide pervious fire road would be constructed within the 35-ft setback area. While this proposed buffer width and use within the buffer may be appropriate, there is no rationale included in the impact analysis explaining the conclusion that 35 feet is sufficient to protect the resources of the high-quality dune mat, including with a 20-ft-wide fire road in the setback area. Please add this discussion on buffer width adequacy and explain how proposed future uses within the buffer will not degrade the adjacent high-quality dune mat habitat area.

## 2. Impacts to Biological Productivity and Proposed Mitigation for Seawater Use

Section 2.4.7 (Project Description, pg. 2-56) discusses offsite restoration activities to compensate for the reduction in biological productivity anticipated from the proposed phased water withdraw at the RMT II and Red Tank docks. The offsite restoration activities, involving removal of derelict piles from the Fields Landing area and removal of invasive *Spartina* from unidentified site(s) in Humboldt Bay, are proposed to mitigate for impacts associated with water withdraw amounts above 694 gallons per minute (gpm). No compensatory habitat restoration would be provided for cumulative water withdrawal by the intakes below 695 gpm, because "effects of this small amount of water withdrawal are considered de minimis and habitat restoration to offset impacts to bio-productivity are not necessary." Please clarify and elaborate on why it is believed that water withdrawals less than the 695 gpm threshold do not impact biological productivity, including sensitive species or habitats. If the Project would result in adverse impacts to

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sensitive species and biological productivity at extraction levels lower than the proposed 695 gpm threshold, such impacts should be fully mitigated.

In addition, please further elaborate on how the proposed mitigation involving removal of derelict piles from the Fields Landing area and removal of invasive *Spartina* from unspecified sites in Humboldt Bay is appropriate mitigation to offset and compensate for impacts to biological productivity from bay water withdraw amounts above 694 gpm, since site-specific surveys to understand and quantify such impacts have not yet been conducted, and the specific *Spartina* mitigation sites have not been identified.

Furthermore, while eelgrass protection measures are included for eelgrass known to grow near the Red Tank dock intake site, the DEIR does not address potential impacts to eelgrass that may occur through proposed pile removal activities within and adjacent to eelgrass beds at the Fields Landing mitigation site (stating only (on pg. 3.3-58) "Pile removal would benefit eelgrass in Humboldt Bay by creating additional eelgrass habitat and would thus self-mitigate temporary impacts to eelgrass"). The Project should include provisions for preparing and implementing an eelgrass mitigation and monitoring plan for proposed restoration/mitigation work within and adjacent to eelgrass habitat in conformance with the California Eelgrass Mitigation Policy to understand any direct and indirect impacts to eelgrass that may occur through the proposed activities.

Finally, please note that the mitigation approach for impacts to sensitive species and biological productivity presented in the DEIR may not be adequate to ensure consistency with the Coastal Act policies on the protection and enhancement of biological productivity of coastal and estuarine waters. The Commission's consideration of mitigation is typically based on an understanding of a project's calculated impacts, developed through data collection and analysis efforts to ensure the constituent species and life-stages present in the intake source water are fully understood. In this case, sampling and analysis of data to affirm the impact assumptions in the DEIR has not yet been completed or provided.

Thank you again for the opportunity to comment on the DEIR. As mentioned, we will continue to collaborate with the County on the review process for the three CDP applications necessary for the Project. If you have questions concerning these comments, please contact either Cassidy Teufel ([Cassidy.Teufel@coastal.ca.gov](mailto:Cassidy.Teufel@coastal.ca.gov)) or me ([Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)).

Sincerely,



Melissa B. Kraemer  
North Coast District Manager

