March 25, 2025

Planning & Building Department
Long Range Planning Division
County of Humboldt
3015 H St., Eureka CA, 95521

Submitted electronically via email to CEQAresponses@co.humboldt.ca.us

Re: Undeclared Conflicts of Interest Undermine Viability of the Draft Environmental Impact Report for the Humboldt Regional Climate Action Plan

To responsible officials:

Our organization Biofuelwatch appreciates the opportunity to submit this brief letter to the Humboldt County Planning & Building Department (the County) as comment on the Draft Environmental Impact Report (DEIR) for the Humboldt Regional Climate Action Plan[1] (HRCAP). Biofuelwatch[2] is an international organization that works to increase public understanding and civic engagement on the land-use implications of climate policy. We work internationally and have extensive experience in Sacramento on a large variety of energy, biodiversity and climate policy matters.

We have a particular focus on the environmental harms and social inequities of large-scale industrial bioenergy projects, and we work extensively on addressing the negative ecological and social outcomes of policy and actions that are justified as being beneficial to the global climate, yet carry with them risks and threats to public health, economic stability and natural resources.

This letter is not the first time that Biofuelwatch has engaged on the HRCAP. However, it is clear that our previous comments and submitted evidence have been totally disregarded.

We will briefly expose the deficiencies of the DEIR in this letter. Unfortunately, if brought to fruition, the HRCAP promises to do more harm than good. The HRCAP will exacerbate global climate problems rather than address or mitigate them. It is troubling that our previous comments have been so brusquely pushed aside, the County seem intent on exporting harms and greenwashing climate damaging activities taking place in the County while failing entirely to address the root causes of climate change.

101-1

[1] https://humboldtgov.org/2464/Humboldt-Regional-Climate-Action-Plan
[2] http://www.biofuelwatch.org.uk/

DEIR Fails in the Most Basic Sense of Providing Accurate Information

In reviewing the DEIR our conclusion is that the absence of accurate information, the presence of inaccurate information, and the failure of the interests involved in preparation of the DEIR and the HRCAP to reveal their conflicts of interests are fatal flaws. It is evident that the DEIR will need at a minimum to be recirculated to correct these serious deficiencies. The truth of the matter is that the entire HRCAP needs to be reformulated. As it stands, and using only the singular matter of 'renewable diesel' as an example, the DEIR is not viable. It is lacking in accurate information about the existing legal and policy landscape governing the development of a regional climate action plan, and what information that is provided is incomplete, confused, and lacking context. 101-2

Renewable Diesel as A Singular Example of the Flaws of the HRCAP

Our previous comments on the HRCAP were focused on several broader themes for the problems that we identified in the HRCAP. The comments in this letter on the DEIR however are focused singularly on the failure of the DEIR to provide accurate information about 'renewable diesel' (RD). The HRCAP and the DEIR fail to even properly define and describe 'renewable diesel,' much less adequately assess the local, regional and global impacts of the HRCAP prioritizing this liquid energy product as a supposed mechanism to achieve emissions reductions. 101-3

Complete Failure to Declare Existing and Future Conflicts of Interest of Preparers of the DEIR

Compounding the problem, the company Rincon Consultants[3], which has a lead role in the development of the DEIR, completely fails to describe their conflicts of interests and their commercial relationship with the product 'renewable diesel,' as well as other 'alternative fuels,' such as hydrogen, that are elevated in the HRCAP. The failure to identify this conflict of interest raises serious concerns as to why the DEIR is so deficient in providing accurate information about energy products like 'renewable diesel.'

Rincon Consultants conflicts of interest arise from their status as a California Air Resources Board (CARB) accredited third-party Low Carbon Fuel Standard (LCFS) verification body,[4] which Rincon Consultants completely fails to mention anywhere in the DEIR or HRCAP documentation. Rincon Consultants has never, during the entirety of their involvement in the preparation of the HRCAP, declared their conflicts of interest or articulated their commercial relationship with the LCFS. This is inexcusable. 101-4

Rincon is accredited by CARB to verify LCFS fuel pathway applications and reports, LCFS quarterly fuel reports for alternative fuels, and carbon capture and sequestration reports under the LCFS[5]. These are all commercial activities that are related to the proposed actions in the HRCAP, and from which Rincon Consultants is positioned to benefit from monetarily.

The fact that Rincon Consultants has this professional and revenue generating experience with the LCFS makes the failure of the DEIR to adequately describe the LCFS and Renewable Diesel

[3] https://www.rinconconsultants.com/

[4] https://www.rinconconsultants.com/2020/03/05/low-carbon-fuel-standard-lcfs-accreditation/

[5] https://ww2.arb.ca.gov/lcfs-verification

(RD) all the more problematic. If Rincon Consultants are not competent enough to cover the material related to the LCFS adequately that is a serious problem. If Rincon Consultants are purposely not informing Humboldt County decision makers and residents about a crucial matter such as the LCFS that they full well know about in detail, that is also a serious problem. Both of these possibilities make the DEIR unviable, and raise heated questions as to the motives of Rincon Consultants to contribute to such a problematic DEIR that contains inaccurate information while in other instances abstains from including key information.

Biofuelwatch inquired of County staff about the role of Rincon Consultants in the preparation of the DEIR, and this is the response we received:

> *"Rincon Consultants has coordinated with the county, incorporated cities, HCAOG, HTA, HWMA, and RCEA through extensive interviews to draft the RCAP and refine the measures and actions identified. They also developed the Administrative DEIR which was updated per RCAP partner's review. They have also consulted the RCAP partners on the CEQA process for RCAP adoption and recommended CEQA GHG thresholds necessary to reach the identified targets for GHG emissions reductions.[6]"*

101-4 cont.

Apparently not even County staff seem to recognize that Rincon Consultants is a CARB accredited third-party verification body for the LCFS. But the response does expose and confirm how Rincon Consultants has indeed had a major role in the development of the DEIR and the HRCAP.

Unfortunately, the failure of the DEIR to adequately assess the impact of an energy product like RD also reflects on entities like Redwood Community Energy Authority (RCEA), who should know better and should have provided feedback to avoid these crucial errors.

This issue of undeclared conflicts of interest completely undermines the reliability of the DEIR and the HRCAP, and raises serious issues about whether the public should trust the information presented in the DEIR. It is the advice of our organization to the Board of Supervisors and the residents of Humboldt County <u>that they should not trust the DEIR to have provided accurate information</u>. The DEIR is fatally flawed.

Failure to Properly Describe the Low Carbon Fuel Standard

Doing a key word search of the DEIR for the term 'Low Carbon Fuel Standard' turns up four (4) results. Notably, despite the importance of the LCFS at a state level, and despite the relevance of the LCFS to several of the proposed measures in the HRCAP, the LCFS is not itself described once in the entire CAP. This oversight is made more egregious by the fact that Rincon Consultants, as described above, is accredited by CARB as a LCFS verification body. The failure to properly and accurately describe a high profile and relevant climate policy mechanism from which the company Rincon Consultants benefits monetarily and which has a key relationship to numerous measures proposed in the HRCAP is unfathomable.

101-5

[6] Email from Megan Acevedo, Associate Planner with Humboldt County.

Failure to Accurately Define or Describe Renewable Diesel

Despite having received comments during the Scoping of the HRCAP, as well has having received extensive comments on the Draft HRCAP that specified the need of the DEIR to fully define, describe and assess the known impacts of RD, the DEIR still fails to describe RD, to articulate how it is made or where it comes from, or to address current known dynamics such as the conversion of refineries in the San Francisco Bay Area to operating as liquid biofuel manufacturing facilities. How it is that Rincon Consultants fails to even offer a viable definition of RD in the HRCAP while prioritizing the uptake of this product as a supposed emissions reduction measure is beyond comprehension. 101-6

Confusion of Biodiesel and Renewable Diesel Exposes Deficiencies in the DEIR

To make matters worse, and reflecting very badly on Rincon Consultants and the County, is the incoherence in the DEIR about RD. There are blatant errors in the DEIR that are either purposefully meant to confuse the reader, or indicate total incompetence. As a specific example, a key word search for the term 'biodiesel' turns up four (4) results in the DEIR, all of them in one singular paragraph in Section 3.5 (see page 3.5-13) on the Environmental Impact Analysis of Greenhouse Gas Emissions and Energy in a section on "Alternative Vehicle Fuels."

This paragraph reads:

> "*Biodiesel is a renewable alternative fuel that can be manufactured from vegetable oils, animal fats, or recycled restaurant grease. Biodiesel is biodegradable and cleaner-burning than petroleum-based diesel fuel. Generally, biodiesel can run in any diesel engine without alterations, but fueling stations have been slow to make it available. There is one biodiesel refueling stations in Eureka and one in Arcata and a total of six within Humboldt County.*" 101-7

To be clear, <u>this is not factually accurate</u>. What makes RD different from 'biodiesel' is that RD is actually the 'drop in' diesel fuel, not 'biodiesel.' RD is <u>chemically identical</u> to petroleum-based diesel. RD can indeed be used in a diesel engine with no modification of the engine. This is different from 'biodiesel' which cannot run in any diesel engine without significant blending with either petroleum-based diesel or RD, unlike that which is stated in the DEIR. The claim that biodiesel or RD is 'cleaner burning' is also unsubstantiated, and contradicts information from CARB itself regarding the emissions impacts from burning these fuel products[7]. The DEIR is presenting totally false and confused information about these products.

This is an inexcusable error. <u>The DEIR totally fails to accurately describe an energy product upon which emissions reduction measures are based</u>. The statement about biodiesel refueling stations is also lacking in veracity. Biodiesel is not Renewable Diesel, and Renewable Diesel is not Biodiesel. The fact that the DEIR makes these factual errors is indicative of the total failure of the DEIR to be rooted in the real world. Compound this with the undeclared conflicts of interests of Rincon Consultants, with their financial stake in the increased need for verification of energy products under the LCFS that are promoted in the HRCAP, and the questions about why this inaccurate

[7] https://ww2.arb.ca.gov/sites/default/files/2021-11/Low_Emission_Diesel_Study_Final_Report.pdf

information is in the CAP become even more troublesome. The inaccurate and unprofessional manner in which the matter of RD is treated in the DEIR makes a mockery of the entire process.

Failure to Adequately Describe EO N-79-20

The DEIR complete fails to describe EO N-79-20[8] at any juncture in the document, even though Measure T-8 stated objectives for uptake of renewable diesel are justified as being in alignment with this EO. But the EO is never explained in relation to the other measures of the HRCAP beyond RD that are related to this EO. The DEIR is confusing to the reader and throws around many technical terms without definitions and repeatedly out of context, as was done with EO N-79-20. This is another indication of either incompetence, or a purposeful attempt to confuse and mislead the reader. Neither is excusable. The DEIR is not viable.

101-8

Conclusion: The DEIR Is Insufficient for Future Streamlining of CEQA Permitting

It is not only the complete failure of the DEIR to describe RD, or to accurately assess the impacts of such an energy product that raises alarms about the flawed climate plan. For our organization it is extremely disturbing to think that the purpose of doing an Environmental Impact Report under the California Environmental Quality Act for the HRCAP is intended to streamline further CEQA permitting processes in the future. As it stands right now the HRCAP has numerous exceptionally faulty premises.

101-9

Despite public pressure to approve a plan, any climate plan, there is clear evidence that the HRCAP remains far from being a reliable roadmap for reducing emissions in the region. This plan and the DEIR require substantial revision before moving forward with the development of the Final Environmental Impact Report (FEIR). We find the current version of the HRCAP to be a recipe for disaster, and we implore the Board of Supervisors to correct course immediately.

Residents of Humboldt County deserve much more than the factually inaccurate, scientifically deficient and conflict of interest laden document that is currently out for review and public comment.

Making corrections is an imperative.

Thank you for your attention to these comments.

Gary Graham Hughes
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[8] https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf

From:	Gary Hughes
To:	CEQAResponses; Acevedo, Megan
Cc:	Arroyo, Natalie; Bohn, Rex; Bushnell, Michelle; Wilson, Mike; Madrone, Steve
Subject:	Undeclared Conflicts of Interest Undermine Viability of the Draft Environmental Impact Report for the Humboldt Regional Climate Action Plan
Date:	Thursday, March 27, 2025 10:00:21 AM
Attachments:	Nov2024EcoNews_ClimateDeadEndBiofuels.png My word Renewable diesel is not renewable – Times-Standard.pdf Biofuelwatch_DEIR-HRCAPcomment_25march2025.pdf

To whom it may concern at County Planning, and esteemed Supervisors:

I submit this email with the attached letter on behalf of the organization Biofuelwatch as comment on the Draft Environmental Impact Report for the Humboldt Regional Climate Action Plan.

High level points from the attached letter:

--DEIR Fails in the Most Basic Sense of Providing Accurate Information
--Renewable Diesel as A Singular Example of the Flaws of the HRCAP
--Failure to Accurately Define or Describe Renewable Diesel
--Confusion of Biodiesel and Renewable Diesel Exposes Deficiencies in the DEIR
--Failure to Properly Describe the Low Carbon Fuel Standard
--Failure to Adequately Describe EO N-79-20

Compounding the problem, the company Rincon Consultants, which has a lead role in the development of the DEIR, completely fails to describe their conflicts of interests and their commercial relationship with the product 'renewable diesel,' as well as other 'alternative fuels,' such as hydrogen, that are elevated in the HRCAP.

Rincon Consultants conflicts of interest arise from their status as a California Air Resources Board (CARB) accredited third-party Low Carbon Fuel Standard (LCFS) verification body, which Rincon Consultants completely fails to mention anywhere in the DEIR or HRCAP documentation.

The problems with the low quality of the DEIR as articulated in the attached letter are all the more difficult to comprehend when one understands that Rincon Consultants is more than superficially familiar with the LCFS.

Note the following sourced from the California Air Resources Board regarding the qualifications that Rincon Consultants is required to fulfill to be an accredited LCFS verification body:

101-10

<A company seeking to provide verification services as a LCFS verification body must submit an application to CARB demonstrating it meets the following requirements for accreditation:

• Employs at least five full-time staff, including two CARB-accredited LCFS lead verifiers;
• Retains the specified minimum professional liability insurance of US $4 million;
• Demonstrates that there are mechanisms in place to prevent conflicts of interest and resolve potential conflict of interest situations if they arise;
• Demonstrates that there are procedures or policies to support technical training related to verification;
• Discloses any judicial proceedings, enforcement actions, and administrative actions filed against the company in the last five years; and
• Has and maintains templates for risk assessment, sampling, and log of issues for the entity types and LCFS report types that the verification body intends to

verify.>

In the light of the experience that Rincon Consultants has with the LCFS, the deficiencies in the DEIR when it comes to addressing the nexus of the LCFS and the substance of the HRCAP, and specifically the prioritization of so called 'renewable diesel,' are incomprehensible.

Beyond these questions about conflicts of interest and the paucity of accurate information included in the DEIR is the scary reality of the HRCAP promoting a deforestation driving liquid biofuel product that is known to exacerbate global hunger as a climate solution.

101-10 cont.

We urge the Board of Supervisors to consider carefully the risks embedded in Humboldt County embracing a high emissions high deforestation risk liquid biofuel energy product simply because it is convenient and has a green sounding name. It is imperative that responsible officials demand that the DEIR provide sufficient accurate information for residents to at least know the basics of what is being proposed.

BACKGROUND INFORMATION:

For more background on the poor treatment of 'renewable diesel' in the HRCAP please consider this recently broadcast radio episode of the EcoNews Report, What is Renewable Diesel?

This radio episode from KMUD 'Soy-Based Diesel Threatens Paraguay' is also submitted to be added to the public record.

This radio episode from KPFA 'Feedstock Demand for Biofuels Creates High Risk for Global Forests' is as well submitted to the public record.

Attached as well is a .pdf of a My Word piece published several years ago now in the Times-Standard highlighting the risks and dangers of the Humboldt climate plan promoting soy-based liquid biofuels.

And this piece was published in the EcoNews, please include this in the public record.

Humboldt County Stumbles Blindly Into the Climate Dead End of Liquid Biofuels

Gary Graham Hughes, Biofuelwatch, Guest Contributor

At the end of the summer Humboldt County released its most recent iteration of the Humboldt Regional Climate Action Plan, or HRCAP for short.

The HRCAP is intended to provide something of a roadmap for reducing greenhouse gas emissions in Humboldt County writ large.

One of the most significant elements of the greenhouse gas emissions reduction roadmap described in the draft HRCAP is to expand the distribution and utilization of a "drop-in" liquid biofuel that is called Renewable Diesel.

Despite the terms "renewable diesel" appearing in the HRCAP dozens of times, never once in the entirety of the document, neither in the footnotes nor the appendix, is this liquid energy product described or defined.

This failure to describe "renewable diesel" becomes a double dose of climate newspeak. It is one thing to use a misleading name for an energy product; it is another to not even describe what it is or tell residents of the County how it is made or where it comes from.

Regardless of the "green" sounding name, renewable diesel is not renewable.

To be clear, renewable diesel is considered a "drop-in" biofuel because it can be used in a diesel engine without blending with petroleum-based diesel, nor does it require modifications of the diesel engine. Hence, the "drop-in" moniker.

Though feedstocks for renewable diesel include used cooking oil, animal tallow and other "fats, oils and greases" (FOGs), by far the predominant feedstock for making renewable diesel in California is soy oil.

Renewable diesel is essentially a "food to fuel" phenomena whose rise in manufacture and use is being directly connected with rising global food prices.

As a matter of fact, a recent Oxfam report examining the consequences and implications of European climate policy pivoting strongly to liquid biofuels like 'renewable diesel' provides extensive evidence regarding how the increased production of and utilization of liquid biofuels is contributing directly to global food insecurity.

In its report "Biofuel Blunders," Oxfam describes how, on a global level, in 2022, crops used for biofuel production could have met the basic minimum energy requirements of 1.6 billion people if they had been used for human consumption.

The report provides abundant evidence to describe the top-level conclusions that the biofuel industry has an impact on food security in many ways: increasing food prices and food price volatility, reducing the availability of food and resources for food production, using disproportional power in the food system over the agency of smallholder farms and communities, and making food systems less sustainable.

Unfortunately, the HRCAP and the numerous proponents clamoring for approval of the climate plan as soon as possible have totally ignored the harsh realities of the inequities that arise from making fuel from food as a supposed climate solution.

Another element of renewable diesel that concerns frontline communities in places like Rodeo, on San Francisco Bay, where Phillips 66 is converting its refinery to be one of the largest biofuel refineries on the planet, is that the manufacture of renewable diesel is a high-intensity greenhouse gas emissions refining process. The "hydrocracking" required for making fuel from vegetable oils like soy requires massive amounts of hydrogen, which comes from the steam reforming of fossil gas.

Basically, the manufacture of renewable diesel relies on huge amounts of fossil fuels.

Unfortunately, the elevating of renewable diesel as a climate solution for Humboldt County failed to take into account how many of the most common forms of bioenergy are not only associated with significant increases in food prices, but also with deforestation, industrial pollution, pesticide and herbicide poisoning, degraded water resources, biodiversity loss and increased overall greenhouse gas emissions. These trends are at risk of continuing unabated due to well-intentioned but poorly conceived clean energy targets, public subsidies, markets-based mechanisms — and county-level climate "action" plans.

View from San Francisco Bay of the Phillips 66 refinery in Rodeo, where soy oil from Argentina, Brazil and Paraguay, as well as from the midwest USA, is processed into renewable diesel. Phillips 66 aspires to make this facility the largest biofuel refinery in the world. Photo: Gary Hughes

What's more, recent deliberations at the California Air Resources Board (CARB) regarding proposed amendments to the Low Carbon Fuel Standard (LCFS), the carbon market mechanism that incentivizes the manufacture and use of renewable diesel as a cornerstone of California's climate policy, have revealed even more problems with renewable diesel.

Contributions to the LCFS amendments process at CARB by scientists from Princeton and Yale describe in detail that the methodologies that CARB is relying on for characterizing renewable diesel as being a 'low carbon' energy product are totally lacking in scientific validity.

These researchers provided testimony to CARB that "it would be inappropriate to make regulatory changes designed to reduce emissions that incentivize increased use or even continued use of these biofuels."

They concluded one brief statement with the bombshell revelation that "using crop-based biofuels substantially increases greenhouse gas emissions relative to the use of fossil fuels.

Essentially, using liquid biofuels like 'renewable diesel,' whose predominant feedstock is soy, is worse for the climate than using diesel made from petroleum.

The elevating of 'renewable diesel' as a cornerstone of the HRCAP is yet another example of bad climate policy threatening to make the climate situation worse faster.

A hard truth is that we are living on a land-constrained planet, and the moment has passed for assuming that bioenergy is inherently an option for supporting climate stability.

Though there do exist some industrial efficiencies, processing technologies and feedstock streams that offer bioenergy products that might have a climate "benefit," the scale of these options is extremely limited.

