

SUPPLEMENTAL INFORMATION #2

For Planning Commission Agenda of:
July 28, 2022

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|-------------------------------------|------------------------|----------------|
| <input type="checkbox"/> | Consent Agenda Item | |
| <input type="checkbox"/> | Continued Hearing Item | No. <u>G-1</u> |
| <input checked="" type="checkbox"/> | Public Hearing Item | |
| <input type="checkbox"/> | Department Report | |
| <input type="checkbox"/> | Old Business | |

Project Title: **Nordic Aquafarms California, LLC**, Coastal Development Permit and Special Permit
Record Number: PLN-2020-16698
Assessor Parcel Numbers: 401-112-021
Samoa Area

Attached for the Planning Commission's record and review is the following supplementary information:

1. Revised Recommended Conditions of Approval

ATTACHMENT 2A
REVISED RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE BUILDING PERMIT CAN BE ISSUED.

A. General Conditions

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$3,589.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2022, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code.
2. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, Mitigation Monitoring and Reporting Program, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
3. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. The applicant is responsible for completing and implementing all mitigation measures outlined within the MMRP which shall be completed as required within the MMRP and ~~shall~~ the applicant/developer/responsible party shall provide all reporting as required in the MMRP.
7. An annual report shall be submitted outlining conformance with ongoing conditions and identifying conditions completed within the given year due January 1 of each year. This condition shall be implemented for the life of the project.
8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

9. Prior to issuance of a demolition permit, the applicant shall obtain a permit for demolition activities from the North Coast Unified Air Quality Management District (NCUAQMD). A letter or similar communication from the NCUAQMD verifying that all their requirements have been met will satisfy this condition.
10. Prior to Phase 1 operation, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit for the use of the existing outfall pipe infrastructure to discharge the proposed treated wastewater associated with Project operations from the RWQCB. A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
11. Prior to demolition or earth moving activity the applicant shall provide a copy of the Storm Water Pollution Prevention Plan submitted to the RWQCB.
12. Before the import of any Construction and Demolition and Inert debris (CDI) not generated by the demolition or construction on any parcel subject to this project, the applicant will consult with DEH Solid Waste Local Enforcement Agency (LEA) program staff for regulatory parameters.
- ~~11.~~13. Prior to issuance of construction permits for Phase 1, the applicant shall obtain a permit for the use of the existing Onsite Wastewater Treatment System (OWTS) with the Division of Environmental Health (DEH).
- ~~12.~~14. Prior to approval of any permits for Phase 2 and prior to commencement of any work on the system, the applicant shall receive from DEH approval of an OWTS Destruction Permit for abandonment of the existing Onsite Wastewater Treatment System (OWTS) .
- ~~13.~~15. Prior to approval of any construction permits or commencement of any work, the applicant/developer shall complete the recommendations within the Landfill Gas Workplan (SHN January 2021) to verify that there is no hazard associated with landfill gasses generated at the Samoa Ash Disposal site. If landfill gasses are observed in exceedance of regulatory thresholds, a landfill gas collection and management system will be required.
- ~~14.~~16. The applicant shall comply with the California Health and Safety Code, Division 20, Chapter 6.95, Article 1, Health and Safety Code, Division 20, Chapter 6.5, Health and Safety Code, Division 20, Chapter 6.95, Article 2, Health and Safety Code, Division 20, Chapter 6.7, Health and Safety Code, Division 20, Chapter 6.67, Sections 25270-25270.13, and California Code of Regulations, Title 27, Division 2, Chapter 4.5. Implementation of these requirements shall be coordinated through the County of Humboldt's Certified Unified Program Agency (CUPA)..
- ~~13.~~17. ~~Prior to demolition permit final, an~~Prior to any construction activities an engineer's report shall ~~be submitted a completion letter~~ to the Building Inspection Division ~~stating certifying~~ that the abatement and demolition ~~plans activity meets has been completed in accordance with the issued Demolition Permit and other applicable permits. all requirements of the approved plans, engineering, and permit.~~
- ~~15.~~18. As part of the application for a Building Permit, the applicant shall submit a landscaping plan for the off-street parking facility as described by Humboldt County Code Section 313-109.1.6.2 Landscaping. The landscaping material shall be appropriately placed within off-street parking areas that are equivalent to not less than two percent (2%) of the total area devoted to off-street parking including associated drives or aisles. The plan shall incorporate

the use of native species to the extent practicable. The landscaping plan shall be reviewed and approved by the Planning Department prior to issuance of Building Permits. All landscaping shall be installed prior to occupancy. The landscaping shall be maintained in a healthy and clean condition for the life of the project.

~~14.19.~~ Prior to Phase 1 Occupancy, the Applicant shall prepare and receive approval from the Planning and Building Department of a Transportation Management Plan designed to reduce the number of single-occupant commute vehicles traveling to the site each day. The plan shall provide measures to reduce the number of single occupant employee vehicles traveling to the site ~~by a minimum of ten percent~~. The Transportation Management Plan may utilize various mechanisms to achieve this including but not limited to:

- a. Encourage ride-sharing and carpooling vanpooling. The operator of the facility should design and implement carpooling and ride-sharing incentive program for employees. For this to be considered effective, there must be incentives provided.
- b. Encourage employees to remain on-site during meal breaks by providing a break room with kitchen, catering options, or cafeteria.
- c. Work with the local transit authority to extend bus service to the site. The current bus transit stop is approximately 2-miles away. Installation of a transit stop in proximity to the project can be used to satisfy the condition.
- ~~d. Install shower facilities and places for employees to dress for those who commute via bicycle. Installation of a transit stop in proximity to the project can be used to satisfy the condition.~~

An annual report detailing the measures implemented as part of the Transportation Management Plan shall be submitted to the Planning and Building Department by January 1 of each year.

