

**Humboldt Bay Harbor, Recreation, and Conservation District****Mariculture Pre-Permitting Project      Permit No. 13-03 Amendment #1****CEQA Compliance**

The Humboldt Bay Mariculture Pre-Permitting Project (Project) is regulated via permits from the California Coastal Commission, the U.S. Army Corps of Engineers (USACE), the North Coast Regional Water Quality Control Board (NCRWQCB), and the Harbor District itself. As a pre-requisite to permit applications to these agencies for the Project, the District prepared and certified an Environmental Impact Report (EIR) that assessed the potential environmental impacts of the Project and outlined mitigation measures to reduce any impacts to less than significant (EIR certified 2/25/16). During the permit approval process, the removal of twenty-one (21) derelict pilings from Humboldt Bay was included as an additional benthic habitat mitigation measure as a condition of approval. Removal of these piles will create new benthic habitat that will mitigate for habitat loss due to the project's placement of piles, anchors and other mooring devices.

A Marine Habitat Mitigation Plan was prepared and approved by the Coastal Commission that clarifies the location, removal method, and BMPs for the 21 derelict piles that will be removed (per CDP 9-16-0204 Special Condition 9). Although, this specific mitigation measure was not originally included in the Final EIR for the Project, or in the original Permit 13-03 it was considered to be consistent with the applicable CEQA requirements for Coastal Commission CDP approval. In addition, because Coastal Commission approval of CDP applications must be supported by a finding showing the application, as modified by any conditions of approval, be consistent with any applicable requirements of CEQA, the piling removal would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the Harbor District as lead agency has determined that no further CEQA documentation is required for the piling removal (per CEQA guidelines 15162).

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The following Coastal Commission staff report and CEQA Guidelines excerpts are included for reference:

**CDP 9-16-0204 Staff Report Excerpt (10/13/16, pg. 30)****"E. California Environmental Quality Act**

On February 25, 2016, the Humboldt Bay Harbor, Recreation, and Conservation District certified a Final Environmental Impact Report for its development of a three subtidal sites for shellfish and macroalgae aquaculture operations. In addition, Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

F. Consulted Parties.

During the course of its review of this project, Commission staff consulted with staff of the Humboldt Bay Harbor, Recreation, and Conservation District, U.S. Army Corps of Engineers, National Marine Fisheries Service, California Department of Fish and Wildlife, and North Coast Regional Water Quality Control Board. In addition, Commission staff also solicited input from interested parties, including local residents and Audubon.”

**CEQA Guidelines Section 15162. SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS**

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

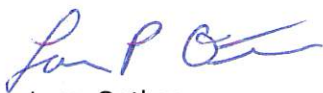
(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.



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