A course correction is needed. Pivoting strongly to convert emissions-intensive petroleum infrastructure to function as emissions-intensive bioenergy infrastructure is a climate dead end.

Making fuel from food is not only unjust and inequitable, it is climate suicide.

To achieve the core objective of energy policy to reduce greenhouse gas emissions and to protect air quality, greater efforts are needed to exclude high-carbon forms of energy from climate action plans and incentives mechanisms.

What is needed are policies to avoid infrastructure "lock-in" and the extension of the economic life of toxic "stranded assets" and to instead move away not only from fossil fuels but to also move away from land-intensive bioenergy.

As it stands right now, featuring 'renewable diesel' as a foundational piece of the HRCAP does not move us in the right direction. It is an imperative that responsible officials and Humboldt County environmental stakeholders take the necessary steps to remove "renewable diesel" from the Humboldt Regional Climate Action Plan.

101-10 cont.

In closing I would like to offer to any Supervisors and/or County staff the opportunity to do a tour with community members and grassroots climate justice activists of the fence lines of the Phillips 66 Rodeo and Marathon-Neste Martinez biofuel refineries in the North SF Bay Area to learn more about the impacts of the manufacture of the liquid biofuel 'renewable diesel' energy product.

Our organization urges responsible officials to do adequate due diligence and insist on high quality work on projects like the climate action plan to insure that Humboldt County residents are being presented with the best information possible in order to make crucial decisions. Failure to do so will negatively impact people and the environment at home and far beyond.

Thank you for your attention to this submission of a comment on the DEIR of the HRCAP.

Cordially,

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My word | Renewable diesel is not renewable

101-14

Gary Graham Hughes December 1, 2022 at 5:45 a.m.

My word | Renewable diesel is not renewable

As the annual United Nations global climate talks have ground to another polluter-friendly conclusion, one is forced to ask themselves “what is being done to address the root causes of climate change on the North Coast of California?”

Though it is out of sight and out of mind, and moving slower than melting glaciers are retreating, Humboldt County does indeed have a regional “climate action plan” in the works.

In early June the Humboldt County Board of Supervisors unambiguously

approved advancing the draft Humboldt Regional Climate Action Plan (CAP) to the beginning of review under the California Environmental Quality Act (CEQA).

As the county describes it, the "Climate Action Plan is a comprehensive road map that outlines the specific activities a local government will undertake to reduce GHG emissions within their jurisdiction."

For our organization Biofuelwatch, which works to address the human rights, climate and environmental impacts of industrial bioenergy, the lack of urgency with which the county is moving the CAP is only one of our concerns.

One of the big elements of the greenhouse gas emissions reduction roadmap described in the draft CAP is a 'drop-in' liquid biofuel that is called Renewable Diesel.

Regardless of the "green" sounding name, renewable diesel is not renewable.

To be clear, renewable diesel is considered a "drop-in" biofuel because it can be used in a diesel engine without blending with petroleum-based diesel, nor does it require modifications of the diesel engine. Hence, the "drop-in" moniker.

Though feedstocks for renewable diesel include used cooking oil, animal tallow and other "fats, oils and greases" (FOGs), by far the predominant feedstock for making renewable diesel in California is soy oil. Renewable diesel is essentially a "food to fuel" phenomena whose rise in manufacture and use is being directly connected with rising global food prices.

Another element of renewable diesel that concerns frontline communities in

places like Rodeo, on San Francisco Bay, where Phillips 66 is converting their refinery to be one of the largest biofuel refineries on the planet, is that the manufacture of renewable diesel is a high-intensity greenhouse gas emissions refining process. The "hydrocracking" required for making fuel from vegetable oils like soy requires massive amounts of hydrogen, which comes from the steam reforming of fossil gas.

Basically, the manufacture of renewable diesel relies on huge amounts of fossil fuels.

Unfortunately, the elevating of renewable diesel as a climate solution for Humboldt County failed to take into account how many of the most common forms of bioenergy are not only associated with significant increases in food prices, but also with deforestation, industrial pollution, pesticide and herbicide poisoning, degraded water resources, biodiversity loss and increased overall greenhouse gas emissions. These trends are at risk of continuing unabated due to well-intentioned but poorly conceived clean energy targets, public subsidies, markets-based mechanisms — and county-level climate "action" plans.

A hard truth is that we are living on a land-constrained planet, and the moment has passed for assuming that bioenergy is inherently an option for supporting climate stability.

Though there do exist some industrial efficiencies, processing technologies and feedstock streams that offer bioenergy products that might have a climate "benefit," the scale of these options is extremely limited.

Bioenergy must be scrutinized with skepticism, as much bioenergy, such as so-called renewable diesel, actually presents severe threats to food security, forest protection, public health, air quality, ecosystem protection, and social justice.

A course correction is needed. Pivoting strongly to convert emissions-intensive petroleum infrastructure to function as emissions-intensive bioenergy infrastructure is a climate dead end. To achieve the core objective of energy policy to reduce greenhouse gas emissions and to protect air quality, greater efforts are needed to exclude high-carbon forms of energy from climate action plans and incentives mechanisms. What is needed are policies to avoid infrastructure "lock-in" and the extension of the economic life of toxic "stranded assets" and to instead move away not only from fossil fuels but to also move away from land-intensive bioenergy.

It is this kind of deep structural change that is most needed in the Humboldt Regional Climate Action Plan. We implore county staff and supervisors to have the courage to stand up to the wealthy and powerful interests pushing for bioenergy false solutions in California climate policy, and instead promote alternatives that will protect public health and secure advances in the stewardship of the environment while centering equity and social justice.

Gary Graham Hughes is the Americas Program Coordinator for Biofuelwatch and a Redway resident.

Sent Electronically to CEQAresponses@co.humboldt.ca.us

April 4, 2025

Megan Acevedo
Humboldt County Planning and Building Department
Long Range Planning Division
3015 H Street
Eureka, CA 95501

Re: Humboldt County Regional Climate Action Plan Environmental Impact Report Comments

I. Introduction & Executive Summary

On behalf of the Environmental Protection Information Center, Coalition for Responsible Transportation Priorities, 350 Humboldt, Humboldt Waterkeeper, Northcoast Environmental Center, Surfrider Foundation, Friends of the Eel River, and the North Coast Chapter of the California Native Plant Society we respectfully submit the following comments on the Humboldt County Regional Climate Action Plan (RCAP) Draft Environmental Impact Report (EIR). Adoption of a RCAP was a measure in the Humboldt County General Plan adopted in 2017, and we are glad to see the County making progress on that promise.

Our organizations advocated for the creation of an RCAP because we believe Humboldt County ought to do its part to mitigate climate change. We advocated for a Qualified RCAP because we wanted the greenhouse gas (GHG) reductions in the RCAP to be based on substantial evidence, and we wanted to expedite permitting for projects that were known to substantially reduce greenhouse gas emissions. However, as written, the EIR implies that other CEQA impacts, including aesthetics and vehicle miles travelled, could also tier off the analysis in the RCAP for future projects. If this is to be the case, the EIR must be clear and consistent regarding when that future tiering may occur. Otherwise, the EIR could be used to analyze far

102-1

more kinds of impacts, and streamline or tier far more kinds of projects, than was ever understood by the public or County. We ask that the County provide a clear and concise list of projects and impacts that can tier to the RCAP EIR. We also ask that the County create a bright line threshold for impacts over which tiering and streamlining may not occur. 102-1 cont.

Heightening our concern regarding misapplication of the RCAP and EIR to future projects is the County's failure to provide the CEQA GHG Checklist while the DEIR is circulating for public comment. Because the CEQA GHG Checklist will be used to streamline the GHG analysis of future projects it is an essential component of the RCAP and therefore needs to be analyzed in the DEIR. We ask that you provide the CEQA GHG Checklist and provide sufficient opportunity for public comment on the Checklist prior to certification of the EIR. 102-2

Finally, the RCAP and EIR retain several errors which we highlighted in our scoping comments and in other comments to staff. In order to ensure the legal viability of the RCAP and EIR, we ask that these errors, listed below in Sections V & VI be addressed. 102-3

For these reasons we ask that you do not certify the EIR for the RCAP until its deficiencies have been remedied.

II. <u>The County should provide a specific list of projects that may tier from the RCAP and also provide clear thresholds of impacts over which future projects cannot tier from the RCAP.</u>

The CEQA Regulations state that "any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:(1) Were not examined as significant effects on the environment in the prior EIR; or (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means." (Cal. Code Regs. Tit. 14, § 15152(d)). This EIR currently purports to examine as significant effects on the environment a wide array of impacts including air quality, vehicle miles travelled, and aesthetics. As discussed in Section V, we believe that much of that analysis is lacking substantial evidence. We are therefore concerned that future projects will attempt to tier off of the limited analysis in the EIR regardless of staff's current intentions. 102-4

As currently drafted, the EIR is vague as to what kinds of projects will tier from its analysis in the future. County staff have indicated that only projects related to the RCAP or implementing the RCAP would be eligible for tiering, but it is not at all clear from the EIR as written how that determination would be made. Does a project need to be explicitly included in the RCAP to be considered for CEQA tiering, or can it just be a project whose effects can be argued to support one or more of the RCAP's targets? And even if a project has to be explicitly included in the RCAP to be eligible for tiering, that still does not provide clarity, because the RCAP itself is so vague on many key points. Reviewing Table 32 of the RCAP, we find a large number of implementation actions which are vaguely defined and will require multiple sub-actions by multiple lead agencies. Are all the actions in Table 32, and all of the potential unmentioned sub-actions, subject to CEQA tiering? As currently drafted, the answer is unclear.

Given the uncertainty over what kinds of projects may be proposed in the future and exactly how they would tier from the RCAP, the EIR should further refine and clarify the types of projects for which it is actually assessing impacts. To solve this problem, we encourage the County to create a list of specific kinds of projects that can tier off of the RCAP, rather than a list of projects that cannot. In addition, the County should create specific thresholds of impacts over which future projects cannot tier to the RCAP. While current County staff may not foresee the RCAP EIR being used for any future project that would not already be exempt for additional CEQA review, the RCAP and the EIR will exist independent of current staff interpretation going forward and should be written clearly enough that there is no doubt as to their future application. There needs to be a clearly stated brightline threshold for both future tiering and streamlining.

102-4 cont.

The recent case of Hilltop *Group, Inc. v. County of San Diego* (2024) 99 Cal. App. 5th 890 is illustrative of why this is important.[1] In it, a recycling center that would process and recycle trees, logs, wood, construction debris, asphalt, and other inert material from construction projects was tiered off of the County of San Diego's General Plan. Despite considerable public controversy around the project, the Court held that the impacts had already been analyzed in the General Plan EIR and that no further environmental review was necessary. The County of Humboldt should consider whether it would like to see a similar result from the RCAP and how it can protect itself from that happening.

III. <u>The RCAP isn't complete because there is no publicly available GHG Streamlining Checklist. The County can't finalize an EIR on a project that is incomplete.</u>

The CEQA Guidelines define a "project" as the whole of an action with the potential for either a direct physical change in the environment, or a reasonably foreseeable indirect physical change. (CEQA Guidelines 15378) When assessing the legal sufficiency of an EIR, the reviewing court focuses on adequacy, **completeness** and a good faith effort at full disclosure. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 954, 91 Cal.Rptr.2d 66 (Amador)(emphasis added). An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405, 253 Cal.Rptr. 426, 764 P.2d 278 (Laurel Heights). Without the Humboldt Regional CEQA GHG Emissions Checklist, the project is not complete and the public cannot understand and meaningfully consider the issues raised by this project. The checklist will be used to streamline greenhouse gas emission analysis of future projects and therefore plays a critical role in how the RCAP will be implemented. The DEIR acknowledges that setting quantitative GHG thresholds is part of the project, and Figure 2-6 of the DEIR shows that adopting the Checklist is an analogous action to setting quantitative GHG thresholds.

102-5

Future streamlining will have an effect on the environment, by more quickly approving or disapproving certain projects. Without the checklist, the public is left in the dark regarding

[1] https://cases.justia.com/california/court-of-appeal/2024-d081124.pdf?ts=1708110069

exactly what kinds of projects will have their future GHG emissions analysis streamlined. Staff have indicated that the checklist will be provided prior to the Planning Commission meeting in June. However, CEQA's informational purpose "is not satisfied by simply stating information will be provided in the future." (*SCOPE v. County of Los Angeles* (2003) 131 Cal. Rptr. 2d 186 - Cal: Court of Appeal, 2nd Appellate Dist., 6th Div. 2003).

Therefore, the project is not complete and the EIR cannot be finalized until the Checklist is provided for public review, and opportunity is provided for public comment on the EIR in light of the Checklist.

102-5 cont.

IV. Projects must have a consistent and stable description throughout the CEQA process.

In addition to the CEQA Streamlining for GHG emissions discussed above, staff have also indicated that future plans and projects may tier from the RCAP EIR. Staff have indicated that this will be limited to projects intended to implement the RCAP.

This goes beyond the intended scope of the project. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185). The project description in the DEIR's notice availability states "the County proposes to adopt quantitative CEQA GHG emissions thresholds for use in evaluating whether a future plan or project's GHG emissions would result in a potentially significant environmental impact under CEQA for plans or projects with pre-2030 buildout or initial operational years." (RCAP DEIR Notice of Availability) However, the DEIR actually proposes to streamline analysis of several other impacts in future CEQA project analysis by allowing future documents to tier off the RCAP. Therefore, the project description is not accurate. The EIR should be rejected until this deficiency is addressed. In our view the deficiency can be addressed by stating clearly in the EIR what Director of Planning John Ford specified in a meeting with us and Natalie Arroyo and Mike Wilson on March 27, 2025, namely: as in any programmatic EIR the analyses of impacts other than for greenhouse gas emissions, that is, those listed in Table ES1, are intended as resources or examples of possible impacts and possible mitigation measures but will never be applied to a project without consideration of the impacts and mitigations specific to each project that is streamlined or tiers off the RCAP.

102-6

V. Several changes to the RCAP and the DEIR must be made to ensure the legally validity of the EIR and any potential future CEQA tiering

If the intention of the County is to have the RCAP and DEIR remain documents that future projects will tier parts of their analysis from, then we recommend the following changes to ensure the legal validity of that tiering.

A. Vehicle Miles Travelled (VMT)

The RCAP's VMT reduction measures must be strengthened to ensure consistency with adopted plans and policies, or a significant transportation impact must be acknowledged and appropriate mitigation measures adopted. The DEIR asserts that the RCAP is "intended to be

102-7

consistent with or exceed" the standards in various other adopted plans and policies including the Humboldt County Regional Transportation Plan - VROOM 2022-2042 (RTP) and the California Climate Change Scoping Plan Update 2022 (see DEIR p.2-5 et seq.). Yet both the RTP and the Scoping Plan call for a 25% per capita VMT reduction by 2030, while the RCAP calls for a roughly 3.2% per capita VMT reduction by 2030. Following the RCAP will result in a failure to meet the RTP and Scoping Plan targets, making the RCAP clearly inconsistent with these plans.

102-7 cont.

The DEIR concludes that the RCAP would not conflict with any adopted transportation plans and policies (see DEIR p.3.8-24), despite the VMT reduction conflict described above, as well as other significant conflicts, including the RTP's target of a 30% active transportation and transit mode share by 2030, in contrast with the RCAP's target of only 21%. In fact, the plan consistency analysis does not even assess VMT or mode share goals and targets. Unless the RCAP VMT targets and policies are strengthened, a significant impact finding and accompanying mitigation is required.

102-8

The DEIR repeatedly says that its "VMT analysis methodology utilizes the LCI Technical Advisory on Evaluating Transportation Impacts in CEQA," calling for a significance threshold of "15 percent below existing regional VMT per capita" for residential and certain commercial projects (e.g., p.3.8-22). Yet despite residential and mixed-use infill development projects being a key strategy for RCAP implementation, the DEIR's VMT analysis fails to identify the fact that compliance with the RCAP requires only roughly 3.2% per capita VMT reductions. Therefore, a future residential or mixed-use development project could attempt to tier from this DEIR's transportation analysis even if it exceeds the standard LCI -15% CEQA significance threshold, potentially avoiding a significance finding and the accompanying mitigation requirement. This end run around normal VMT assessment does not fulfill the purpose or requirements of CEQA.

The DEIR itself admits that the cumulative VMT impacts of the project might exceed the -15% significance threshold (p.3.8-42), but claims that this impact would somehow be mitigated by VMT reducing measures in the RCAP itself. This conclusion relies on an indefensible circular logic and ignores the fact that the RCAP's measures, by its own admission, will result in far less VMT reduction than the -15% required by CEQA for certain projects. Clearly the cumulative impacts will be significant, and additional VMT reduction mitigation measures are required.

102-9

B. Air Quality Impacts & GHG Emissions

Air quality impacts of biofuels projects should be assessed in much greater detail, and mitigation measures specific to biofuels projects and bioenergy should be adopted. Despite the RCAP's promotion of various forms of biofuels, the well-documented air quality impacts of biofuel production and combustion are inappropriately dismissed in the DEIR. (U.S. Environmental Protection Agency, Washington, DC, 2025. Biofuels and the Environment: Third Triennial Report to Congress (Final Report, 2025)[2] The draft currently states that the creation of biofuel facilities will reduce pollution by reducing smoke from wildfires. This claim is subject to serious

102-10

[2] https://assessments.epa.gov/biofuels/document/&deid=363940

scientific debate. In particular, it fails to account for the fact that the odds of any given fuel treatment encountering wildfire in the time before regrowth makes the odds of forest treatment effectiveness exceedingly low. (DellaSala, D. A., Baker, B. C., Hanson, C. t., Ruediger, L., & Baker, W. (n.d.). Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus?) 102-10 cont.

In addition, The point of the RCAP is to reduce greenhouse gas emissions. In themselves biofuels do not do so, that is they still have high GHG emissions and some analysis indicates that they have higher emissions than fossil fuels. Proposed bioenergy harvest, which is wood gathered from mechanical thinning, and other fire prevention measures in West coast forests will create an increase of CO2 emissions compared to current methods. (Hudiburg, T.W., B.E. Law, C. Wirth, and S. Luyssaert. 2011. Regional carbon dioxide implications of forest bioenergy production. Nature Climate Change 1:419- 423.)[3] The RCAP currently does not adequately analyze the GHG impacts of biofuels. All biofuels require an individual Life Cycle Assessment. It is totally inappropriate to include them in the RCAP at all and certainly not to do so without requiring an LCA for each plant. 102-11

The DEIR's air quality analysis also fails to account for the adverse impacts on air quality that would result from a building decarbonization strategy based on electric resistance space and water heating. With offshore wind construction delayed by Trump's ban on federal permits, Humboldt's electricity will primarily be provided by natural gas and biomass for the next decade or longer. Both emit criteria air pollutants and those emissions will increase with increased demand from resistance heat and water heating. The reduction in fossil gas combustion in buildings and RCEA's purchase of clean power in other parts of the state would not nearly offset this increase. This is particularly true for biomass which makes up a significant proportion of RCEA's renewable portfolio and is responsible for a disproportionate amount of California's power plant pollution. While biomass energy is only 2.7% of CPUC's projected in state electrical generation in 2026, it is projected to emit 29% of the NOx, 8% of the pm2.5, and 41% of the SO2 emissions from the entire power sector. Since Humboldt's sole biomass plant is powered by mill waste and not thinned forest fuel due to the distance and expense of transporting such fuel from high fire areas, increases in pollution from more biomass generation will not be offset by decreased smoke from forest fires. (CPUC, 2023 Proposed Preferred System Plan and 2024-25 Transmission Planning Portfolios Supplemental Criteria Pollutant Analysis).[4] 102-12

C. Sunset Date of 2030

[3] https://doi.org/10.1038/nclimate1264

[4]https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/integrated-resource-plan-and-long-term-procurement-plan-irp-ltpp/2023-irp-cycle-events-and-materials/supp_criteria_poll_analysis_no_lc_20240405.pdf

The DEIR must clarify that any CEQA tiering or GHG streamlining is only valid through 2030, because the RCAP is not consistent with state targets after that date (see for example Figure 2-5 of the DEIR). In apparent recognition of this fact, the DEIR specifies that proposed Regional CEQA GHG Emissions Thresholds only apply to "pre-2030 buildout or initial operational years" (p.2-50), but this clarification has not been provided for GHG streamlining or CEQA tiering.

Furthermore, the CEQA Greenhouse Gas Emissions Thresholds and Guidance Final Report, which presents the documentation and justification for the CEQA GHG Emissions Thresholds, includes the following inconsistent statement which suggests that the Thresholds *would* apply after 2030: "the quantitative thresholds included in this guidance document will **not** need to be updated [after 2030], because residential, non-residential, and mixed-use projects with post-2030 buildout years would still need to achieve GHG emissions equivalent to net zero MT of CO2e per year to demonstrate consistency with the RCAP" (p.42, emphasis supplied). 102-13

All RCAP-related documentation must clearly and consistently state that none of the Thresholds, tiering, or GHG streamlining can be considered valid for projects with a post-2030 build-out date.