~~16.20.~~ The applicant shall obtain an encroachment permit from the Humboldt County Department of Public Works – Land Use Division for any signage located in the County right of way. Construction staging signage shall conform to the standards of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

~~17.21.~~ The applicant shall conduct the following monitoring activities as described in section 2.3.2 of the DEIR.

- a. Baseline monitoring prior to operation of the outfall. This monitoring shall commence once Phase 1 demolition is initiated.
- b. Post-discharge receiving water monitoring would commence following completion of Phase 2 operations (full facility discharge) following the same methodology as the baseline monitoring. The post-discharge monitoring would continue for three years to provide “before-after-control-impact” or “before-after-gradient” design for the biological monitoring program

The monitoring program would be conducted during the summer/fall period of upwelling “relaxation,” when conditions are least energetic, and dilution of the discharge would thus be lowest and would include baseline, pre-discharge monitoring. Two annual surveys would occur during the summer/fall period, ideally in August or September, separated by at least two weeks.

The monitoring shall

- i. Gather coastal oceanographic data with an acoustic doppler current profiler (ACDP) to measure current velocities (deployment and retrieval during the first and second surveys of each year, respectively), and the use of a conductivity, temperature, and depth (CTD) profiler to characterize spatial patterns of temperature and salinity of the ambient waters and any effects in proximity to the discharge. CTD profiles would be collected at approximately 100 to 300 feet (near diffuser) to approximately 500 to 1,000 feet (distant from diffuser), and reference profiles shall be collected greater than one mile from the diffuser. The deployment of the ADCP shall be within 0.5 mile of the diffuser at a similar depth.
- ii. Identify Water quality parameters including monitoring of nutrients (NHx, NOx, TN), suspended solids and turbidity, and chlorophyll. Sampling shall include near surface (~1-3 ft below surface and near seabed (approximately 5 feet above bottom) grab samples shall be collected at half of the profiling stations (proportionally by near the diffuser, far from the diffuser, and reference profiles) and analyzed by an appropriately accredited laboratory.
- iii. In addition to the biological sampling required under the NPDES permit, supplemental biological sampling shall be conducted to determine if effluent discharge is having a significant effect on biota in the Ocean Discharge Study Area, defined as the proximal marine waters as modelled in Appendix E to the DEIR. Supplemental biological sampling would occur concurrently with water quality monitoring. The study approach would utilize visual methods, either a remotely operated vehicle (ROV) and/or a drop camera with laser lights for scale. Transects and point surveys shall be conducted at a height of two to five feet above the bottom. Surveys shall be conducted outside of the zone of influence estimated in Appendix E of the DEIR for this time period (e.g., reference sites), and within the zone of influence, and along the discharge pipe, at approximately the 82 feet (25 meter) isobath.

The results of the monitoring shall be readily shared with Project stakeholders. Reporting shall be completed following each post-discharge monitoring event by a qualified consultant and shared with the County and stakeholders thereafter once each year.

~~18-22.~~ The applicant/operator shall meet its energy needs in one of the following ways:

- a. Purchase renewable and/or non-carbon energy through RCEA, relying on its available portfolio, or
- b. Purchase a 100% non-carbon/renewable portfolio from one of the other Energy Service Providers (ESPs) in California.
 - i. Can be satisfied with the ESP's component of non-carbon/renewable and purchase of credits to ensure a 100% non-carbon/renewable portfolio.
 - ii. As technically and commercially feasible, Nordic will enter into Power Purchase Agreements (PPAs) with the proposed offshore wind project and/or other non-carbon, renewable electricity sources located in Humboldt County provided to increase the total cost of energy is not more than 10% above what Nordic could buy in the market of 100% renewable/non-carbon
 - iii. energy

| ~~19.23.~~ The applicant shall submit a Tsunami Safety Plan to the Planning and Building Department for review and approval. The Plan shall consider evacuation routes, signage, and education trainings to inform employees and guests of the potential for tsunami inundation and identify active protective measures. Once approved, the Plan shall be made available at the NAFC Facility to members of the public and employees of the facility.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. For the life of the project, the applicant shall adhere to the Mitigation and Monitoring Reporting Program adopted for the project. Annual monitoring reports shall be made available to the Planning Department at the time of the annual inspection.
2. Lighting shall be shielded and down casted to preclude illumination of the night sky or light spillover onto adjacent properties.
3. The applicant shall adhere to the requirements of the NPDES Permit for the life of the project.
4. The applicant shall adhere to the requirements of the submitted SWPPP for the life of the project.
5. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
6. All refuse shall be contained in wildlife proof storage containers, and disposed of at an authorized waste management facility.

The emergency backup generators shall only be used during required testing (as outlined in the NCUAQMD's permit requirements) and power outages. Typical run time for testing would be approximately 10 hrs and would be no more than 50 hours per year.

7. The use of anticoagulant rodenticide is prohibited.
8. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.