



Thursday, November 9, 2023

Humboldt Bay Harbor, Recreation and Conservation District

1st Division Commissioner Aaron Newman

2nd Division Commissioner Greg Dale

3rd Division Commissioner Steven Kullman

4th Division Commissioner Craig Benson

5th Division Commissioner Patrick Higgins

[Re: Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project](#)

Dear Esteemed Commissioners:

On behalf of 350 Humboldt, a grass-roots climate change organization, we thank you for the opportunity to submit these comments to the Humboldt Bay Harbor, Recreation and Conservation District (Harbor District) on the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project.

[Introduction](#)

We are a community deeply connected to and reliant on the natural world and recognize the harm we see to Humboldt Bay and other natural resources as a result of climate change and support immediate action. We are committed to working in partnership with the Harbor District to develop and fund a state-of-the-art Wind Terminal that uses best available technology for achieving zero-emission goals to maximize climate benefits, includes safeguards to protect against increased risk of sex-trafficking and Missing and Murdered Indigenous People (MMIP), prevents degradation of fisheries and the environment, protects cultural resources, and brings infrastructure, regenerative economic and other benefits to our region.

As you saw in the number of residents who attended last month's meeting both virtually and in-person, there is a lot of interest and concern in this Project and making sure it moves forward in a way that is transparent, reflects community values and complies with environmental and other laws and policies. We are heartened by the Commission's interest in providing more regular updates on the Wind Terminal given the scale of this project and the many unknowns regarding its impacts and how they will be addressed.

We are concerned that, as of this letter, the District has still not provided an update to the serious concerns raised in writing by several Tribal Nations, community based organizations, and other partners regarding MMIP. The risk of MMIP was brought up by our organization in a previous submission as well as in comments from Bear River Band of the Rohnerville Rancheria, the Blue Lake Rancheria, California Center for Rural Policy, Changing Tides Family Services, College of the Redwoods, CORE Hub, the Hoopa Valley Tribe, Humboldt County Association of Governments, Northern California Indian Development Council, Peninsula Community Collaborative, Peninsula Community Services District, Redwood Community Action Agency, Selkie Land and Sea, Sierra Club North Group of the Redwood Chapter, Surfrider Foundation Humboldt, the Yurok Tribe, and multiple other parties.

We hope that the District will provide a formal update on how they are supporting progress towards a wind terminal-related agreement with members of local communities that centers community decision-making and addresses identified needs, and includes how this agreement will be incorporated as part of the option to lease. The District passed "[Resolution No. 2023-05 concerning offshore wind development off the West Coast of the United States and around Humboldt Bay](#)" over nine months ago. That resolution directed staff to: *"8 d} support and/or participate in negotiations of community benefits agreements or similar agreements related to community benefits, workforce development, procurement, and mitigation of impacts, with offshore wind development leaseholders and other project developers, participants, interested parties, and affected communities which advances the District's goals for Humboldt Bay and the regional vision and roadmap for offshore wind development which will be developed."* In addition to the Harbor District, the County of Humboldt passed a resolution^[1] supporting CBAs for offshore wind and related development, including supporting the efforts of the CORE Hub and its partners. In addition to local commitments, the federal government and state of California are each firmly behind community benefits agreements. Notably, the California Coastal Commission—who will be lead for the wind terminal Coastal Zone Act Consistency Determination has stated they expect a CBA or multiple CBAs between local environmental justice communities and *infrastructure* developers—not limited to offshore wind lessees.^[2] CBAs are

also a key tool of the federal administration. Key federal agencies who would fund the wind terminal, such as the Department of Energy, include requirements for community benefit plans and agreements in order to be eligible and competitive for funding, while all federal infrastructure funding, given requirements around Justice40, and Executive Orders around environmental justice, Tribal Nations and climate, will consider engagement and benefits to affected communities, and will be supported by a community agreement.

CORE Hub, and multiple other parties, brought up the values of a community agreement in NOP comments. A strong, enforceable agreement is an important vehicle for providing confidence to the community around issues raised around developer conduct and project design, operations and decommissioning. CORE Hub and partners, of which we are one, are advocating for a community agreement executed with local community groups which includes terms to address: community infrastructure and services; community leadership, engagement and decision-making; cultural and environmental protections; Tribal leadership and ownership; climate resilient design; community safety; regenerative economic development; and local fisheries and aquaculture protections.

These agreements and terms are no substitute for a strong environmental review process, and we continue to ask, as raised in our comments, for an environmental review process in compliance with CEQA, with the option to lease approval granted only after the completion of the CEQA process. The District's current approach puts the public in the challenging position of seeking to negotiate for terms to reduce environmental impacts and protect the surrounding community without knowing what the scope or scale of the project or its impacts and how they may be addressed, undercutting confidence in the terminal.

Specifically, we request the Harbor Commission:

1. Respond to Tribal Nations and community-based organizations regarding the need for policies to prevent and respond to issues related to MMIP, and define how the District will incorporate these policies in the wind terminal project (protections in a lease, a CBA, an option to lease, or a District-wide policy), including as a condition of Lease approval.
2. Commit to addressing community needs and concerns in an executed community agreement with community groups which includes community governance and enforcement with key terms in the Wind Terminal option to lease as a condition of the Commission's approval of the option to lease.

These requests are made in the spirit of partnership to ensure the project moves forward in a way that grows community trust and support. We know that is your commitment and appreciate your consideration.

Thank you for your leadership and partnership.

Sincerely,

350 Humboldt Steering and Offshore wind Committees

Nancy Ihara

Jenifer Pace

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