D. Infill Housing Development

The DEIR must clarify that its analyses cover the impacts of the infill housing and mixed-use development which is so central to many of the RCAP's strategies. While the DEIR discusses infill development and seems to analyze it in many places, it also seems to imply in other places that the RCAP does not cover new housing development, for example by concluding at RCAP p.3.6-20 that the RCAP "would not result in new habitable development." 102-14

E. Aesthetics

The DEIR must clarify that Mitigation Measures AES-1 and AES-2 only apply to industrial development, not infill housing or mixed-use. The text of Impact AES-1, to which these measures apply, only discusses certain industrial projects, and the DEIR states at p.3.1-18 that "infill development facilitated by the RCAP would not result in significant impacts to scenic vistas," but the wording of the measures themselves is more open-ended. This clarity is critical, because if requirements like building step-backs, height transitions, and visual screening are imposed on non-industrial infill development projects, they will make many projects infeasible and substantially undermine the RCAP's goal of encouraging infill development. 102-15

F. Mitigation Measures Lacking Clarity

The DEIR must clarify what kinds of projects certain other Mitigation Measures apply to. Specifically, Mitigation Measures BIO-1, BIO-4, AG-3, and the corresponding identified impacts, should logically only apply to certain kinds of projects, but the text of the measures does not specify which types of projects they will be applied to. 102-16

G. Significant Noise Impacts From New Transit Services

The finding of a significant noise impact from new or improved transit service (part of Impact NOI-1) is unsupportable and must be removed. This finding relies on Federal Transit Administration screening distance guidelines, but a review of these guidelines shows that they are meant to be applied to transit-only facilities, not to streets and highways shared between buses and private vehicles. Humboldt County has no transit-only facilities, and any cognizable transit-only facilities in the future would result from dedication of existing general travel lanes to buses, not construction of new facilities. Fixed-route buses travel almost exclusively on roads also heavily traveled by private vehicles and do not significantly increase traffic noise. In fact, by reducing the number of private vehicles on such facilities, they have the opposite effect. Furthermore, imposition of Mitigation Measure NOI-2 would pose a significant unnecessary obstacle to the development of new transit service, contrary to the RCAP's goals. 102-17

H. Additional GHG and VMT reduction measures are feasible and necessary.

The DEIR's Alternatives Assessment clearly demonstrates that additional measures to reduce VMT and GHG emissions from transportation and land use are feasible and would reduce many of the RCAP's other environmental impacts. CEQA requires the adoption of feasible mitigation measures for identified significant impacts. As described above, the RCAP will result in significant VMT impacts, and could result in significant GHG impacts without further changes or mitigations. As described in the DEIR, several other impacts are also potentially significant. Therefore, additional VMT and GHG reduction measures must be adopted.

The feasibility of including additional VMT and GHG reduction measures for new development in the RCAP is further supported by the CEQA Greenhouse Gas Emissions Thresholds and Guidance Final Report. The Report shows that the Thresholds were initially derived by identifying "extra" emissions (beyond those produced by existing development) allowed under the 2030 target, and dividing these "extra" allowed emissions by projected residential and employment growth. However, the Report admits that this calculation produced indefensibly high thresholds, and therefore the thresholds were reduced by 50% to produce numbers more in line with common practice in other communities. The fact that the initial calculation, based on projected emission trends under RCAP implementation, resulted in inordinately high thresholds for future projects demonstrates that there is room for additional emissions reductions measures for future development under the RCAP. 102-18

I. The distinction between rural and urban areas in the DEIR must be updated to ensure consistency with the updated RCAP.

The updated RCAP dated November 21, 2024, includes a more accurate and precise definition of urban and rural areas than the original draft RCAP. However, the DEIR contains several references to the earlier, vague and inaccurate definitions, which stated or implied that all of the unincorporated county and many smaller communities are "rural." These references can be found in locations including p.2-50, p.3.1-1, and Note 4 to Table 2-7. These definitions must be updated to reflect the updated RCAP. 102-19

J. The GHG emissions reductions claimed in the DEIR are too hIgh because many of the measures don't meet the criteria for inclusion in a qualified CAP

We stated this in Section X of our scoping comments, but we reiterate it here. Measures in a qualified CAP must be feasible and enforceable or, if voluntary, supported by substantial evidence. (OPR Guidelines Climate Change Designing Healthy, Equitable, Resilient, and Economically Vibrant Places).[5] Other CAPs across the State have been set aside by courts as unqualified for tiering or streamlining because of unenforceable mitigation measures and projected GHG emissions reductions not based on substantial evidence. (*California River Watch v. County of Sonoma* (2014) 55 F. Supp. 3d 1204 - Dist. Court, ND California) (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467 - Cal: Court of Appeal, 4th Appellate Dist., 1st Div.) This RCAP suffers from both of these flaws. The DEIR states qualitatively that operational GHG emissions from the RCAP will be negligible in comparison to GHG reductions, but did not do the critical analysis which would expose the paucity of enforceable measures and substantial evidence that the projected GHG reductions will actually occur. 102-20

No evidence is provided that Measure BE-1, increasing enrollment in RCEA as the load serving entity instead of PGE, would decrease GHG emissions. The RCAP states that "RCEA is currently on track to provide all customers with electricity that is sourced from 100 percent net-zero-carbon emission renewable sources by 2030, 15 years ahead of the state target" citing RCEA's 2019 RePower Plan. A document from 2019 about RCEA's aspirations cannot be accepted as substantial evidence that RCEA is "on track" in 2024, especially when more recent evidence shows that RCEA is not "on track" and is currently only meeting the minimum Renewable Portfolio Standard. The only commitment to increase the percentage of carbon free power is qualified with " financial conditions permitting" (RCEA, 2024). Given the lack of substantial evidence that RCEA is decarbonizing power ahead of state targets, the DEIR should use the conservative projection that RCEA's portfolio will conform to the RPS. 102-21

RCEA's power content has also not generally been lower carbon than PGE. A comparison of RCEA and PGE power content labels from RCEA's inception in 2017 through 2023 reveals that (without counting biogenic carbon) RCEA's default plan was lower carbon in only 2 of the 7 years, owing to PGE's high percentage of carbon free nuclear energy (CEC Power Content Label, 2024). Since no substantial evidence has been provided that increasing enrollment in RCEA as opposed to PGE will increase the percentage of local energy consumption that is carbon free, the DEIR should not accept any GHG reductions for this strategy. 102-22

In addition, no evidence, or for that matter substantial evidence, is provided to substantiate the effectiveness of proposed actions in Measure BE 3 to promote switching from residential gas use to electricity. Consumer decisions regarding home electrification are described as voluntary, and 82% of fuel switching for heating and 100% for hot water are assumed to be from gas to extremely inefficient electric resistance rather than to heat pumps based on current market analysis (See Appendix C, Table 7). A program that was effective or enforceable would 102-23

[5] https://lci.ca.gov/docs/OPR_C8_final.pdfhttps://lci.ca.gov/docs/OPR_C8_final.pdf

increase the use of heat pumps, not resistance, because increasing the demand for electricity, especially during peak hours, jeopardizes goals for clean energy. Given the large increase in utility bills that would result from switching from gas to resistance electric, it is highly unlikely that homeowners would voluntarily make such a change. 102-23 cont.

The DEIR also accepts the RCAP's conflation of the number of charging stations "needed to support" a given number of EVs with the number of charging stations needed to induce the purchase of the same number of EVs and the RCAP's assumption that the county can credit GHG reductions for every single mile driven by an adopted EV regardless of where it charges. No substantial evidence is provided to justify this departure from standard practice. CAPCOA's Handbook for Analyzing Greenhouse Gas Emission Reductions only counts GHG reductions from the miles of fossil fuel free driving powered by the installed chargers and caps the GHG reduction from chargers required by reach codes at 11.9% of GHG emissions from vehicles accessing the charger location. (CAPCOA, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity Designed for Local Governments, Communities, and Project Developers. 2024)[6] CARB likewise only credits GHG reductions for the miles actually charged by the new infrastructure. (CARB EV GHG Benefits Estimation Tool for Cap and Trade).[7] 102-24

INEFFICIENT AND WASTEFUL USE OF ENERGY The DEIR states that "operation of the RCAP would not result in potentially significant environmental effects from wasteful, inefficient, or unnecessary consumption of energy". The RCAP's plan for decarbonizing existing residential buildings via transition to electric resistance heating promotes the wasteful, inefficient, and unnecessary consumption of energy. 102-25

VI. <u>The same CEQA GHG Emissions Thresholds must apply to urban and rural areas.</u>

The project proposes setting separate GHG Emissions Thresholds for projects in urban and rural areas. The DEIR and CEQA Greenhouse Gas Emissions Thresholds and Guidance Final Report explain that this is done "to align with the RCAP," and further explains that the RCAP sets different urban and rural targets to "align with each region's specific characteristics and capacity constraints" (DEIR p.2-50). However, to be valid the Thresholds must determine the significance of project GHG emissions regardless of the project's location, because climate change is a global phenomenon, and GHGs have the same impact regardless of where they are emitted. (Feasibility of potential mitigation measures is assessed *after* a determination of significance under CEQA.) 102-26

Additionally, the Report admits in notes to Tables 5, 6 and 7, that the methodology for calculating the urban and rural thresholds was not based on the RCAP's actual definition of urban and rural areas: "Based on the RCAP definition, urban areas in Humboldt include Fortuna, Arcata, and Eureka as well as parts of unincorporated Humboldt County. However, due 102-27

[6] https://www.caleemod.com/documents/handbook/ch_3_transportation/measure_t-14.pdf
[7]https://ww2.arb.ca.gov/sites/default/files/cap-and-trade/allowanceallocation/ghg_benefits_estimation_tools_instructions.pdf

to data limitations related to obtaining exact demographic data for the area, Fortuna, Arcata, and Eureka were used as a proxy for urban areas in Humboldt for the forecast disaggregation." The fact that significant parts of unincorporated Humboldt County - representing a large portion of the county's population - were counted as rural instead of urban in the process of deriving the thresholds, disregarding the nature of current development and contrary to the way the RCAP's rural and urban measures will be applied, completely undermines the justification for developing separate thresholds. 102-27 cont.

VII. We reiterate the comments made in our Scoping letter dated September 20, 2024, and particularly call the County's attention to Sections II, VII, X, and XII. 102-28

Our scoping comments are incorporated by reference[8] and have been attached to these comments for your convenience.

Sincerely,

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Environmental Protection Information Center

Colin Fiske, Executive Director
Coalition for Responsible Transportation Priorities

Dan Chandler, Steering Committee Member
350 Humboldt

Alicia Hamann, Executive Director
Friends of the Eel River

Joann Kerns, Conservation Chair
North Coast Chapter of the Cal8fornia Native Plant Society

Sable Odry, Advocacy Co-Director
Northcoast Environmental Center

Jennifer Kalt, Executive Director
Humboldt Waterkeeper

Carla Avila-Martinez, Climate Action Program Manager
Surfrider Foundation

[8] Also available at https://transportationpriorities.org/wp-content/uploads/2024/09/Climate-Action-Plan-August-2024-Comments.pdf

350 Humboldt | Climate 911| Coalition for Responsible Transportation Priorities
Environmental Protection Information Center | Humboldt Coalition for Clean Energy
Humboldt Waterkeeper | Northcoast Environmental Center
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RE: Draft Climate Action Plan and CEQA Scoping Comments

I. Introduction

Thank you for this opportunity to provide comment on the draft Humboldt County Climate Action Plan. Please accept these comments from 350 Humboldt, the Coalition for Responsible Transportation Priorities, the Environmental Protection Information Center, Humboldt Waterkeeper, the Northcoast Environmental Center, and the Redwood Coalition for Climate and Environmental Responsibility on both the draft Regional Climate Action Plan and as scoping comments for the forthcoming Environmental Impact Report.

As organizations whose missions include the preservation and protection of our environment, we believe that quick, coordinated action to reduce our greenhouse gas emissions locally is imperative to combat the effects of climate change and that local governments have a responsibility to adopt and implement policies to ensure this action. Although we support most of the concrete actions described in the draft CAP, we feel there are ways in which it can be strengthened not only with more concrete actions, but also with a strong implementation plan which includes dedicated staffing. Our organizations further stress that taking action to address our climate crisis need not wait for the Climate Action Plan to be finalized.

II. In Order For A Qualified Climate Action Plan to Work, Progress Must Be Verifiable

We applaud the County for undertaking the work of creating a qualified Climate Action Plan. It is essential that actions to address climate change be meaningful and measurable. Otherwise, jurisdictions run the risk of greenwashing and lawsuits. The county is relying on a qualified CAP to mitigate "significant and unavoidable" greenhouse gas emissions stemming from its 2017 General Plan Update. OPR defines acceptable mitigation measures as "fully enforceable", "capable of being accomplished successfully within a reasonable period of time", …and capable of achieving the GHG target with "a high level of confidence." CAP measures that are not mandatory must have "substantial evidence of effectiveness."[1]

102-29

To that end, we believe that the RCAP must be more explicit, with measurable outcomes, and more accountable to the public. The plan currently calls for the Climate Program Manager to develop an "annual progress report."[2] Given that there are only 5 years until 2030, and it has taken 7 years just to get to this draft, we can't afford to waste whole years at a time if implementation is not going well and a course correction is needed. There should be a timeline on each jurisdiction's website, updated quarterly, displaying progress toward a due date for each measure.

Another opportunity for accountability comes from the Regional Climate Committee. The committee should meet regularly and publicly so that progress on the Climate Action Plan can be tracked by the public.

III. The Regional Climate Committee Must Be Effective and Accountable

The Regional Climate Committee is central to the function of the RCAP. The term appears over 300 times throughout the document and the Committee is charged with a variety of tasks, from "develop[ing] and provid[ing] models, pilot programs, and template policies or ordinances"[3] to "identify[ing] locations throughout the county that are priority for utility-scale, nano-grid, and micro-grid solar, hydropower, and/or wind energy generation"[4] to "[d]evelop[ing]" and administer[ing]" a "home energy advisory service."[5]

102-30

Yet, the RCAP contains very little specific instruction on the construction and staffing of the Regional Climate Committee. We believe that the Regional Climate Committee needs to be: (1)

[1] OPR General Plan Guidelines, Climate Change https://www.opr.ca.gov/docs/OPR_C8_final.pdf OPR CEQA and Climate Change Advisory 2018 https://opr.ca.gov/docs/20181228-Discussion_Draft_Climate_Change_Adivsory.pdf
[2] C-1a page 30
[3] Page 30.
[4] Page 35.
[5] Page 38

adequately staffed; (2) meaningfully integrated into important decisionmaking; (3) politically accountable.

We believe that these goals are best achieved through housing the Regional Climate Committee under the Humboldt County Association of Governments (HCAOG). Not only is HCAOG already tasked with multiple-jurisdictional coordination, it is also the lead in regional transportation planning, one of the prime subjects of concern in this CAP. As members of HCAOG are elected representatives from jurisdictions subject to the CAP, incorporation of the Regional Climate Committee under HCAOG also ensures that decisions made by the Committee are politically accountable. 102-30 cont.

IV. Key Ingredients for Success

The California Association of Environmental Professionals Climate Change Committee produced a white paper titled Best Practices in Implementing Climate Action Plans after reviewing the implementation, and lack thereof, of a number of local CAPs.[6] They found that reliance on existing staff, lack of funding, and lack of political support were the most common reasons for failure. By those criteria, with the current draft, the prospects of successful implementation are not good.

A. Staffing

Staffing appears insufficient to meet all of the obligations created by the RCAP. The RCAP anticipates that a significant portion of the work will be grant funded. The RCAP currently envisions one FTE – the Climate Program Manager – who will implement the RCAP in coordination with staff from the County and Cities.[7] Of course, as the RCAP itself acknowledges, these jurisdictions are understaffed and climate focused policies are often an afterthought.[8] For example, this document itself is several years delayed. 102-31

Therefore, we strongly recommend that the RCAP envision more than one FTE focused on RCAP implementation. A Climate Program Manager to act as a coordinator is a good start. We recommend the recruitment of at least two additional FTEs to help implement these policies. If the Regional Climate Committee is integrated with HCAOG, as we recommend, not only would there need to be at least three FTE added but the joint organization would need to look at how

[6] AEP Climate Change Committee White Paper Best Practices in Implementing Climate Action Plans. 2018. https://www.califaep.org/climate_change.php

[7] C-1a page 30
[8] Page 7

to use the same staff to provide similar functions for both agencies. Sonoma County, for example, has a Data Analyst position that serves both their regional climate and transportation organizations. 102-31 cont.

B. Funding

It takes money to get money. Matching funds are one of the biggest barriers for local jurisdictions to access government grants. A ballpark ratio of funded to submitted grant applications is somewhere between 1 in 3 and 1 in 10, so the 3-5 grants per year in the current draft are insufficient. It takes staff to write grants, and, even in this time of budget shortfalls, successful CAP implementation depends on jurisdictions' willingness to "prime the pump" and hire them. The RCAP correctly notes that Humboldt has the opportunity to seek grants for more rural communities that may not be available to competitors. We should take advantage of our unique position to receive as much funding as possible. 102-32

C. Public and Political Support

Community support is essential for approval and implementation of this CAP. Without a broad base of support, a few vocal naysayers can sway public officials and stall climate progress. For the public to support the CAP, they have to understand what is being committed to, by whom, and by when, and have a way to monitor progress. The draft in its current state does not provide this. We strongly suggest a thousand foot view with clear quantitative targets. 102-33

V. Additional Information on the Use of CEQA Streamlining Must Be Provided

The draft document describes "CEQA GHG Emissions Analysis Streamlining" for future projects and plans that are consistent with the RCAP (i.e., tiering) as one of the purposes of the RCAP.[9] The draft specifies that demonstrating consistency with the RCAP for CEQA purposes will be accomplished with a "GHG Emissions Analysis Compliance Checklist," and that future projects that are not consistent with the RCAP "must complete a different assessment utilizing quantitative thresholds of significance."[10] The Notice of Preparation for the RCAP Environmental Impact Report (EIR) specifically includes the establishment of these quantitative thresholds as part of the RCAP project. 102-34

However, the current draft document contains neither a Compliance Checklist, nor a description of what types of projects the Checklist might apply to, nor a set of quantitative GHG emissions significance thresholds. Without these critical pieces of information, it is impossible to fully

[9] Page 4
[10] Page 79

assess the impacts of the RCAP. It is especially critical to understand the way compliance will be assessed via the Checklist, since the draft RCAP relies on many vague and/or uncertain measures and actions (e.g., conducting feasibility studies) which do not always have a clear application to individual future projects.

102-34 cont.

Compliance checklists are commonly included in city and county Climate Action Plans, generally as an Appendix. San Diego County, LA County, Pasadena, San Luis Obispo, San Mateo and San Jose all include Compliance Checklists in the draft CAPs they provided for public review.

VI. Urbanized Parts of the County Should Be Characterized as "Urban" Rather Than Rural

The current draft distinguishes between "rural" and "urban" areas of the county and then proposes different measures for each of these areas.[11] The justification for this distinction is that it is more difficult for rural areas of the county to reduce GHG emissions. However, as currently defined, many urbanized areas of the county are categorized as rural. This is because the current definition of "rural" is written far too broadly by including "the unincorporated County as well as some incorporated cities that have similar constraints."[12]

102-35

While they are not incorporated, areas of the county such as McKinleyville, Cutten, and Myrtletown are hardly "rural." McKinleyville has the third largest population of any community in Humboldt. Many of the people who live in these areas are served by municipal water and sewer systems and commute to the nearby cities of Eureka and Arcata for work. These areas are effectively urbanized and should not be treated the same as truly remote areas of the county. Reducing VMT from these areas is essential to reducing the County's overall VMT, as much of the county's VMT is generated by these kinds of suburban commuter communities. Instead of giving these areas a pass by categorizing them as rural, we should be specifically targeting them for increased transit access, bike mobility, etc., in order to reduce VMT. Additionally, measures to reduce building emissions in these areas are essentially the same as measures in larger incorporated communities, whereas "rural" measures pertaining to off-grid propane or diesel have little applicability.

[11] Page 25
[12] Page 25

We therefore propose that the CAP adopt the 2020 Census Urban Area boundaries to define urban communities.[13] By doing so, the communities of McKinleyville, Cutten, Myrtletown, Humboldt Hill, Ridgewood, and others would be classified as urban for purposes of the RCAP. 102-35 cont.

VII. The RCAP Cannot Take Credit For Reduction Measures Already Mandated by Law

Measure SW-1 is focused on meeting the requirements of SB 1383. We absolutely believe that Humboldt should follow State Law and reduce waste sent to landfills. However, we do not believe it is appropriate to attribute emissions reductions resulting from state mandates to the RCAP when they should be in the adjusted BAU forecast. Waste characterization studies provide organic waste yardage by jurisdiction, so it is not difficult to subtract out contributions from the few small towns with Low Population Waivers. Collection and edible food diversion ordinances have been passed in the rest of the county, and HWMA is in the process of setting up an organics processing facility.

SB 1383 doesn't require the county to develop its own compost facility. If construction of a compost facility is a CAP measure, then the only emissions reductions that can be counted are from decreased trucking to out of county composting facilities. 29,689 MT CO2e looks more like all the methane emissions avoided by diverting the county's organic waste from landfills, which properly belongs to state action.[14] 102-36

State guidance on what kinds of emissions reductions count for a qualified climate action plan, aligns with this approach, specifically stating:

> Reductions measured towards a reduction target should not include the benefits of State programs already in force; rather these reductions should be reflected in the forecast. Regardless of the role State programs play in local emissions reductions, the focus of local CAPs should be on measures to reduce emissions beyond what the State programs will achieve.[15]

Even when CARB modeling is not available, it is preferable to adjust the forecast with best estimates than to credit GHG reductions from massively influential state programs to local jurisdictions. SB 1383 and other mandated emission reductions–including reductions from the

[13] Available at https://cacensus.maps.arcgis.com/apps/webappviewer/index.html?id=67f7e4aa0bc6450e8a052176a12d86b9

[14] Page 70

[15] https://opr.ca.gov/docs/OPR_C8_final.pdf at 228

Advanced Clean Trucks, Advanced Clean Fleets, Advanced Clean Cars II, Title 24, and Federal CAFE Standards–should be moved to the adjusted BAU and new, non-state mandated measures added to make up for the gap. 102-36 cont.

VIII. Treatment of Point Sources

Humboldt only has two point sources required to report greenhouse gas emissions, the gas powered Humboldt Bay Generating Station and Humboldt Sawmill Company's biomass plant. Both are regulated under the Clean Air Act. The California Supplement to the National Community Protocol recommends excluding greenhouse gas emissions from power plants and industrial facilities regulated by the Clean Air Act, along with their electricity use and fuel consumption.[16] Electricity and fuel consumption from the power plants and former pulp mills, also regulated by the Clean Air Act, were included in the inventory without any clear explanation of how local governments could exercise authority.

Historically, Humboldt's sawmills and pulp mills burned their wood waste to provide their own heat and power. They produced far more electricity than they needed and exported the rest to the grid. Humboldt Sawmill Company still generates its own electricity from biomass instead of using grid power. The CO2 emissions from its electricity consumption would not be included in the RCAP inventory's Energy sector since the IPCC classifies CO2 emissions from biomass plants as "Agriculture, Forestry and Other Land Use," and then only as information. Methane and nitrous oxide emissions from biomass energy are included in the Energy sector. [17] 102-37

HBGS is a large gas consumer but its emissions from gas consumption and power generation are one and the same. Fossil gas and electricity consumption in Humboldt dropped significantly between 1990 and 2010 as sawmills and the pulp mill shut down.[18] Excluding HSC and HBSC's energy consumption from the back cast 1990 inventory in line with the recommendations of the CA Supplement to the US Community Wide GHG Emissions Protocol would make a significant difference in the amount of GHG reduction the RCAP must achieve. Excluding both emissions and energy use of Major Sources under the Clean Air act would not preclude measures to decrease energy consumption or emissions by other industries whose emissions are not federally regulated and which could, in the case of aquaculture and data centers, have a significant impact on the region's ability to meet its energy goals.

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[16] AEP, CA Supplement to the US Community Wide GHG Emissions Protocol https://califaep.org/docs/California_Supplement_to_the_National_Protocol.pdf

[17] 2019 Refinement of the 2006 IPCC Guidelines for National Greenhouse Gas Inventories, Volume 2. https://www.ipcc-nggip.iges.or.jp/public/2019rf/pdf/2_Volume2/19R_V2_2_Ch02_Stationary_Combustion.pdf

[18] CEC, California Energy Consumption Database https://ecdms.energy.ca.gov/

IX. VMT Reduction Measures and Targets Are Insufficient and Inconsistent with Other Plans and Policies

A. VMT Reduction Targets Are Inconsistent with CEQA Significance Threshold

The Governor's Office of Planning and Research (OPR) recommends a CEQA significance threshold for vehicle miles traveled (VMT) of 15% below existing VMT per capita for most development projects.[19] The draft RCAP acknowledges this recommendation and notes that the county has recently adopted the same threshold of significance for evaluating the transportation impacts of its own projects.[20] Yet the only quantified VMT reduction measures included in the draft RCAP, TR-1 and TR-2, cumulatively fall far short of this mark. For the target year of 2030, TR-1 Urban and TR-1 Rural each equate to a 0.2% reduction in VMT,[21] while TR-2 Urban and TR-2 Rural each equate to a 3% reduction.[22] Assuming the population is roughly stable over the next 5 years, the RCAP measures collectively equate to a 3.2% reduction in per capita VMT, which is 11.8% short of the CEQA significance threshold. (Note that part of the problem may be faulty assumptions, such as the assumption that even rural transit trips only average 3.8 miles,[23] despite many of the common transit trips in the region being much longer, and the assumption that only biking and not walking rates can be significantly increased,[24] despite walking being already much more common than biking.) 102-38

Although the RCAP is not explicitly a residential or office project subject to the 15% VMT reduction threshold, it is meant to streamline CEQA approval of such projects. If the VMT analysis of subsequent plans and projects is subjected to such streamlining, it will result in violations of the county's own adopted significant threshold for VMT, which is unacceptable. Furthermore, missing the 15% VMT reduction threshold means that the RCAP itself should be considered to have a significant VMT impact, requiring additional mitigation. This is illogical and counterproductive.

Furthermore, the proposed reductions to regional VMT are so small that they are likely within the margin of error of any tool that could be used to estimate VMT in the region. The VMT reductions are therefore not only inadequate, they are also unmeasurable and therefore unenforceable, which undermines the RCAP's status as a "qualified" Climate Action Plan.

[19] Governor's Office of Planning and Research. December 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA.
[20] Page 42
[21] Appendix C, Pages 46, 50
[22] Appendix C, Pages 54, 60
[23] Appendix C, Page 56
[24] Appendix C, Table 21

The draft RCAP describes its measures multiple times as "conservative" relative to the 15% reduction threshold, but that is not true. The measures fail to ensure that the RCAP's VMT impacts are less than significant, and are therefore the opposite of "conservative." To comply with CEQA and ensure a "qualified" RCAP, measures must be added and strengthened to ensure at least 15% reductions in per capita VMT. 102-38 cont.

B. VMT Reduction & Mode Share Targets Are Inconsistent with Regional Transportation Plan Targets

Humboldt County's adopted Regional Transportation Plan (RTP) calls for even greater VMT reductions than the CEQA threshold. Specifically, the RTP calls for a 25% per capita by 2030.[25] Clearly, the draft RCAP does not come anywhere near complying with this target either.

The RTP further calls for increasing the combined active transportation and transit mode share to 30% by 2030.[26] In contrast, the draft RCAP calls for achieving an active transportation mode share of 8%[27] and a transit mode share of 13%,[28] for a collective active and transit mode share of 21%, well short of the RTP's target. Since mode share is closely tied to VMT, this lack of consistency is also deeply troubling. 102-39

The draft RCAP cites the RTP's VMT and mode share targets many times, and describes the RCAP measures as "consistent with" or "aligning with" these targets, but that is not accurate. The draft RCAP simply calls for much less VMT reduction, and much less mode shift, than does the adopted RTP. To ensure consistency across regional planning documents, to support RTP implementation, and to avoid significant CEQA impacts caused by a conflict with another adopted local plan, the RCAP should add and strengthen measures in order to achieve the VMT and mode share targets found in the RTP.

C. VMT Reduction Measures Are Not Sufficient to Achieve Targets

The measures included in the draft RCAP to increase active transportation and transit mode share and reduce VMT are not sufficient to achieve even the extremely limited targets currently included in the draft document. 102-40

[25] Humboldt County Association of Governments. Regional Transportation Plan: Variety in Rural Option of Mobility (VROOM): 2022-2042: Page 2-13.
[26] Ibid.
[27] Pages 45, 49
[28] Pages 53, 58

The main barriers to implementing active transportation infrastructure are funding, staffing shortages, and lengthy and ineffective public processes. These obstacles combine to both dramatically reduce the number of projects built and increase the timeline for completion. Yet for funding, the RCAP suggests merely applying for 3 grants each year,[29] and continuing to seek funding from other competitive external sources - measures already regularly met and exceeded by local agencies. And the RCAP is silent on staffing and public process. To ensure adequate active transportation infrastructure is built in a timely manner that could conceivably allow the targets to be met, additional measures must be added to the RCAP. These measures must include, at a minimum:

- Development of additional, substantial sources of local funding for active transportation, or a commitment to devote a significantly greater share of street and road funds to bike and pedestrian infrastructure.
- Universal adoption and implementation of enforceable complete streets policies, which require complete streets features to be automatically included in routine road maintenance and repair projects, and any other project that affects the right-of-way, including when such features require portions of the right-of-way to be reallocated away from vehicle travel or parking.
- Development of a regional quick-build program for bike and pedestrian infrastructure, without which there is no way that necessary bike and pedestrian networks will be completed by 2030.

102-40 cont.

Furthermore, behavioral research suggests that transportation mode shift is most effectively encouraged by a combination of incentives and disincentives.[30] Specifically, parking supply has been shown to be a critical factor in mode choice, more significant even than walkability or transit access.[31] Therefore, in order to achieve meaningful mode shift, the RCAP must include measures to either limit or price the parking supply in urban areas. Parking management measures also must be explicitly incorporated into employer Transportation Demand Management (TDM) Plans (see proposed Measure TR-5).

The proposed RCAP transit measures, TR-2 Urban and Rural, include headway targets and other measures that have a more defensible relationship to desired mode share. However, funding is again the main obstacle to reducing transit headways and making other transit improvements, and the RCAP is silent on transit funding, other than suggesting a “collaboration”

[29] Page 47
[30] Piatkowski, Marshall and Krizek. 2017. Carrots vs. sticks: Assessing intervention effectiveness and implementation challenges for active transport. Journal of Planning Education and Research: 1-15.
[31] Millard-Ball and West. 2020. Residential parking supply has a stronger influence on household travel choices relative to a neighborhood’s walkability and access to transit. UC Institute of Transportation Studies Policy Brief.

to apply for grant funding.[32] The Humboldt Transit Authority (HTA) and Humboldt County Association of Governments (HCAOG) are already extremely effective at winning competitive grants, but this is not a sufficient nor sufficiently reliable funding strategy for long-term headway reductions and other necessary improvements.

Indeed, the text of the RCAP points to other cities that have increased transit mode share, and identifies successful strategies including taxes to support transit, user taxes, reduced parking availability, and transit-only lanes. The RCAP says that "it is anticipated" that the county's urban areas will follow suit with similar policies, but inexplicably does not include any of them in the list of actions to implement the measure.[33] In order to ensure sufficient funding, and to align incentives to produce ridership growth, all of these "key strategies" must be explicitly listed as implementation actions in the plan.

102-40 cont.

D. Potential VMT Reductions from Land Use Changes are Vague and Underutilized

Measure TR-3 emphasizes the importance of land use decisions, yet lacks clear language or actions that promote infill. This measure only explicitly aims to increase mixed use within infill areas, rather than increasing infill itself. It delegates the development of templates and educational materials, working with existing agencies on their plans, and pursuit of funding to the Regional Climate Committee, but stops short of committing jurisdictions to change their zoning. We are concerned that this lack of clarity about the planned result will allow streamlining of residential projects that contribute to sprawl. The current wording would allow those projects to say: "We're not building in an infill priority area, so increasing mixed use doesn't apply to us."

102-41

Even though this measure doesn't claim quantitative greenhouse gas reductions, it is critical to mitigating significant and unavoidable increases in VMT caused by Humboldt County's 2017 General Plan. The county's participation in this RCAP is required by CEQA because quantifying and mitigating the increased GHG emissions from the General Plan update was deferred to this Regional Climate Action Plan.[34]

E. Potential Measures that Promote Infill Development and Decrease VMT.

[32] Tables 15 and 16
[33] Appendix C Page 54
[34] Humboldt County GPU, Revised EIR Chapter 3.13 Climate Change and Greenhouse Gas Emissions, 2017. https://humboldtgov.org/DocumentCenter/View/58842/Section-313-Climate-Change-and-Greenhouse-Gas-Emissions-Revised-DEIR-PDF 2017.

The following measures, which have been instituted by other California cities and counties, have potential to lower transportation greenhouse gas emissions within designated zones by up to 65%.[35]

- Establish infill and transit-oriented development (TOD) overlay zones with minimum density requirements for as-of-right ministerial approval, streamlined permitting and reduced fees. CAPCOA indicates that GHG reduction in these zones could be as high as 31%.
- Pass ordinances prohibiting redesignation and rezoning of land for lower intensity land uses in transit-oriented development areas (areas within walking distance of basic services and transit).
- Charge a transportation impact fee for projects located more than a half mile from transit that lack bike/pedestrian infrastructure to create a fund used for improving transit and complete streets.
- Have planning departments audit zoning codes for consistency with compact walkable development and require changes.
- Further streamline permitting and reduce fees for construction of ADUs and affordable housing in targeted areas.
- Increasing the cost and limiting the supply of parking decreases urban car ownership and driving mode share while creating the opportunity for construction of additional housing.[36] This can be done on-street with metered parking with dynamic pricing and time limits, which can decrease transportation GHG emissions by 30%, or by reallocating street space from parking to bike lanes.[37] Off-street parking can be limited or made more expensive by eliminating parking minimums, unbundling parking from rent, charging for workplace parking, and decreasing transit headways to less than 15 minutes, triggering a state law that forbids parking minimums within a half mile of transit stops.

102-42

X. Quantitative Measures that Don't Meet CEQA Criteria

[35] CAPCOA, Handbook for Analysing Greenhouse Gas Emissions Reductions 2021 https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf

[36] Spears, S. Impacts of Parking Pricing Based on a Review of the Empirical Literature Policy Brief. https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Parking_Pricing_Based_on_a_Review_of_the_Empirical_Literature_Technical_Background_Document_0.pdf

[37] CAPCOA, Handbook for Analyzing Greenhouse Gas Emissions Reductions 2021 https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf

Quantitative measures in a qualified CAP must be enforceable or accompanied by significant evidence of effectiveness, must be additive and not mandated by pre existing law and ordinances, and must be feasible to accomplish within a reasonable amount of time.[38]

102-43

A. Measure TR-6, Increasing EV Adoption and Charging

Action TR-6b commits the Regional Climate Committee to draft a template for an ordinance to streamline EV infrastructure "to be distributed to applicable jurisdictions" but falls short of committing jurisdictions to pass it. Furthermore, AB 1236 already requires every city and county to adopt ordinances that expedite and streamline the EVCS permitting process.

Action TR-6c commits the Regional Climate Committee to "working with local jurisdictions to modify the Municipal code to promote EV charger access in new developments, redevelopment and existing parking spaces. This may include [*a list of possible code changes*]." Listing a possible menu falls short of committing local jurisdictions to make specific code changes, and the lack of specificity makes it impossible to quantitatively predict or verify the result. A specific list of code changes that all jurisdictions "shall" adopt would turn this into a qualified CAP measure.

102-44

TR-6 conflates the number of charging stations "needed to support" a given number of EVs with the number of charging stations needed to induce the purchase of the same number of EVs and attributes 100% of the GHG reduction from the newly adopted EV miles to the installation of charging infrastructure. No supporting evidence is provided. CAPCOA's Handbook for Analyzing Greenhouse Gas Emission Reductions caps the GHG reduction from chargers required by reach codes at 11.9% of GHG emissions from vehicles accessing the charger location, counting only gasoline miles replaced by electric miles in PHEVs. [39] Other California CAPs have followed this convention. One could reasonably also attribute some GHG reductions to workplace L2 and public DC chargers which shift load from predominantly gas-fired evening home charging to midday solar charging, but attributing all new EV miles to added charging goes too far.

Ordinances to expedite and streamline siting and permitting are mandated by AB 1236.[40] While including them in the CAP may finally get jurisdictions to comply, this should be a supportive, not quantitative measure.

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[38] OPR, General Plan Guidelines, Chapter 8. Climate Change
[39] CAPCOA, Handbook for Analyzing Greenhouse Gas Emissions Reductions 2021 https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf

[40] CalBO. AB 1236 Toolkit for Small Jurisdictions 2015 https://www.calbo.org/sites/main/files/file-attachments/ab1236toolkitsmalljurisdiction.pdf?1524861090

Expansion of public charging over the next 6 years from these CAP measures is not likely to produce a 55,000 MT drop in transportation emissions. The target should be scaled down and the GHG emissions reduction decreased accordingly. 102-44 cont.

B. Other Measures with Potential to Increase EV Adoption

The draft CAP projected future charging needs in 2030 and 2045 using EVI-Pro Lite, but a newer California analysis projects a higher percentage of workplace, multifamily, and fast charging will be needed.[41] Workplaces and multifamily housing are locations where vehicles park long enough at an L2 charger to fully charge, so installation in these locations should have the greatest impact on EV adoption and on increasing PHEV electric miles. It is unlikely that private landowners will voluntarily add charging beyond what is required by Title 24. Humboldt could follow other CA jurisdictions and adopt reach codes to increase the percentage of office, industrial and multifamily off street parking in new and substantially remodeled buildings that is "charger ready" (has a 220 outlet for each stall) and the percentage of L2 chargers actually installed.[42] Employers with over 25 employees and off street parking could also be required to provide charging and preferred parking places for zero emission vehicles. 102-45

C. Measure TR-8, Off Road Renewable Diesel

While it makes sense to take actions to speed the retirement of existing small off-road gas engines, the major GHG reductions claimed in this measure are for enforcing Title 13 Section 2449.1(f)(2) of the CA Code of Regulations requiring the use of renewable diesel. This fails CEQA criteria because it relies on a state law. It also isn't applicable because Humboldt County is on the list of "captive attainment areas" for the off road diesel rule, which means that off-road diesel equipment owners are exempt from the requirement to use renewable diesel if they operate exclusively within Humboldt and the following counties: Alpine, Colusa, Del Norte, Glenn, Lake, Lassen, Mendocino, Modoc, Monterey, Plumas, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sierra, Siskiyou, Trinity, Tehama, Yuba, and the portion of Sonoma County that lies within the boundaries of the North Coast Air Basin.[43] The 42,580 MT CO2e of the GHG reduction claimed for off road renewable diesel should be removed from the plan. 102-46

D. Measure BE-1, Building Energy

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[41] CEC, Assembly Bill 2127 Second Electric Vehicle Charging Infrastructure Assessment Commission Report 2024
[42] CA Energy Codes and Standards. Reach Code Paths: Electric vehicle requirements https://localenergycodes.com/content/reach-codes/electric-ready
[43] CARB Fact Sheet Renewable Diesel Fuel Requirements https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-renewable-diesel-fuel-requirements 2022

SB 1020 requires 90% renewable electricity by 2035 and 95% by 2040. This should be reflected in the Adjusted BAU forecast for 2045. Only measures and associated GHG reductions that exceed state targets should be included in the CAP.

The draft states that "RCEA is currently on track to provide all customers with electricity that is sourced from 100% net-zero-carbon emissions renewable resources by 2030, 15 years ahead of the state target," citing RCEA's 2019 RePower Plan. This 5 year old document doesn't reflect current reality. RCEA is moving backwards, cutting its renewable and zero-carbon power by over 50% for the next 2 years, which is the minimum required by the state, due to the RPS driving up the cost of renewable energy.[44] They hope to increase their percent of renewable energy in 2026 "financial conditions permitting," but competition and high prices in the wholesale market may not resolve that quickly. Given this uncertainty, the plan should use the conservative assumption that RCEA's portfolio will conform to the RPS.

The draft also states that RCEA's electricity is lower carbon than PGE's and uses this as one justification for departing from the California average energy consumption in the inventory. Comparison of RCEA and PGE power content labels from RCEA's inception in 2017 to 2023 reveals that, not counting biogenic carbon, RCEA's default plan was only lower carbon than PGE's for 2 years out of the 7, owing to PGE's high percentage of carbon free nuclear energy.[45] Measures that aim to entice PGE customers to switch to RCEA or prevent RCEA customers from opting out to PGE will not reliably decrease carbon emissions from local energy consumption.

102-47

The plan refers to the county's success in requiring cannabis growers to use renewable energy as evidence of the effectiveness of a potential policy requiring new industries to use renewable energy. We support adoption of this policy but no substantial evidence was given to prove its effectiveness. Cannabis license holders report their energy use and sources to the state. The data is incomplete, but of the 22.4 GWh/ year consumed by the reporting license holders, only 6.2 GWh were renewable.[46] There is nothing in BE-1 to support the claimed GHG reduction of 15,403 MT CO2e.

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[44] RCEA July 24, 2024 Board Meeting https://redwoodenergy.org/wp-content/uploads/2024/06/June-27-2024-Board-Meeting-Agenda-Packet-Final.pdf

[45] CEC Power Content Labels https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program/power-content-label accessed Sept 2024

[46] California Department of Cannabis Control. Electricity use reported by Humboldt cannabis permittees provided in response to public record request May 2024

E. Alternative Measures to Reduce Emissions from Buildings

Since even renewable energy entails some emissions, efficiency reduces carbon emissions more than replacing fossil fuel with renewables. A kwh saved in Humboldt, where the actual electrons come from gas and biomass, cuts GHG more than a kwh in most of the state, where the power mix is cleaner.[47]

Given the area's relatively low rate of new construction, the largest reductions in energy use from efficiency will come from existing buildings. With the majority of Humboldt's housing constructed prior to 1978 and the state energy code, there is significant potential for improvement. Envelope efficiency upgrades should come before heat pumps since a smaller appliance may be used, lowering both up front cost and subsequent electric bills, while decreasing demand on the grid. [48]

102-48

Efficiency reach codes for new construction, renovation, and time of sale; reduced or waived fees, building performance standards, expedited permitting for energy retrofits, and energy benchmarking are measures used in other CAPs to increase building energy efficiency.

The Regional Climate Committee could create a Climate Corps program to do blower door tests and seal air leaks and ducts.[49] These home visits might also be a way of pinpointing gas water heaters and furnaces nearing the end of life and prioritizing them for pre-emptive replacement.

The Policy Studio's Cost Effectiveness Explorer has a "choose your own adventure" modeling tool specific to Humboldt's housing stock and climate that predicts the GHG reduction and financial impact on homeowners for various building energy policies.[50]

F. Other Efficiency Measures for Local Jurisdictions

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[47] Oates, DL Locational Marginal Emissions, 2021 https://www.brattle.com/wp-content/uploads/2021/08/Locational-Marginal-Emissions-A-Force-Multiplier-for-the-Carbon-Impact-of-Clean-Energy-Programs.pdf

[48] ACEEE. Empowering electrification through building envelope improvements. https://www.aceee.org/sites/default/files/pdfs/empowering_electrification_through_building_envelope_improvements_-_encrypt.pdf

[49] BlocPower https://www.blocpower.io/posts/civilian-climate-corps-warmth-comfort-skills

[50] The Policy Studio. Online Cost Effectiveness Explorer https://explorer.localenergycodes.com/

The CAP should encourage local jurisdiction to pass ordinances requiring conversion of street lights from incandescent to solar or LED. Arcata, Fortuna, and McKinleyville CSD own their street lights. Some are still incandescent. Conversion to LED decreases energy use by 65% and pays for itself within a few years. Solar street lights don't require wiring to an external power source, lowering the cost of installation. Jurisdictions could form a purchasing alliance to decrease cost. EV charging could be incorporated into LED light poles on blocks with multifamily housing.[51] 102-49

XI. Building Decarbonization Can and Should Go Further

A. Measure BE-3, Residential Building Decarbonization

With all the incentives available now and in the near future, a 4% increase in existing residential building decarbonization isn't ambitious enough. We have the following suggestions on how to further decrease emissions from buildings.

An ordinance to improve indoor air quality in existing buildings by requiring replacement of gas stoves with electric induction at the end of life would have substantial gains for public health and equity, since indoor air pollutants reach higher concentrations in small homes, which often also don't have range hoods. Ideally this would be paired with an assistance program to help low income homeowners and owners of affordable multifamily housing access all rebates and incentives. 102-50

An ordinance adopting a revised version of the Title 24 Voluntary Measure for Existing Housing. The state version requires heat pumps when replacing air conditioners at end of life. Adding furnaces would make this requirement applicable in coastal Humboldt where people rarely have air conditioners.

Use installation permit records to identify and reach out to building owners with appliances nearing end of life.

Establish a Volunteer Home Energy Coach program in which volunteers are trained to guide other residents through decisionmaking about electrification and clean energy. Rewiring America is currently training cohorts of volunteers and 31 communities in Massachusetts have implemented coaching programs.[52]

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[51] LPDD, Model Law: Municipal Ordinance for Using Street Light Poles for EV Charging https://lpdd.org/resources/lpdd-model-law-municipal-ordinance-for-using-street-light-poles-for-electric-vehicle-charging/and Reducing energy use in public outdoor lighting https://www.aceee.org/toolkit/2015/01/reducing-energy-use-public-outdoor-lighting

[52] Rewiring America, Electric Coach Cohorts 2024 https://homes.rewiringamerica.org/learning/electric-coaches and Abode, Acton's Clean Energy Coaching Program, 2024 https://abodeem.com/homeowners/community-programs/acton/

B. Measure BE-7, Municipal building decarbonization should have a 2045 goal of 100%

The draft currently sets a goal of decarbonizing 30% of municipal buildings and facilities by 2030.[53] Unlike other measures, there is currently no goal for 2045. We suggest that Humboldt set the goal of decarbonizing 100% of municipal buildings by 2045. This goal would demonstrate that Humboldt's jurisdictions are committed to the State's goals and would help them lead by example. 102-51

XII. Measure TR-10, Renewable Fuels

This section is entirely misguided and should be eliminated. Doing so would not affect the qualified status of the RCAP since it is "supportive" and does not entail any specific reductions. Reasons to eliminate this section include: 102-52

- The assumption that biofuels are carbon neutral is not correct. The Low Carbon Fuel Standard assigns a carbon intensity to each alternative fuel "pathway." These vary greatly and must be determined by an independent Life Cycle Assessment. Biogenic feedstocks that grow quickly have a relatively low carbon intensity. But woody biomass contributes directly to global heating because it takes 30 to 100 years for the trees to regrow. So uses of woody biomass cannot be considered close to carbon neutral in the time frame of the CAP.[54]
- "Renewable natural gas" is primarily dairy biogas upgraded to biomethane. The LCFS erroneously assigns it negative carbon intensity values because dairy methane is not regulated. Our climate action plan cannot be predicated on the lack of regulation of the largest single source of anthropogenic methane in the state.
- The current draft of LCFS regulations adds a cap to renewable diesel, and, because it indirectly causes deforestation, it is not considered a climate mitigation in Europe. Our CAP cannot be based on an industry that is contributing to loss of forest sequestration.[55]

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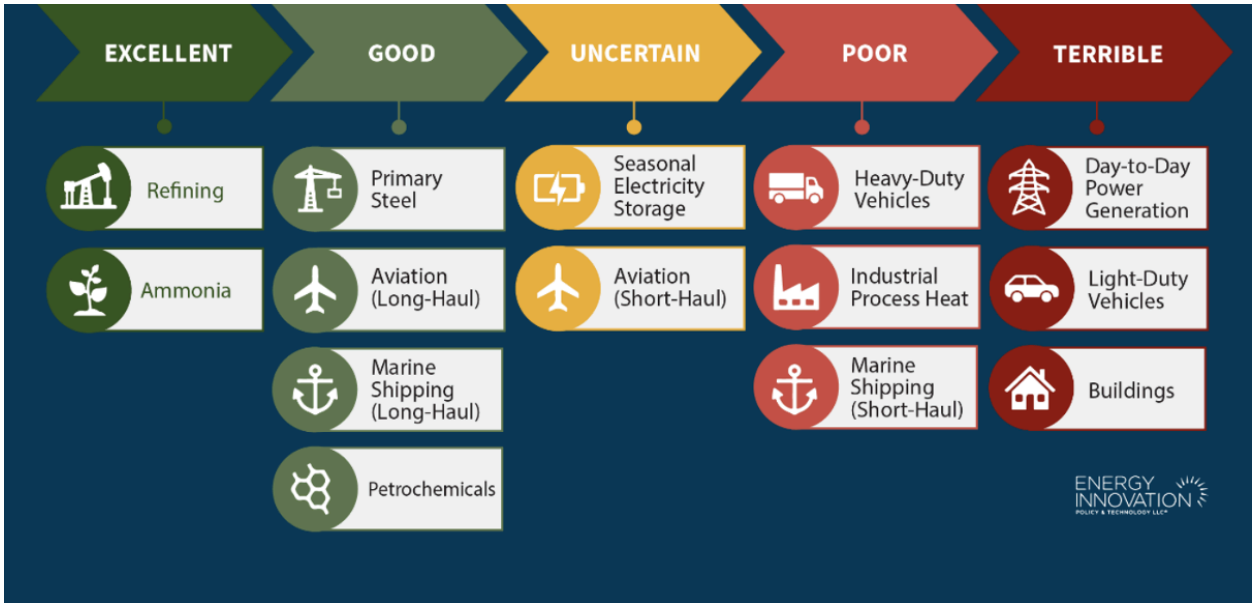
[53] Page 41

[54] Booth, M.S., 2018. Not carbon neutral: Assessing the net emissions impact of residues burned for bioenergy. *Environmental Research Letters*, *13*(3), p.035001; Fingerman, K. R., et al. (2023). "Climate and air pollution impacts of generating biopower from forest management residues in California." Environmental Research Letters 18(3). The CAP draft cites a 2014 NRDC document that is no longer current.

[55] Das, Arpita, and Samuel Lalthazuala Rokhum. "Renewable diesel and biodiesel: a comparative analysis." In *Renewable Diesel*, pp. 123-166. Elsevier, 2024. There are US consequences too: the price of corn has gone up, synthetic fertilizer use increased, and water pollution increased.

- Hydrogen is widely considered a climate-neutral energy source because when combusted it does not produce CO2. However, if leaked into the atmosphere it has a warming effect because it reacts with methane and ozone. Because it is such a small molecule, “fugitive” hydrogen is a concern.[56]
- “Green hydrogen” is needed for certain very difficult to decarbonize sectors, such as steel and cement and aviation. The graph below, from a just released report by the highly respected think tank Energy Innovations makes clear hydrogen has a narrow pathway.[57]



102-52 cont.

- However, there is virtually no green hydrogen available at this point. The Inflation Reduction Act contains large incentives for green hydrogen and it is hoped that by 2030 that industry can take off.[58]
- The CAP should not endorse the use of any hydrogen for light vehicles, including fueling stations for light vehicles. HTA will be bringing fueling stations for buses and presumably some trucks and perhaps port equipment. 350 Humboldt supported the HTA grant on the assurance that the hydrogen would be green by 2028.

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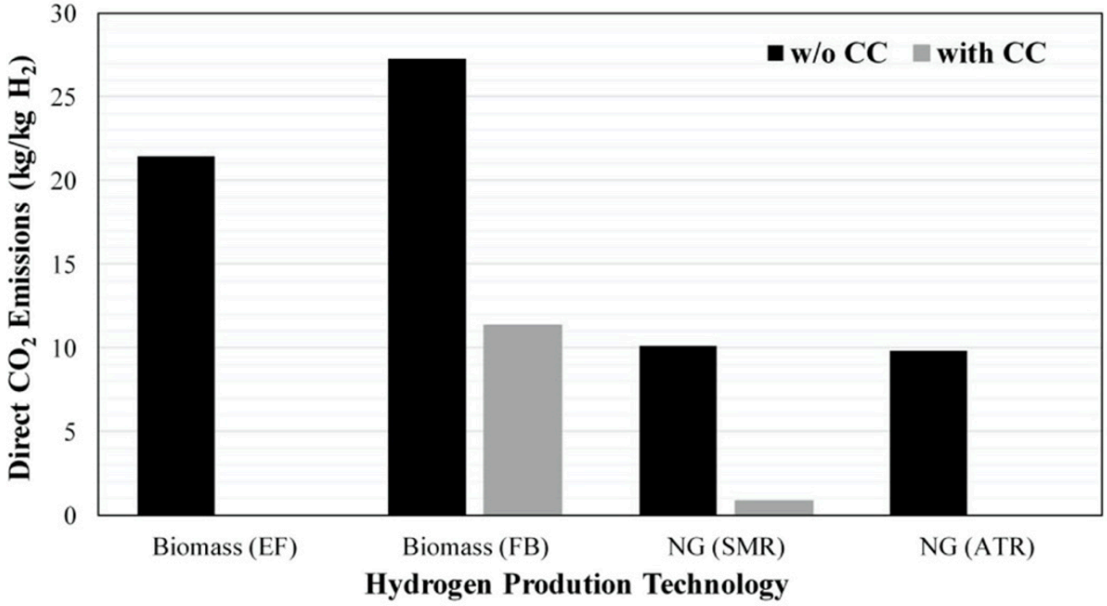
[56] Ocko, Ilissa B., and Steven P. Hamburg. "Climate consequences of hydrogen emissions." *Atmospheric Chemistry and Physics* 22, no. 14 (2022): 9349-9368.

[57] Energy Innovations, Hydrogen Policy’s Narrow Path Delusions and Solutions, August 2024. https://energyinnovation.org/publication/hydrogen-policys-narrow-path-delusions-and-solutions-report/hydrogen-policys-narrow-path-delusions-and-solutions-2/

[58] There is much confusion about what constitutes “green hydrogen.” We believe it should be defined as it is in the Treasury Department’s draft 45V regulations as electrolytic hydrogen made from water according to the “three pillars”: a) the renewable energy used in making it is additional; b) the renewable energy is co-located; and c) the carbon intensity of the energy is based on 24/7 accounting.

- Hydrogen made from woody biomass is not green; the greenhouse gas emissions are higher than simple combustion because of the additional energy needed to pre-process the wood waste. The graph below shows direct CO2 emissions from two types of hydrogen manufacture using gasification of biomass and two types of manufacture from natural gas (including steam methane reformation).[59] Even with carbon capture and sequestration the carbon intensity of manufacturing hydrogen from biomass is unacceptable. In contrast to the biomass processes in which over 20 kg of CO2 are released per kg of hydrogen produced, the green hydrogen to be supported by the IRA must be no higher than 0.45 kg of CO2 for each kg of hydrogen.

102-52 cont.



XIII. Refrigerants are Entirely Missing from the RCAP

Refrigerants are missing from the RCAP. When the improbable, unsubstantiated, inflated, and misclassified GHG reductions are weeded out of this draft, there's a big hole that needs filling. Thus far we've suggested alternatives within the same categories as the measures we commented on. Refrigerants are in a category of their own.

102-53

HFC and HCFC refrigerants have Global Warming Potentials from a few hundred to 13,000 times greater than CO2. Reducing emissions of these extremely powerful short-lived climate

[59] Salkuyeh, Yaser Khojasteh, Bradley A. Saville, and Heather L. MacLean. "Techno-economic analysis and life cycle assessment of hydrogen production from different biomass gasification processes." *International Journal of Hydrogen Energy* 43, no. 20 (2018): 9514-9528.

pollutants can reduce near term warming by 0.4C. The Kigali Accord will, if followed, phase down HFC emissions 56% by 2050 but that falls short of the 70-80% reduction required to keep warming below 1.5°C.[60]

Faster action than the US is currently pursuing would buy us time to reduce CO2 levels and limit warming close to 1.5°C.

The AEP Climate Change Committee's "The California Supplement to the United States Community-Wide Greenhouse Gas (GHG) Emissions Protocol" – the basic protocol used for the emissions inventory – contains virtually no information on refrigerant emissions, but it was published in 2013 and is out of date.[61] More recent Climate Action Plans in CA have included refrigerants. Local data is available through the state's Refrigerant Management Programs's mandatory reporting program.

The primary source of refrigerant leaks in Humboldt County is supermarkets, with the EPA estimating leaks averaging 25% a year. The phasedown in state regulations is slow and limited. Humboldt County can make much faster progress.

Here are the current state standards:

102-53 cont.

[60] Purohit, Pallav, Nathan Borgford-Parnell, Zbigniew Klimont, and Lena Höglund-Isaksson. "Achieving Paris climate goals calls for increasing ambition of the Kigali Amendment." *Nature Climate Change* 12, no. 4 (2022): 339-342.

[61] Rincon could request Humboldt County data on businesses with 50 lbs or more of refrigerants from CARB's Refrigerant Management Database, Tristan Pulido, Manager. 350 Humboldt received the 2019 data through a public records request. There are 102 supermarket refrigerant systems (sometimes more than one to a store) with a total GWP for the refrigerants of 131,329,801 metric tons of CO2e. If we use the EPA estimate that amounts to approximately, 26,000 metric tons of CO2e leaked each year, or roughly the same emissions as 2,925,622 gallons of gas consumed a year.

Existing Retail Food Companies

Company Size	Compliance Requirement	Date
Companies owning or operating 20 or more retail food facilities in California, and national supermarket chains operating in California.	Attain a company-wide weighted-average GWP of less than 2,500 or a 25% or greater reduction in GHGp below 2019 levels by December 31, 2026	December 31, 2026
	Attain a company-wide weighted-average GWP of less than 1,400 or a 55% or greater reduction in GHGp below 2019 levels	January 1, 2030
Companies owning or operating fewer than 20 retail food facilities in California	Attain a company-wide weighted-average GWP of less than 1,400 or a 55% or greater reduction in GHGp below 2019 levels	January 1, 2030

Since systems using CO2 or propane are available with a GWP of 1 or less, there is clearly a large reduction possible beyond the existing regulations. It is likely that the Regional Climate Committee will need to apply for grants to assist independents and smaller markets. The County and cities can establish their own standards for chains.

102-53 cont.

Leak prevention is an important action to take in the short run, and leak detectors can be required. California air districts may enforce such requirements under agreements with the ARB, using funding provided through facility registration fees. (Portable handheld detectors can be purchased for a few hundred dollars Recycling of HFC refrigerants can be required.) The EPA has a voluntary program of leak reduction called Green Chill that markets can be urged to join.

Beyond the supermarkets and businesses with 50 pounds or more of refrigerant, approximately one-third of US refrigerant emissions come from air conditioners. There are relatively few in Humboldt County. However, there is a state and national push to install heat pumps. Unfortunately most of these now use HFC refrigerants, creating a large problem for capture and disposal at end of life. The Regional Climate Protection Board can publicize the heat pumps that do not use HFCs and establish fail-safe measures for capturing end of life HFCs. It can also promote CO2 heat pump hot water heaters that do not use HFCs.

New regulations in the County and CAP cities could also require and incentivize HFC capture from smaller appliances at end of life. These include older refrigerators and freezers and automobile cooling systems.[62]

[62] New refrigerators use iso-butane and new automobile systems use R1234yf with zero GWP.

An example of how Humboldt could proceed is found in the Eugene, Oregon 2020 Climate Action Plan. The plan called for convening owners and servicers of commercial refrigeration units by the end of 2021 to identify market-based and regulatory options to reduce community-wide refrigerant gas leaks from appliances like air conditioners, refrigerators, and commercial refrigeration systems.[63]

102-53 cont.

XIV. Other Comments

A. Natural Gas End Date

The draft currently considers setting an end of natural gas flow date and then chooses not to.[64] Humboldt County should set a target for an end of natural gas flow date in 2045.

In order to achieve this goal, the draft should more aggressively promote switching from natural gas to electric heating. For example, the current draft proposes to "require electrification of feasible equipment in association with major renovations" for commercial buildings but not residential ones.[65]

102-54

B. Measure BE- 8, Local Distribution of Offshore Wind Energy

CAISO has already approved a transmission plan which, in addition to a new Humboldt 500 kV substation and long distance high voltage transmission lines, also includes a 500/115 kV transformer, a 115 kV line to Humboldt's existing 115 kV substation, and a 115 kV phase-shifting transformer at the substation, which would make offshore wind energy available to our local distribution system.[66]

CAISO's plan makes it unlikely that wind power will bypass the local distribution system.The CAP should encourage jurisdictions should advocate for an affordable PPA for RCEA as part of a Community Benefits package.

102-55

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[63] https://www.eugene-or.gov/4284/Eugenes-Climate-Action-Plan-20 and https://www.eugene-or.gov/DocumentCenter/View/71308/Refrigerant-Management-Guidebook https://www.eugene-or.gov/5267/Managing-Refrigerants
Please see Appendix I for more detailed information about refrigerants in Humboldt County.

[64] Page 37

[65] Pages 37, 40.

[66] California ISO Greenlights Transmission Plan for Offshore Wind Integration https://www.offshorewind.biz/2024/05/24/california-iso-greenlights-transmission-plan-for-offshore-wind-integration/ May 24, 2024).

C. Measure WW-1 Underestimates Methane from Wastewater Treatment

Wastewater releases greenhouse gases, primarily methane. The RCAP discusses CO2 emissions from combustion of anaerobic digester biogas and lagoon emissions. In fact, methane can be emitted from almost any aspect of sewage treatment. The RCAP uses emissions factors from the IPCC, which are in turn adopted by EPA. However, in the last year we have learned from a Princeton University team that directly measured emissions at 63 waste treatment plants (the largest study yet) that methane release is underestimated by a factor of two by the EPA.[67] 102-56

1. Digesters in particular emit far more methane as leaks than the EPA assumes.[68]
2. Much more routine monitoring of methane monitoring is necessary and, in all likelihood, all of the Humboldt wastewater treatment systems will need interventions.
3. This is actually a significant opportunity to reduce emissions because wastewater treatment plants are government owned and operated and intervention to fix leaks can be directly required by entities covered in the Humboldt RCAP.

XV. Conclusion: We Need Climate Action Now

2023 was the hottest year since global records began in 1850. We need climate action *now* to forestall the worst effects of global climate change. The development of the RCAP has been slow and marked by delays. We encourage jurisdictions to begin work towards implementing RCAP measures before the RCAP is finalized. We encourage the expeditious completion of this RCAP. Furthermore, we urge jurisdictions to immediately begin planning for the next iteration of the Climate Action Plan, as 2030 is quickly approaching. 102-57

Thank you for the opportunity to review this draft. We are happy to discuss any portion of these comments should you have any questions, concerns or comments.

Sincerely,

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[67] Moore, Daniel P., Nathan P. Li, Lars P. Wendt, Sierra R. Castañeda, Mark M. Falinski, Jun-Jie Zhu, Cuihong Song, Zhiyong Jason Ren, and Mark A. Zondlo. "Underestimation of sector-wide methane emissions from United States wastewater treatment." *Environmental Science & Technology* 57, no. 10 (2023): 4082-4090.

[68] "We found plant-wide CH_4 emissions vary by orders of magnitude, from 0.01 to 110 g CH_4/m^3 with high emissions associated with plants equipped with anaerobic digestion or stabilization ponds." Song, Cuihong, Jun-Jie Zhu, John L. Willis, Daniel P. Moore, Mark A. Zondlo, and Zhiyong Jason Ren. "Methane emissions from municipal wastewater collection and treatment systems." *Environmental science & technology* 57, no. 6 (2023): 2248-2261. (This was a statistical review of over 310,000 articles.)

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Northcoast Environmental Center

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Redwood Coalition for Climate & Environmental Responsibility

/

APPENDIX I: HOW MUCH GREENHOUSE GAS EMISSIONS ARE DUE TO REFRIGERANTS IN HUMBOLDT COUNTY?

The state Air Resources Board keeps a database, updated annually, of every business using HFCs that has equipment needing a refrigerant charge of 50 lbs or more. This is called the Refrigerant Management System. We obtained by public records request RMS data from 2019, 2021 and 2022. Like many administrative databases where the information required is not of use to those supplying it, compliance is somewhat inconsistent. This appears to be the case for 2020 data as 81 of 103 supermarkets reported zero refrigerant having to be replaced due to leaks, which is not plausible. Additionally, the leak rate data for the 2021 data was also not plausible (far too many systems were listed as having leaked several times the full charge amount) The data from 2022 look plausible but the number of sources was reduced from 103 to 63 which appears to be a mistake.[69] In the table below we show the number of businesses (overwhelmingly supermarkets) in the data from each year, the percentage with zero reported leaks, and the overall leak rate with and without the organizations reporting no leaks. We also show the total Global Warming Potential (GWP100) as used by CARB for the county supermarkets; and finally we estimate the likely GWP of leaked supermarket HFCs. The estimate for leakage is taken from the 2022 data and applied to the total from each year to provide a range of the metric tons of CO2e leaked each year. We can be fairly sure that the metric tons of CO2e leaked annually is between 19,000 and 45,000.

Humboldt County HFC Systems and Leaks: Annual CO2e Emissions

	HFC systems	No reported leaks	Fraction of full charge leaked	Total GWP of charge in metric tons	GWP of leaked HFC *using 2022 leak rate*
2019	103	84%*	0.07*	131,000,000	44,540,000
2021	86	13%	1.11*	89,700,000	30,498,000
2022	63	44%	0.34	56,400,000	19,176,000

*Not plausible

It would obviously be useful to have reliable data, and perhaps Rincon can obtain it from CARB. However, it is simple to describe the goal: as many supermarkets as possible should switch to CO2 or propane-based systems by 2030. As noted above the state only requires a reduction to

[69] For 2021 and 2022 we obtained statewide data. In 2021 there were 26,977 refrigerant systems but only 16,000 in the 2022 data. So apparently not all data was supplied as requested.

1,400 GWP refrigerant. But this would mean, since the state intends ultimately to reduce refrigerants to a GWP of under 150, that stores will be undergoing two remodels. It will be much more cost-effective and helpful to the climate if stores make only one change by 2030 – to GWP 1 or less refrigerants. The state's FRIP program has substantial incentive payments for making this change.

March 21, 2025

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Subject: Comments on Humboldt Regional Climate Action Plan (RCAP) and CEQA GHG Emissions Thresholds Draft Environmental Impact Report (DEIR) dated February 14, 2025

Introduction

The purpose of this letter is to provide comments on Humboldt Regional Climate Action Plan (RCAP) and CEQA GHG Emissions Thresholds Draft Environmental Impact Report (DEIR) dated February 14, 2025. Many of our clients, friends, and colleagues have asked us to address the RCAP and provide comments. This letter is the culmination of our review of the documents and many discussions we have had with clients, friends, colleagues, and the public.

The RCAP purpose and objectives are to adopt a qualified GHG reduction RCAP that may be utilized for streamlining CEQA GHG analyses for future projects. To qualify for CEQA streamlining, the RCAP must quantify GHG emissions and establish a level (threshold) below which the contribution of GHG emissions from activities covered by the RCAP would not be cumulatively considerable.

The County has experienced large economic downturns, first in logging and fishing, and now the cannabis industry. The County is struggling financially, is experiencing reduced economic capacity and difficulties enticing qualified professionals to relocate to the region. The RCAP assumes GHG emission reduction in the county through the RCAP would promote economic growth, funding opportunities, and expansion of renewable energy infrastructure, all of which are dependent on financial backing through general funds, grants, or financing opportunities. Of the thirty measures proposed in the RCAP, about twenty-eight include “feasibility studies”, all of which will require funding. Where will the funding actually come from? Will funding come from inflationary expenses such as increased agency fees, sales taxes, or property taxes? The cost of the plan will likely burden residents and small businesses already impacted by economic hardships in the County.

201-1

The RCAP and DEIR do not address the impact on the quality of life and sensitive economic conditions that exist in the County, or the fact that the County, although it may be impacted by climate change, is not the cause of climate change and does not contribute to climate change.

201-2

The RCAP's Premise is Misleading Regarding County Impacts on Climate Change

The premise behind the need of the RCAP is that to avoid the "catastrophic" effects of climate change, GHG emissions in the County must be reduced significantly over the next two decades (RCAP Section 1.1 – Vision). While this may be true on a State and national level, the impact of emissions from the County are miniscule (Table 1). The County represents 0.4% of statewide emissions and 0.02% of national emissions.

The County's impact on GHG emissions (or lack thereof) will not correct the "catastrophe" or forestall the effects of climate change. Although the County may be impacted by climate change, the county is a net sink (e.g., carbon negative - see discussion below) and is not the cause of the problem and should not be penalized for problems caused by the big contributors to GHG emissions.

Table 1. Comparison of GHG Emissions ($MMTCO_2e$ = million metric tons of carbon dioxide equivalent)

	2022 GHG Emissions ($MMTCO_2e$)	**Source**
Humboldt County	1.5	RCAP
California	371.1	CARB Website
United States	6,343	EPA Website

201-3

It is fairly understood by the climate change community that countries with higher historical contributions to GHG emissions, typically wealthier nations, should bear the greater responsibility for reducing greenhouse gas emissions, ensuring a fair and equitable approach to climate change mitigation. This should also be applied to rural areas across the State which have much lesser contributions as well as depressed economic capacity. Those jurisdictions across the State that have greater economic capabilities as well as far more contribution should take the lead while not stymieing places like Humboldt County.

Using the statewide emissions (Table 1) as an estimate of the per capita emission rate and applying that to a county level, 97% of the GHG emissions are attributed to 33 of 58 counties in the state with populations over 150,000 (Table 2). Humboldt County's population is about 136,000.

Table 2. GHG Emission Contribution by County Population

Population	**Total GHG Emissions ($MMTCO_2e$)**	**Percent**	**Number of Counties**
Counties with Less than 150K	11.7	3%	25
Counties with Greater than 150K	359.4	97%	33

The County is Beyond Carbon Neutral, it is Carbon Negative and Climate Positive

The RCAP is a planning document developed to help the **State as a whole** meet its GHG reduction goals, which are to reduce GHG emissions in accordance with the **State's goal** of 40% below 1990 levels by 2030 and carbon neutrality by 2045. The **State's** plan to achieve carbon neutrality is to create a reduction of **statewide** anthropogenic GHG emissions of 85% below 1990 levels by 2045, with the remaining 15% reduction anticipated to be achieved through removal of carbon dioxide from the atmosphere, including sequestration in forests, soils, agriculture lands, and other natural landscapes, which the County has in abundance.

Eighty percent of the County's 2.3 million acres are forested; 55% is private commercial timberland and 35% is State or federal public land (DEIR Section 2.1). Forests act as a huge carbon sink. According to research at Penn State[1], preventing forest loss in California on 1-acre of forestland avoids the release of 109.4 $MTCO_2e$. Delaying harvests for 1-year on 1-acre of forestland helps avoid the release of 2.2 $MTCO_2e$ per year. This is likely a conservative estimate as coastal redwoods and Douglas fir can sequester 4.2 $MTCO_2e$ per acre per year[2]. According to the RCAP and DEIR, the existing per-capita emission rate in the County is 11.2 $MTCO_2e$ and the projected forecasted 2030 rate (with the State's mandated measures incorporated) is 10.2 $MTCO_2e$. Between 18% and 40% of the forested land in the County would be required to offset existing and adjusted forecasted emissions at 2.2 to 4.2 $MTCO_2e$ per acre per year through 2045 (Table 3). This does not account for the additional reductions/sinks achieved from the County's natural and working lands that are not included in the forest inventory (e.g., 690,000 acres of agricultural land within the County, wetlands, and coastal habitats). Thus, the County is already beyond carbon neutral. The County is carbon negative and climate positive because it goes beyond carbon neutral by actively removing more carbon than is emitted, contributing a net reduction. 201-4

Table 3. County Carbon Emissions Offset by Carbon Sequestration of Existing Forest Land (Adjusted Forecast is GHG emissions with state requirements implemented and no RCAP in place).

Year	Adjusted Forecast from RCAP ($MTCO_2e$)	Population (DEIR Table 3-1)	Emissions per Capita ($MTCO_2e$/Person)	Acres of Forest to Offset per Capita Emissions (Acres/Person)	Total Forest Area Needed to Offset Emissions (Acres)	Percent of Total Available Forest Area to Maintain Carbon Neutrality
2022	1,531,167	136,132	11.2	2.7-5.1	364,564-695,985	20%-38%
2030	1,459,598	143,566	10.2	2.4-4.6	347,523-663,454	19%-36%
2045	1,387,943	151,406	9.2	2.2-4.2	330,463-630,883	18%-34%

[1] The Economic Value of Private Forests and Climate Change Mitigation, Melissa Kreye, February 2023
[2] Forest Carbon Projects – Mendocino and Humboldt Counties

None of this is included or discussed in the RCAP or the DEIR because it would mean that the County is carbon negative (beyond climate neutral) and further reduction in emissions is not necessary to assist the State in meeting its goals. Thus, economic and development constraints are not necessary within the RCAP, the County is climate positive without the RCAP in place. The RCAP should focus on achieving State mandated reductions and actions that allow the County to grow while achieving carbon neutrality.

The RCAP states under Strategy 11 – Increase Carbon Sequestration (CS), "*The State goal of reaching carbon neutrality by 2045 relies on up to 15 percent of total emissions being removed via carbon sequestration. At this time, the technology is not available to achieve this level of carbon removal and further analysis would need to be conducted to determine the possibility of achieving this through improved natural land management in Humboldt's forests and wetlands*". Under Measure CS-3, the RCAP acknowledges that the County may be a sink, but states that this cannot be verified without a comprehensive inventory of carbon stocks in the region. "*Measure CS-3 directs the County to build off of North Coast Resource Partnership's 2017 Northern California regional natural working lands study to establish an updated County-wide Natural and Working Lands GHG Inventory baseline by 2027*". This disregards the OBVIOUS lands within the County that are already acting as sinks and making the County carbon negative. The premise behind these strategies appear to be based on strategies from larger, more densely populated counties that are high contributors to GHG emissions and NEED to capitalize on natural and working land and mechanical methods to meet the State's carbon neutrality goals by 2045. 201-4 cont.

The DEIR Provides an Incorrect Determination of CEQA GHG Emission Thresholds

GHG Thresholds are introduced in the DEIR and are set at the level of GHG emissions that new development would need to achieve to be consistent with the RCAP communitywide emissions target of 1,241,589 MT of CO_2e by 2030.

First, the DEIR does not detail how the thresholds are calculated. Second, the thresholds only apply to plans or projects with pre-2030 buildout or initial operation years. Thresholds beyond 2030 would need to be established later in conjunction with subsequent RCAP updates. This makes it difficult for new projects beyond 2030, especially when the land use entitlement process for new projects can take many years. Third, the thresholds don't take into account that the County is carbon negative. The thresholds should be based on allowing the county to grow and prosper with the goal of maintaining carbon negativity or carbon neutrality. 201-5

The majority of GHG emissions can be attributed to the State's most densely populated cities and counties, which have grown and prospered while Humboldt County has declined and struggled. CEQA GHG emission thresholds provided in the DEIR imply that the County should have limited growth and penalize new development. Humboldt County should be allowed to thrive, prosper, and develop by utilizing its existing natural resources and carbon sinks. Thresholds should be determined based on a buildout scenario that the County is able

to achieve while maintaining carbon neutrality with a focus on sequestering and optimizing natural and working lands and utilizing credits from future offshore wind projects.

The County should not send its carbon credits elsewhere in California, nationally, or the world. The County should get credit for and be allowed to build and grow to become a healthy, local, economic self-sustaining region. The County and its residents should not be penalized for being sustainable. 201-6

The RCAP should account for all measures that the State already mandates communities to comply with, which helps the County maintain climate positivity without additional, non-mandated, penalties (e.g., taxes, fees, construction costs, electricity costs, etc) to the County's residents. 201-7

Streamlining CEQA GHG Analyses – Does it Really?

"*The overall purpose of the RCAP and CEQA GHG Emissions Thresholds is to prepare, adopt, and implement a qualified GHG reduction plan that may be utilized for mitigating and tracking Countywide GHG emissions as well as for streamlining CEQA GHG analyses for future projects within the County that are required to undergo CEQA review*". Not only does this include reducing emissions (as discussed above, the County is beyond carbon neutral) it includes, demonstration of "*a level of GHG emissions below which the County would have less-than-cumulatively-considerable GHG impacts for future environmental planning reviews and provide CEQA streamlining for projects via the Humboldt Regional CEQA GHG Checklist*". It was shown above that the County's emissions do not contribute to the State or global concerns, thus, the CEQA GHG Emissions Threshold presented in the DEIR is not applicable to the County. 201-8

The RCAP and DEIR state that the County's goal is to adopt GHG Thresholds and a GHG Analysis Compliance Checklist. If projects are not consistent with either of these, the project would be required to conduct full CEQA GHG emissions analysis and comparison to the GHG Thresholds. However, the GHG Thresholds are only for projects / operations through 2030. There is no streamlining for projects beyond 2030 that are not consistent with the checklist or thresholds. In addition, the County has yet to provide a "Compliance Checklist" and how it will evaluate project's consistency with the RCAP. 201-9

Thus, for all other projects, will the projects need to demonstrate carbon neutrality along with costly mitigation measures? Especially when development costs and regulations in the County are already out of control.

For example, the RCAP does not appear to afford streamlining for development projects in rural communities (if they do not meet the "infill" definition). The RCAP does not provide a definition of "infill", which would be different for a rural County compared to Los Angeles, San Francisco, or Sacramento. Streamlining infill projects within the "Urban" areas is not sufficient and discriminates against the County's rural communities. 201-10

Tourism is a major economic driver in the County. The County needs to protect ecotourism and destination-based tourism and rural attractions. How will GHG thresholds and Compliance Checklist impact the ability to develop camping, glamping, and tourism in our rural areas and urban/rural interface? 201-10 cont.

Another example is the goal of RCAP Measure TR-3, which is to reduce regional VMT by increasing mixed-use development in infill priority areas in alignment with HCAOG's baseline connectivity score included in the Regional Transportation Plan. What are infill priority areas? How will HCOAG's connectivity score be applied? This is only a "supportive" action with no reduction in GHG emissions provided. How will this be incorporated into the checklist? How will potential mixed use and residential projects located within rural communities, urban clusters, and /or lower VMT areas (refer to Humboldt County Average VMT on Humboldt County Web GIS) be streamlined and avoid costly environmental documentation and delays. 201-11

Also, it should be noted that the "streamlining" only applies to GHG Emissions. There are many other elements in CEQA that this does not apply to and would not streamline the entire CEQA process.

There is too Much Focus on VMT Reduction

The State is mandating electrification of vehicles. With vehicle electrification, VMT is becoming less of an important, valid parameter for GHG emission impacts.

Projects in rural communities should not be penalized due to the lack of transit or perceived larger VMT, considering these are small, disadvantaged populations in an area that is already carbon negative. Rural areas are penalized by the VMT measurement, for example, in a rural area, the average VMT per resident may be 27, for 100 residents this would equate to 2,700 miles traveled. In an urban area, the average VMT per resident may be 5, for 20,000 residents this would equate to 100,000 miles traveled. The County needs to recognize that it is infeasible for rural communities to significantly reduce VMT (without impacting their way of life) or reduce VMT to a level that would make a difference, especially when the County is already carbon negative. 201-12

The Humboldt County 2017 General Plan has a mitigation measure that the County develop and implement a Climate Action Plan that effectively mitigates the carbon emissions attributable to this Plan, consistent with the requirements of the state Global Warming Solutions Act and subsequent implementing legislation and regulations. The General Plan shows a daily VMT estimate at project buildout (2040) of only a 6% increase from 2010 daily VMT. The RCAP includes emission estimates through 2045, and as shown above, the County is carbon negative. The County emissions reported in the RCAP are insignificant when compared to the State and do not contribute to the problem.

There is too Much Focus on Eliminating Natural Gas

During power outages and in rural communities, natural gas compliments other energy and heating sources and allows for redundancy and opportunities for more cost effective and redundant power sources.

A simple internet search shows that, although electricity is cheaper for certain appliances, natural gas is generally cheaper than electricity for heating and hot water. Natural gas is an important component to living rurally and forcing electrification could make it more costly for County residents who are already struggling with increasing electricity costs. 201-13

According to the US Energy Information Administration (EIA)[3], natural gas is 25% to 100% cheaper than electricity and the States electricity prices are 56% to 147% higher than the nationwide average.

The RCAP Needs to Consider Rural Communities When Designating Infill Areas

Measures are focused on increasing mixed-use and multifamily development in designated infill areas to alleviate traffic congestion, lower transportation emissions, discourage urban sprawl, and reduce VMT by single passenger vehicles. However, the focus of infill is on urban areas and excludes the County's rural communities. As the RCAP measures are written, new development in rural communities will be difficult and likely lead to increased isolation and further disadvantage the rural areas in the County. 201-14

A suggestion - Spot zoning (e.g., multifamily housing and services) for rural communities would likely help provide services that would be obtained with lower transportation requirements.

There Has Been Insufficient Outreach to Business Owners, Developers, Property Owners, and County Residents

The communication to the public has been limited and focused on the procedure for approving an RCAP as well as the potential "catastrophe" to the world if the County doesn't act.

A summary of "how" the RCAP will be implemented and impact the community has not been provided. For example, during the DEIR Public Meeting (March 18, 2025) the entire 728-page DEIR and 308-page RCAP was summarized in 30 minutes, without any details or examples of how implementation will be achieved and how it may affect Business Owners, Developers, Property Owners, and County Residents. In addition, this meeting was advertised as a hybrid, in-person and virtual meeting with directions on how to attend the meeting virtually using Microsoft Teams. However, those that attended virtually could not hear the presentation and those who attended in person could not hear the virtual attendees' comments. County staff provided a recording of the meeting to the public. 201-15

[3] U.S. Energy Information Administration - EIA - Independent Statistics and Analysis

The same thing happened to the virtual attendees during the Draft RCAP Public Scoping Meeting (September 17, 2024). Virtual attendance was offered via Microsoft Teams and the audio was so bad that the virtual attendees could not really participate. County staff stated that a recording of the meeting would be provided to the public, but a recording has yet to be provided.

201-15 cont.

The County should focus on better engagement with the community.

Regional Climate Committee

The Regional Climate Committee is a big part of the RCAP. The leadership, organization, funding, and equitable representation is necessary for success of the RCAP.

In order to be fully representative of the County, the committee should include representatives from business, agriculture, forestry, industry, tribes, and landowners. Ranchers, timberland representatives, and gas suppliers to rural areas should not be excluded. Also, the Program Manager should be knowledgeable and experienced in the construction and implementation of power production and distribution facilities.

201-16

Inadequate Energy Infrastructure

The DEIR, under Impact UTL-1, states that an "*extensive amount of operational electric power generation and distribution need is not anticipated to be covered by the existing electric power system, and the ongoing improvement and expansion of electrical infrastructure would be required as energy demands increase in Humboldt due to increased electrification of buildings and vehicles under the RCAP*". The success of the RCAP depends on intense electrification, which will be challenging due to grid capacity limitations in the County. Measures in the RCAP include new ordinances that impose requirements to decarbonize residential and commercial construction.

- What happens if RCEA and PG&E do not meet their 100% renewable energy goals? Will new development be on hold until these goals are met?
- What happens if the grid cannot keep up with the required electrification? If new construction requires all electric or to decarbonize and the infrastructure is not available, will new development be restricted?
- Will the costs to upgrade the electrical infrastructure be passed onto users? Especially when prices are already extremely high?
- The concerns regarding inadequate infrastructure and electrification are amplified in the rural parts of the County. Will rural areas be penalized for lack of infrastructure?

201-17

Comments on DEIR Impact Summary and Mitigation Measures

While we have demonstrated that the County is beyond carbon neutral and is climate negative, these comments are solely on the DEIR Mitigation Measures as presented in the DEIR related to implementation of the current draft of the RCAP.

Impact AQ-2

Impact AQ-2 states, "*Implementation of the RCAP would result in the generation of air pollutants during construction of individual projects, which could affect local air quality even with mitigation. Implementation of the proposed plan would not result in a cumulatively considerable net increase of operational criteria pollutants*".

201-18

Operational emissions are not quantified, each new, individual project should quantify their emissions to identify the individual contribution, using software like CalEEMod® or similar, and provide appropriate mitigation measures to reduce the potential impact.

Impact AQ-3 – Air Quality

Impact AQ-3 states, "*Operation of projects facilitated by the RCAP is not expected to expose sensitive receptors to significant operational sources of TACs. During construction of future RCAP projects, emissions of TACs would be reduced through Mitigation Measure AQ-3, and impacts would be less than significant with mitigation*".

201-19

This states that operation is not expected to expose significant operational sources of toxic air contaminants (TACs), however, this should be quantified on a project by project basis for both construction and operation utilizing CalEEMod® or other accepted model. The mitigation measure should include an evaluation/quantification of project operational impacts along with construction impacts .

Impact AQ-4 - Odor

Impact AQ-4 states, **"***Projects under the RCAP would not create objectionable odors that could adversely affect a substantial number of people. Impacts related to odors would be less than significant*".

201-20

A mitigation measure should be included that evaluates the operational impacts related to odor. For example, biomass, composting, solid waste measures could have odor impacts and impacts could be significant without mitigation and need to be addressed.

Impact AG-1 – Loss of Farmland

Impact AG-1 states, "*Infrastructure facilitated by the RCAP has the potential to convert Farmland to non-agricultural use and conflict with existing zoning for agricultural use or a Williamson Act contract. Mitigation Measures AG-1 through AG-4 would be implemented to avoid conversion of actively farmed lands and reduce the potential for permanent loss of Farmland to the extent feasible. However, impacts would remain significant and unavoidable*".

201-21

A mitigation measure should be included that requires individual projects to quantify and demonstrate that the project facilitated by the RCAP would result in lesser GHG emissions than natural or working land options.

Conclusion

The County's impact on GHG emissions (or lack thereof) will not correct the "catastrophe" or forestall the effects of climate change as outlined in the RCAP. Although the County may be impacted by climate change, the county is a net sink and is beyond carbon neutral, it is carbon negative. The RCAP should focus on this in order to ensure a fair and equitable approach to climate change mitigation and allow the counties with higher historical contributions to bear the greater responsibility for reducing GHG emissions. The RCAP and GHG thresholds should take advantage of the County's climate positivity and develop measures that allow the County to grow and thrive, while maintaining some level of carbon negativity OR climate neutrality. 201-22

The County is not the cause of the problem and should not be penalized for problems caused by the big contributors to GHG emissions. The County should be taking advantage of the credits of being carbon negative and benefit the population of Humboldt County, not punishing it.

The RCAP, CEQA GHG Emissions Thresholds, and Compliance Checklist need to take into account the fact that the County is carbon negative and economically disadvantaged and should have the ability to grow. The economic and development constraints are not necessary within the RCAP, the County is carbon negative without the RCAP in place and is already contributing to the statewide goals. The RCAP should focus on achieving State mandated reductions and actions that allow the County to.

Thank you for the opportunity to comment on the RCAP and DEIR on behalf of our clients, friends, colleagues, and the public.

Sincerely,
Annje Dodd, PhD, PE and Praj White, PE

From: Acevedo, Megan
To: Yandell, Rodney
Subject: FW: NOA and NOC for RCAP DEIR
Date: Thursday, May 8, 2025 4:19:21 PM
Attachments: RE Offshore wind and RCAP.msg

From: Rob Holmlund <rholmlund@humboldtbay.org>
Sent: Monday, March 17, 2025 12:08 PM
To: Acevedo, Megan <macevedo@co.humboldt.ca.us>
Cc: Chris Mikkelsen <cmikkelsen@humboldtbay.org>
Subject: RE: NOA and NOC for RCAP DEIR

Megan,

Thank you for the notification. And thank you for your great work on this important topic. These are huge documents with an incredible amount of content.

The documents are looking good, but some important corrections are needed regarding offshore wind. We exchanged a series of emails about this topic in October of 2024 (see attached). Many of my comments were not incorporated. The RCAP and DEIR are still inaccurate in many ways. Topics #1 and #2 listed below include serious errors that need to be rectified. Please make the following changes, which are listed in order of priority:

1. Topic #1: BE-8a – Inaccurate attribution:
    a. **Request #1a: Remove the second half of the sentence of BE-8a in Table 6 on page 38 of the RCAP.** The policy should read as: "E-8a Partnership Dedicate Regional Climate Committee staff time to work with local organizations (e.g. 350Humboldt, Redwood Region Climate & Community Resilience Hub, COREHub) to petition the CEC and Humboldt ~~Bay~~ Off-shore Wind developers, PG&E, the California Independent System Operator, the California Public Utilities Commission, and other relevant decision makers to ~~include~~ implement electricity transmission and distribution improvements to the Humboldt region ~~as a legally enforceable community benefit as stipulated in the Community Benefit Program to be completed as part of the Nationally Significant Multimodal Freight & Highway Projects (INFRA) grant program~~."
    b. **Request #1b: Make the same change to BE-8a on page 103 of the RCAP.**
    c. **Request #1c: Make the same change to BE-8a on page 2-22 of the DEIR.**
    d. Comments about Request #1:

301-1

i. **<u>As written, E-8a is inaccurate.</u>** The offshore wind developers did not win the grant, so they cannot be petitioned to include electricity transmission/distribute in a grant they were not awarded. The INFRA grant was awarded to the Humboldt Bay Harbor District to build a port terminal, which will be used to build wind turbines. The grant has nothing to do with transmission or distribution. The port terminal will not generate electricity, transmit electricity, or distribute electricity. The Harbor District (recipient of the grant) has literally no authority over electrical generation, transmission, or distribution. **Therefore, the INFRA grant cannot comply with this policy.** As written, this sentence conflates two entirely different topics and puts an onerous on the INFRA grant that it cannot legally satisfy. Also, the "Community Benefit Program" of the District's INFRA grant is dedicated to Tribes, fishermen, and residents of the Samoa Peninsula. So, the County cannot petition anyone to add such a requirement to the INFRA grant because doing so would conflict with the purposes of the awarded grant. Also consider the fact that the offshore wind developers may not have any control over transmission and distribution decisions; those decisions will be made by the CEC, PG&E, the California Independent System Operator, the California Public Utilities Commission, and others.

301-1 cont.

2. Topic #2: Measure BE-8 (page 41 of the RCAP):
    a. **<u>Request #2:</u> Change the first paragraph to the following:** "Measure BE-8: Advocate for Off-shore Wind developers and PG&E to build electrical infrastructure to supply Humboldt with energy produced by the future off-shore wind project which will increase regional supply and resilience. ~~The Humboldt Bay Offshore Wind project recently received over $400 million in grant funding to construct a wind farm off the coast of Humboldt.~~ In December of 2022, two adjacent 'offshore wind lease areas' twenty miles off the coast of Humboldt were leased to private energy companies for the development of offshore wind farms. Those two projects ~~will~~ are estimated to produce over 1 GW of energy and ~~the project~~ will help toward the State's 2030 target to deploy 5 GW of offshore wind. Though this energy would be produced off the coast of Humboldt county, local jurisdictions and interested parties have expressed concern that, due to current infrastructure limitations, this energy will be sold outside of the county and the local community will not receive an equitable benefit from the project. Measure BE-8 focuses on advocating for the development of appropriate electrical infrastructure by offshore wind developers and PG&E so that the community can benefit from the Humboldt ~~Bay~~ Offshore Wind energy-generating projects. …"
    b. Comments about Request #2:
        i. **<u>As written, Measure Be-8 is inaccurate.</u>** The Offshore Wind projects have **<u>not</u>** received any grants to construct a wind farm of the coast. The Humboldt Bay Harbor District's "Heavy Lift Marine Terminal" project has

301-2

received over $400 million in grant funding to construct a **manufacturing facility**, not a wind farm. The marine terminal project (and the associated grant funds) **will not generate or transmit electricity**. This entire statement is about energy generation, so the grant to build a factory is irrelevant and should be removed.

301-2 cont.

3. Topic #3: Clarity needed regarding "energy-generation projects in the ocean" and "manufacture of turbines in the bay" (which do not generate or transmit power).
    a. Requests related to Topic #3:
        i. **Request #3a: Make the following addition to the second paragraph and page 8 of the RCAP:** "…student housing expansion in Arcata, the Nordic Aquafarms project, the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal project, **the Humboldt Offshore Wind Farm projects, and the associated electrical transmission projects all** scheduled to occur in the foreseeable future."
        ii. **Request #3b: Make the same change to the second paragraph on page 43 of the RCAP.**
            1. Comment about Request #3a and Request #3b: There are three categories of "offshore wind projects:" turbine manufacturing in the bay, power generation in the ocean, and electrical transmission over land (or in the ocean). Each of these three entirely different categories of "offshore wind" related projects will generate new industries and jobs. By referring to all three, the reader can better understand that there are multiple independent projects, each of which will have different effects and different benefits.

301-3

        iii. **Request #3c: Throughout both documents, remove the word "Bay" whenever either document is referring to the generation of energy or anything about the projects that are happening in the ocean.**
            1. RCAP
                a. Table 6: BE-8a - "…to petition the CEC and Humboldt ~~Bay~~ Off-shore Wind developers…"
                b. Table 6: BE-8c - "…the Humboldt ~~Bay~~ Offshore Wind project and PG&E…"
                c. Table 32: Page 103: BE-8c: "…the off Humboldt ~~Bay~~ Offshore Wind project and PG&E…"
            2. DEIR
                a. Page 2-22 BE-8a – "…to petition the CEC and Humboldt ~~Bay~~ Off-shore Wind developers…"
                b. Page 2-22 BE-8c - "…the Humboldt ~~Bay~~ Offshore Wind project and PG&E…"

301-4

c. Page 3.3-75 – "RCAP Measure BE-8 includes actions related to the planned Humboldt ~~Bay~~ Offshore Wind project~~s~~, such as actions related to enhancing energy transmission infrastructure to distribute energy from the offshore wind project throughout Humboldt.

301-4 cont.

3. Comments about Request #3c:
   a. Both documents regularly use the term "Humboldt Bay Offshore Wind Project" when referring to the energy-generating projects in the ocean. According to BOEM, it is the "Humboldt Wind Energy Area," not the "Humboldt Bay Wind Energy Area" (https://www.boem.gov/renewable-energy/state-activities/humboldt-wind-energy-area). The projects in the ocean are the "Humboldt Offshore Wind Projects," not the "Humboldt Bay Offshore Wind Project." The projects in the ocean should not use the term "Bay." They are the "Humboldt Offshore Wind Projects." What is happening in the Bay is totally separate and should not be lumped in with those projects. The projects in the ocean generate electricity. The project in the bay manufactures wind turbines and will not produce any energy.
   b. There is no single "wind project." There are two planned offshore wind lease sub-areas that will generate energy and there is a planned manufacturing facility in Humboldt Bay (the "Humboldt Bay Offshore Wind Heavy Lift Marine Terminal" project). They are completely separate projects, but both documents conflate them all in an inaccurate way. The project in the bay will not generate electricity, so any policy that involves the production, transmission, or distribution of electricity should not include the word "bay."

301-5

The following is less critical, but still something I recommend considering:

- Measure BE-8 (page 41 of the RCAP) - Problematic statement: "Though this energy would be produced off the coast of Humboldt county, local jurisdictions and interested parties have expressed concern that, due to current infrastructure limitations, this energy will be sold outside of the county and the local community will not receive an equitable benefit from the project."
  - Comments:
    - There are several problems with this sentence. In particular, I think the statement conflates "energy transmission" with "energy generation," which are completely separate issues. Offshore wind companies don't build electrical *transmission* infrastructure, they build electrical *generation* infrastructure. The statement is similar to asking a gas station to build roads. A gas station supplies

301-6

the fuel that vehicle use to travel on roads, but gas stations have nothing to do with constructing roadway systems. Even if a gas station was to contribute funding for the construction of roadways, the gas station would have no authority to decide where the roads were built. That is the responsibility of transportation authorities. Likewise, offshore wind companies could "fund" transmission infrastructure, but they will have no authority at all to plan or build any kind of transmission infrastructure. That will be PG&E, the California Public Utilities Commission (CPUC), and other agencies.

- Humboldt County has a peak electrical demand of approximately 158 Megawatts (MW). So, if the wind farms generate 2 GW, then the entirety of Humboldt County will only need 8% of what the wind farms generate. In other words, even if the wind farms produce all of the energy that Humboldt County needs, then 92% of the energy generated will need to be exported out of the County. This is a good thing. Humboldt County will be significantly contributing to the production of renewable energy far beyond its own demand.
- This part of the statement is a problem: "…due to current infrastructure limitations, this energy will be sold outside of the county…". This implies that the energy will be sold outside of the County because of infrastructure limitations. But, that's not the case. Instead, energy will be sold outside of the County because the wind farms will generate over 10x the amount of energy that Humboldt consumes. Even with the best energy distribution infrastructure possible, the County couldn't possibly use all the power that will be generated. Either way (with or without infrastructure limitations), energy most definitely will be sold outside of the County (which is a good thing for the climate).
- Even though the wind farms theoretically could produce 100% of the County's energy demand, I don't think it can work that way because this is wind energy. There will have to be other ways to produce energy within the County. For instance, imagine that there is a 5-day period without any wind at all. In that case, we'd have no energy. So, we can't be exclusively on 100% wind energy. There will need to be battery backup systems or other forms of energy production. I really don't know much about this. I encourage you to check with SERC.
- Within all of the above context, what does it mean to receive "an equitable benefit" in terms of energy produced? We won't need more than 8% of what is produced. Is 8% equitable since that would provide 100% of the County's needs? How about 4%? Would it be "equitable" for the wind farms to supply half of the County's energy demand? I don't recommend using the term "equitable." It doesn't seem to have a clear meaning in this context.

301-6 cont.

- Recommended alternative statement: "The amount of energy produced by the wind farms off the Humboldt coast will significantly exceed Humboldt County's peak electrical demand. This means that a majority of the energy produced by the wind farms will need to be sold outside of the County. While this has an overall net benefit for the State-wide reduction of GHG, there is an opportunity for a substantial portion of the County's energy demand to be supplied by renewable offshore wind energy. However, this would require transmission and distribution upgrades throughout the

County, all of which would need to be planned, permitted, funded, and constructed by PG&E, the California Public Utilities Commission, and other agencies."

301-6 cont.

Call any time if you would like to discuss.

Best.

R

Rob Holmlund, AICP; Development Director
Humboldt Bay Harbor, Recreation, and Conservation District
601 Startare Drive, Eureka, CA
Phone: (707) 443-0801

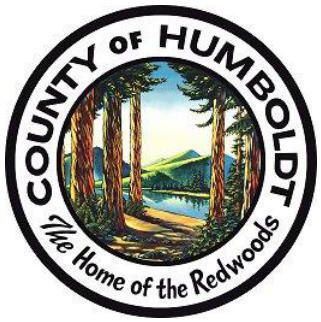
From: Acevedo, Megan <macevedo@co.humboldt.ca.us>
Sent: Friday, March 14, 2025 5:36 PM
To: Chris Mikkelsen <cmikkelsen@humboldtbay.org>; Rob Holmlund <rholmlund@humboldtbay.org>
Subject: NOA and NOC for RCAP DEIR

Hi Chris and Rob,

My apologies for the lateness, but I wanted to let you know that the Draft EIR for the Humboldt Regional Climate Action Plan has been released for public review. Please see the Notice of Availability and Notice of Completion for the RCAP Draft EIR attached.

Thank you!

Megan Acevedo



Associate Planner
Long Range Planning Division
Planning & Building Department
707-441-2634

From: Rob Holmlund
To: Acevedo, Megan
Subject: RE: Offshore wind and RCAP
Attachments: image001.png

Megan,

It looks like Measure BE-8 of the RCAP has been significantly modified. Thank you. One last comment:

301-7

The word "Bay" needs to be removed from BE-8c. It is the "Humboldt Offshore Wind project," not the "Humboldt Bay…". There is both a project off the Humboldt Coast and a project within the Bay. The Action is referring to the project in the ocean, not the one in the bay. Therefore, the word "bay" should be removed.

Wishing you the best.

R

From: Acevedo, Megan <macevedo@co.humboldt.ca.us>
Sent: Monday, September 9, 2024 4:26 PM
To: Rob Holmlund <rholmlund@humboldtbay.org>
Cc: Ford, John <JFord@co.humboldt.ca.us>
Subject: RE: Offshore wind and RCAP

Hi Rob,

I have received your comments below and understand where you are coming from. We appreciate your feedback, and I will connect with the contacts you sent me as soon as possible. I will let you know if myself and or John would like to discuss these comments further with you.

Thank you!

Megan Acevedo
Associate Planner
Long Range Planning Division
Planning & Building Department
707-441-2634

From: Rob Holmlund <rholmlund@humboldtbay.org>
Sent: Monday, September 09, 2024 4:13 PM

To: Acevedo, Megan <macevedo@co.humboldt.ca.us>
Cc: Ford, John <JFord@co.humboldt.ca.us>
Subject: Offshore wind and RCAP

Megan,

I hope this message finds you well. The RCAP looks good. I have several comments about Measure BE-8, which has a few inaccurate statements and a few problematic statements. My comments are difficult to explain, but generally I think the entire measure is based on a misunderstanding of how offshore wind energy works. The measure conflates "energy generation" with "energy transmission." The measure also seems to fail to understand that the energy generated off the Humboldt coast will likely be 5x to 10x greater than the total amount of energy that the entire population of Humboldt County consumes.

I strongly encourage you to check in with experts on this topic from the Schatz Energy Research Center (SERC), Vineyard Offshore Wind, and/or RWE. And maybe PG&E. I'll connect you with a few people that can help.

I'm also happy to participate in a phone call with your team/consultants if that is helpful.

Here are my comments about Measure BE-8 (page 41):

- Problematic statement: "Lobby Off-shore Wind developers and PG&E to build electrical infrastructure to supply Humboldt with energy produced by the off -shore wind project which will increase supply and resilience."
    - Comments:
        - There is currently no problem with supply. SoHum does have a transmission problem, but not a supply problem.
        - Offshore wind companies don't build electrical *transmission* infrastructure, they build electrical *generation* infrastructure. The statement is similar to asking a gas station to build roads. A gas station supplies the fuel that vehicle use to travel on roads, but gas stations have nothing to do with constructing roadway systems.
        - Offshore wind companies could "fund" transmission infrastructure. Though, offshore wind companies will have no authority at all to plan or build any kind of transmission infrastructure. That will be PG&E, the California Public Utilities Commission (CPUC), and other agencies.
    - Recommended alternative statement: "Lobby PG&E, the California Public Utilities Commission (CPUC), and other related agencies to fund and build enhanced energy transmission infrastructure throughout Humboldt County to ensure that

301-8

renewable energy produced by the offshore wind projects can be distributed throughout the County. Also lobby offshore wind developers to contribute to the funding of such transmission upgrades."

- Inaccurate statement: "The Humboldt Bay Offshore Wind project recently received over $400 million in grant funding to construct a wind farm off the coast of Humboldt."
    - Comments:
        - There is no single "wind project." There are two planned offshore wind lease sub-areas that will generate energy and there is a planned manufacturing facility in Humboldt Bay (the "Humboldt Bay Offshore Wind Heavy Lift Marine Terminal" project). They are completely separate projects, but this statement conflates them all in an inaccurate way.
        - The "Humboldt Bay Offshore Wind Heavy Lift Marine Terminal" project received "over $400 million in grant funding" to construct a marine terminal, not a wind farm. The marine terminal will construct wind turbines that will be deployed throughout the entire US west coast. The offshore wind lease areas off of Humboldt's coast will likely receive some of the turbines manufactured in Humboldt Bay, but certainly not all of the turbines manufactured in Humboldt Bay.
    - Recommended alternative statement: "In December of 2022, two adjacent 'offshore wind lease areas' twenty miles off the coast of Humboldt were leased to private energy companies for the development of offshore wind farms. In addition, the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal project recently received over $400 million in grant funding to construct a wind turbine manufacturing facility within Humboldt Bay." The second sentence may not be relevant.

- Inaccurate statement: "The project will produce 1 GW of energy and the project will help toward the State's 2030 target to deploy 5 GW of offshore wind."
    - Comments:
        - The "Humboldt Bay Offshore Wind Heavy Lift Marine Terminal" project will not generate any energy at all. It will manufacture wind turbines. Think of the project within the bay as being similar to a solar panel manufacturing facility. I really don't think the marine terminal (manufacturing) project is worth mentioning in the RCAP.
        - The offshore wind farms (at least two separate projects) will likely generate quite a bit more than 1 GW. I recommend checking with SERC about that number. I think it is at least 2 GW.
    - Recommended alternative statement: "The Humboldt offshore wind lease areas are expected to generate in excess of 1 or 2 GW of renewable energy and will contribute to the State's 2030 goal of 5 GW of offshore wind."

- Problematic statement: "Though this energy would be produced off the coast of

301-8 cont.

Humboldt county, local jurisdictions and interested parties have expressed concern that, due to current infrastructure limitations, this energy will be sold outside of the county and the local community will not receive an equitable benefit from the project."

- Comments:
  - There are several problems with this sentence. In particular, I think the statement conflates the current transmission challenges of SoHum with energy generation, which are completely separate issues. I also wonder about the meaning of "equitable."
  - Humboldt County has a peak electrical demand of approximately 158 Megawatts (MW). So, if the wind farms generate 2 GW, then the entirety of Humboldt County will only need 8% of what the wind farms generate. In other words, even if the wind farms produce all of the energy that Humboldt County needs, then 92% of the energy generated will need to be exported out of the County. This is a good thing. Humboldt County will be significantly contributing to the production of renewable energy far beyond it's own demand.
  - This part of the statement is a problem: "...due to current infrastructure limitations, this energy will be sold outside of the county...". This implies that the energy will be sold outside of the County because of infrastructure limitations. But, that's not the case. Instead, energy will be sold outside of the County because the wind farms will generate over 10x the amount of energy that Humboldt consumes. Even with the best energy distribute infrastructure possible, the County couldn't possibly use all the power that will be generated. Either way (with or without infrastructure limitations), energy most definitely will be sold outside of the County.
  - Even though the wind farms theoretically could produce 100% of the County's energy demand, I don't think it can work that way because this is wind energy. There will have to be other ways to produce energy within the County. For instance, imagine that there is a 5-day period without any wind at all. In that case, we'd have no energy. So, we can't be exclusively on 100% wind energy. There will need to be battery backup systems or other forms of energy production. I really don't know much about this. I encourage you to check with SERC.
  - Within all of the above context, what does it mean to receive "an equitable benefit" in terms of energy produced? We won't need more than 8% of what is produced. Is 8% equitable since that would provide 100% of the County's needs? How about 4%? Would it be "equitable" for the wind farms to supply half of the County's energy demand? I don't recommend using the term "equitable." It doesn't seem to have a clear meaning in this context.
- Recommended alternative statement: "The amount of energy produced by the wind farms off the Humboldt coast will significantly exceed Humboldt County's peak electrical demand. This means that a majority of the energy produced by the

301-8 cont.

wind farms will need to be sold outside of the County. While this has an overall net benefit for the State-wide reduction of GHG, there is an opportunity for a substantial portion of the County's energy demand to be supplied by renewable offshore wind energy. However, this would require transmission and distribution upgrades throughout the County, all of which would need to be planned, permitted, funded, and constructed by PG&E, the California Public Utilities Commission, and other agencies."

The second paragraph has similar problematic statements. I recommend changing all of page 41 to this:

Measure BE-8: Lobby PG&E, the California Public Utilities Commission (CPUC), and other related agencies to fund and build enhanced energy transmission infrastructure throughout Humboldt County to ensure that renewable energy produced by the offshore wind projects can be distributed throughout the County. Also lobby offshore wind developers to contribute to the funding of such transmission upgrades.

In December of 2022, two adjacent "offshore wind lease areas" twenty miles off the coast of Humboldt were leased to private energy companies for the development of offshore wind farms. The Humboldt offshore wind lease areas are expected to generate in excess of 1 or 2 GW of renewable energy and will contribute to the State's 2030 goal of 5 GW of offshore wind. The amount of energy produced by the wind farms off the Humboldt coast will significantly exceed Humboldt County's peak electrical demand. This means that a majority of the energy produced by the wind farms will need to be sold outside of the County. While this has an overall net benefit for the State-wide reduction of GHG, there is an opportunity for a substantial portion of the County's energy demand to be supplied by renewable offshore wind energy. However, this would require transmission and distribution upgrades throughout the County, all of which would need to be planned, permitted, funded, and constructed by PG&E, the California Public Utilities Commission, and other agencies.

301-8 cont.

Measure BE-8 focuses on advocating for the funding and development of enhanced electrical transmission and distribution infrastructure by offshore wind developers, PG&E, the CPUC, and other agencies so that a substantial portion of the County's energy is supplied by the Offshore Wind projects. Distributing renewable offshore wind energy throughout the County would increase the region's energy resilience and increase capacity to meet other electrification goals outlined in the RCAP (see measures BE-1 through BE-7, and TR-6 through TR-8). While the GHG emission reductions from this measure are not quantified in the RCAP, it plays a vital role in supporting the region's transition to renewable energy and strengthening energy security.

I hope that helps. Call any time.

Best.

R

Rob Holmlund, AICP; Development Director
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April 28, 2025

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

Megan Acevedo
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Via U.S. Mail and email to macevedo@co.humbold.ca.us

Re: Comments on Humboldt County Regional Climate Action Plan, SCH No. 2024081319

Dear Ms. Acevedo:

Advocates for the Environment submits the following comments on the Humboldt County Regional Climate Action Plan (**RCAP**) and the Draft Environmental Impact Report (**DIER**) for the Humboldt Regional Climate Action Plan and CEQA GHG Emission Thresholds, which claims to apply to both incorporated and unincorporated areas and aims to achieve carbon neutrality by 2045. While the RCAP outlines various strategies to meet this goal, the measures included in the DEIR lack clarity and could lead to inequitable outcomes unless revised. We urge the County to consider the following recommendations to strengthen the RCAP and ensure a more robust climate action framework.

The County utilized significance criteria based on Appendix G of the CEQA Guidelines, assessing whether the RCAP and associated GHG emissions would: (a) "Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment." And (b) "Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (**Impact GHG-1**); (c) "Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?" (**Impact GHG-2**); (d) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?" (**Impact GHG-3**); (DEIR, p. 3.5-32.) Based on this, the County concluded that the Project would have less than significant GHG emissions under Threshold GHG Emissions-1, 2, and 3. 401-1

However, the EIR fails to substantiate its conclusion that the RCAP measures will reduce GHG emissions to the degree anticipated in the RCAP. For example, under Impact GHG-1, the DEIR states that "the RCAP contains strategies, measures, and actions to reduce long-term emissions of GHGs" (DEIR, p. 3.5-35), citing Measure BE-5, which aims to decarbonize 95% of new residential buildings by 2027, and Measure BE-6, which sets the same target for nonresidential buildings (DEIR, p. 3.5-35). Yet, the EIR does not provide evidence showing how these measures will achieve the assumed GHG reductions.

Using the Checklist to determine significance is a deferred mitigation measure, violating CEQA.

The RCAP relies heavily on its assumption that compliance with the CEQA GHG Emissions Thresholds and Compliance Checklist (RCAP, Appendix C, p. 35, the **Checklist**) will reduce the portions of the County's GHG emissions that are subject to the Checklist by a certain amount. However, the Checklist does not exist yet. According to the CEQA GHG Emission Thresholds and Guidance Report, "To streamline this CEQA GHG emissions analysis process, the County is developing a CEQA GHG Emissions Analysis Compliance Checklist" (CEQA GHG Emission Thresholds and Guidance Report, p. 2). Because the checklist is still being developed, neither the public or decision-makers can assess whether it will be effective, enforceable, or consistent with CEQA's requirements. This use of the yet-to-be-developed Checklist as a CEQA mitigation measure violates CEQA's prohibition of deferred mitigation measures without a viable performance standard. 401-2

Furthermore, the RCAP's Implementation Plan states that projects can use the CEQA GHG Emissions Analysis Compliance Checklist to demonstrate consistency in a streamlined process (RCAP, p. 85). However, the Compliance Checklist has not been created or published yet, so there is no way to ensure that it would be sufficient to help achieve the GHG emissions targets. The County did not support its conclusion in the DEIR that the measures to be implemented through the future Compliance Checklist would reduce GHG emissions to the degree necessary to meet the RCAP's climate goals. Without a completed checklist, there is no enforceable mechanism to ensure compliance with CEQA's GHG impact analysis requirements.

The EIR should provide substantial evidence demonstrating how the checklist will function. Instead, the County's approach obscures the criteria for evaluating project-level GHG emissions and defers critical aspects of the analysis. In relying on a checklist that has not yet been created the EIR fails to provide an enforceable mechanism to meet CEQA's mitigation requirements.

Several GHG-reduction measure lack the requisite specificity and clarity.

While the RCAP outlines several measures aimed at achieving the region's GHG emissions reduction goals, many of these actions lack the specificity and clarity to ensure their effective implementation. In particular, certain measures do not provide clear, measurable outcomes or remain broad and vague, which may undermine their ability to guide meaningful action. To maximize the impact of the RCAP, it is essential that these measures be more clearly 401-3

defined. Without these details, it may be difficult to assess the true effectiveness of the proposed strategies.

Measure BE-2 lacks concrete funding commitments.

While Measure BE-2 outlines important goals for enhancing energy grid capacity through the development of micro-grids and energy storage systems, it lacks concrete funding commitments to support these ambitious initiatives. The measure aims to pursue three funding opportunities annually, but the financial resources required for microgrid infrastructure can be costly. Without clear and secure funding, there is a risk that this measure could remain aspirational rather than actionable. Microgrids are expensive to implement, and the absence of a definitive funding strategy may undermine the measure's ability to deliver on its goals. To ensure the successful implementation of Measure BE-2, it is critical that specific and reliable funding sources be identified and committed to as part of the planning process. 401-4

Measure BE-6 lacks clarity in its exemptions and waivers and is unenforceable.

While Measure BE-6 outlines several important actions for decarbonizing new nonresidential buildings, the inclusion of exemptions and infeasibility waivers in BE-6a warrants further clarification. In particular, the health and safety exemption, suggesting that natural gas could be safer than electrification, raises concerns and should be more clearly defined. In what scenarios would gas be a safer alternative to solar, or other renewable energy sources? It is crucial to specify the circumstances under which such exemptions would apply to avoid potential misuse and ensure they do not undermine the decarbonization goals. Additionally, the process for granting infeasibility waivers should be transparent and based on strict criteria to prevent loopholes. Clearer definitions of what infeasibility looks like can help ensure that these exceptions are only used in exceptional circumstances and that the overall goal of decarbonization remains on track. 401-5

Measure BE-6 also "directs each jurisdiction to adopt" measures curtailing natural-gas infrastructure. But the County has no legal authority to direct the cities inside the County to adopt such ordinances. The effectiveness of this measure is in question because the RCAP and EIR contain no assurances that the cities in Humboldt County will in fact adopt such measures. If they fail to do so, the County will not meet the RCAP goals. Such a measure violates CEQA because it is unenforceable. 401-6

The County argues that "the U.S. Court of Appeals for the Ninth Circuit's decision to overturn Berkeley's natural gas regulation—the ordinance that prohibited the installation of natural gas piping within newly constructed buildings—limits the region's ability to establish regulations to ban new natural gas construction." (RCAP, p. 34.) Yet, in *California Rest. Ass'n v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094, the court provides a narrow holding that does

not necessarily inhibit all decarbonization strategies. The court in *California Restaurant Association v. City of Berkeley* expressly noted that the federal Energy Policy and Conservation Act's (**EPCA**'s) preemption is a narrow holding regarding modifications to building codes:

> Though EPCA's preemption provision is broad, it is not unlimited. For instance, our holding here has nothing to say about a State or local government regulation of a utility's distribution of natural gas to premises where covered products might be used. We only decide that EPCA's preemptive scope applies to building codes that regulate the gas usage of covered appliances on premises where gas is otherwise available.

(*California Rest. Ass'n v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094, 1103.)

401-6 cont.

Overall, *California Restaurant Association v. City of Berkeley* is not controlling in this case, because it regards the legislative authority of a municipal corporation to enact building codes, rather than the authority granted under CEQA to mitigate significant environmental impacts of projects under its control. CEQA imposes a duty on public agencies to mitigate significant environmental impacts through feasible alternatives or mitigation measures. The county's ability to implement regulatory measures is therefore distinct from *Berkeley's* preemption framework. There is no legal authority holding that federal preemption extends to mitigation measures required by CEQA. Further, as a local government entity, the county could regulate utility distribution without interfering with EPCA so long as it does not modify building codes to prohibit natural gas.

Measure T-11 lacks a clear standard.

Measure T-11 includes the phrase "electrify or otherwise decarbonize" (RCAP, p. 69,) which may imply flexibility to meet the requirements through non-zero-emission vehicle (**ZEV**) options, such as hydrogen fuel vehicles. However, the term "otherwise decarbonize" is vague and lacks a clear definition. It would be helpful to clarify whether this allows for hydrogen or other specific decarbonization technologies and, if so, how they will be assessed in comparison to ZEVs. If hydrogen or other technologies are not considered viable alternatives to electrification, the measure should specify that only ZEVs will meet the decarbonization goals. Additionally, expanding on the other possible decarbonization types would provide further clarity and ensure consistency in the plan's implementation.

401-7

Measure CS-2 lacks a clear standard.

Measure CS-2a states that jurisdictions should "aim to exceed the baseline requirement by establishing a minimum level of compost application per year" (RCAP, p. 80) but does not specify what that minimum level is. Without a defined threshold, it is unclear how jurisdictions will determine whether they have exceeded SB 1383 procurement requirements. Additionally, if the goal is to surpass the baseline, it is important to clarify what standard is being used to

401-8

measure this excess and whether it applies uniformly across jurisdictions. Providing a specific minimum level of compost application and a clear metric for exceeding SB 1383 targets would improve the measure's transparency and effectiveness. 401-8 cont.

GHG inventory lacks evidence-based emissions reduction assumptions.

A GHG inventory is an important component of any climate action plan, because it forms the basis for target emissions reductions. Here, the RCAP outlines GHG emissions reduction targets based on a methodology that uses statewide emissions data to estimate the County's 1990 baseline emissions. (RCAP, p. 23.) While this approach provides a reasonable estimate in the absence of accurate local data, there are concerns about the assumptions underlying this methodology.

The RCAP did not provide data to support its assumption that the local GHG emissions declined more rapidly than statewide. The RCAP acknowledges that Humboldt's electricity and natural gas consumption have declined at a faster rate than the statewide trend, which is just one example of how Humboldt's emissions profile differs from the state's. Given these differences, it is important to further clarify the extent to which these assumptions are based on and how they specifically apply to Humboldt's conditions. 401-9

We recommend that the RCAP provide more transparency on how the state-level change metric was developed and how the local context was taken into account. A clearer explanation of these assumptions will help ensure that the emissions reduction targets are grounded in accurate, region-specific information that truly reflects Humboldt's emissions profile.

The RCAP EIR is ineligible as a tiering or streamlining instrument under CEQA Guidelines section15183.5.

Throughout the RCAP and the DEIR, the County alludes to its future ability to tier from the DEIR or streamline the analysis in future environmental documents and demonstrate less-than-significant GHG impact under CEQA using CEQA Guidelines 15183.5. However, the DEIR does not meet the requirements for tiering or streamlining. For example, the RCAP does not meet the requirement to set a level which would not be cumulatively considerable based on substantial evidence. (CEQA Guidelines 15183.5 (b)(1)(B).) The RCAP sets a mass emission target of 40% reduction below 1990 levels, yet does not have a 1990 emissions inventory from which to track reductions from. (RCAP, pp. 23-24.) Even though this 40% reduction target is in alignment with SB 32, the RCAP does not identify a specific level at which the County's emissions would be cumulatively considerable because the target is based on a measure which is either not calculated, or incalculable. 401-10

As discussed above, the RCAP's reliance on unsupported emissions assumptions further undermines its ability to serve as a streamlining document under CEQA. The RCAP did not provide support for how it reached the conclusion that emissions must be reduced by 218,000 MTCO2e by 2030, and did not clarify whether such reductions are below the current estimated county emissions, or estimated 1990 level emissions. Thus, the County did not support the targets by substantial evidence. (RCAP, p. 24.) 401-10 cont.

Additionally, the RCAP does not demonstrate that it meets the requirement in (b)(1)(D). The RCAP did not demonstrate measures that would achieve a specified emissions level on a project-level basis. Under the RCAP, some projects could claim consistency with the Checklist and thus evade further GHG review under CEQA, but the Checklist has not yet been formulated and there is thus no showing that new projects' consistency with the Checklist would result in a collective reduction in GHG emissions consistent with RCAP goals. Development projects which could attempt to tier or streamline from the RCAP do not have sufficient standards to ensure that they would have less-than-significant GHG emissions. 401-11

Without more information to conform with the requirements of a streamlining instrument, the RCAP cannot be relied upon to tier or streamline under for future projects, and it is misleading for the DEIR to reference the future ability for lead agencies to use the RCAP as a tiering or streamlining instrument.

There should be more focus on diversity within the implementation team.

The success of the RCAP relies on broad collaboration, but meaningful participation must extend beyond governmental agencies and Joint Powers Authorities. While the plan designates responsible parties based on expertise and mentions that community-based organizations will play a role, it lacks clarity on how community voices, particularly those from historically underrepresented communities, will be included in decision-making. The RCAP does not specify how members of the implementation team will be selected, creating a risk that impacted communities will lack a formal role in shaping implementation decisions. 401-12

Humboldt County's general plan (**General Plan**) includes an environmental justice standard (**G-S1**), which requires the county to consider social and economic effects, including effects on disadvantaged populations when assessing environmental impacts under CEQA. (General Plan, p. 15-6). Additionally, General Plan Policy G-P6 explicitly directs County decision-making to avoid disproportionately impacting disadvantaged populations. (General Plan, p. 3-9). However, the DEIR and RCAP do not include a comprehensive strategy to meet these requirements. While measure T-9 in the RCAP incorporates engagement with disadvantaged communities, its scope is limited to transportation decarbonization. (RCAP, 67).

To ensure consistency with the General Plan, the RCAP should integrate environmental justice considerations across all sectors and not confine them to a single initiative.

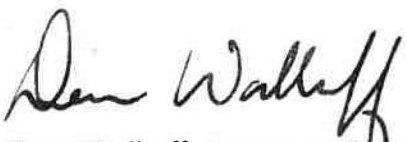
To align with the general plan standards, the RCAP should require that efforts to reduce GHG will not have a disproportionate effect on low-income, primarily Black, Indigenous, or areas with a high representation of people of color. Additionally, any infrastructure or technological measures with the potential to create localized burdens should be avoided or equitably distributed. To maximize representation, the implementation team should include community outreach chairs as representatives from each neighborhood in unincorporated and incorporated Humboldt County so that each area has a local voice to represent community interests in the panel decisions. Meetings should be accessible, scheduled outside traditional working hours, and open for public participation to encourage meaningful engagement. 401-12 cont.

Conclusion

Advocates for the Environment recognizes the dedication, thoughtfulness, and research that goes into preparing a Climate Action Plan and sincerely hopes that these comments will be considered to set forth a policy that can not only help achieve Humboldt County's climate goals but also lead the path forward to a climate-neutral future.

Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

Sincerely,



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