

RESPONSE TO GRAND JURY REPORT

Report Title: The Sea Also Rises

Report Date:

Response by: Humboldt County Board of Supervisors

FINDINGS

The Board of Supervisors agrees with findings F3, F4, F5, F8, and F9.

RECOMMENDATIONS

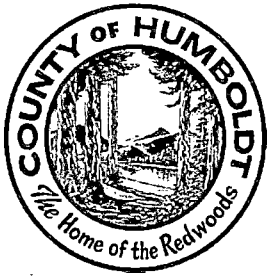
Recommendations R1, R4(a), R4(b) are in the process of being implemented.

Recommendations R2, R3, R4(c), R4(d), R4(g) and R4(h) require further analysis.

Recommendations R4(e) and R4(f) will not be implemented.

Date: _____ Signed: _____

Number of pages attached: _____



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INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS
FROM: ELISHIA HAYES, COUNTY ADMINISTRATIVE OFFICER
SUBJECT: RESPONSE TO 2021-22 GRAND JURY REPORT:
"THE SEA ALSO RISES"
DATE: JULY 22, 2022

In the Grand Jury Report, "*The Sea Also Rises*," the Grand Jury has requested that your Board respond to Findings 3, 4, 5, 8, 9 and Recommendations 1 and 2. I am proposing the following response as detailed below.

FINDINGS

Finding 3: *Any SLR adaptation and mitigation regional planning group will incur ongoing costs in salaries, benefits, and overhead that will require the political entities surrounding Humboldt Bay to agree to cost sharing.*

Response: Agree The Humboldt County Board of Supervisors agrees with the sentiment of this finding, however the finding requires additional context as organizing agencies at the local, state, and federal level to participate in a planning group with a singular vision is an incredibly complex process. It is premature for the county to commit to cost sharing and/or allocation of staff time for a regional planning group without first making "big picture" decisions about whether a regional planning group is the appropriate near-term focus to address Seal Level Rise (SLR).

Decisions on the region's approaches to collaboration on the issue of SLR need to synthesize the perspectives of the different governing bodies and their objectives. A process needs to be developed which allows formation of a common vision for SLR adaptation. The Board of Supervisors is committed to this.

The Board of Supervisors agrees immediate and ongoing commitment to SLR adaptation is essential to addressing the threats posed by sea level rise. The Board of Supervisors also agrees regional collaboration is essential to effective planning and implementation of SLR adaptation measures.

One of the many benefits of regional planning and coordination to address SLR is the potential for cost sharing opportunities. Rather than each jurisdiction "reinventing the wheel" in developing SLR adaptation policies and

measures, standardized measures could be developed for each jurisdiction's review and adoption which would be expected to be more cost effective than each jurisdiction acting independently. The burden of developing adaptation policies and measures would also not fall on just one jurisdiction – the one who happened to go first.

Regional planning and coordination to address SLR would also reduce competition between agencies and entities in the region applying for the same funding sources. Funding targets could be approached in a coordinated manner by the area's jurisdictions and agencies. Applying for funding in a unified manner in combination with other agencies and stakeholder groups will likely be more attractive to funders, thus increasing the likelihood of success when competing against larger metropolitan areas for scarce funding.

The county is actively participating in the development of the Humboldt Regional Climate Action Plan to leverage staff time and resources and ensure a collective, wholistic, robust response to greenhouse gas emission reduction.

It is important to note that the county has conducted surveys and interviews with key stakeholders about funding options and potential opportunities for funding collaboration. The results of those surveys are presented in the Humboldt Bay Sea Level Rise Regional Planning Feasibility Study Stakeholder Catalogue available for download [here](#).

The county has identified numerous potential funding options as part of our work on the draft Humboldt Bay Sea Level Rise Regional Planning Feasibility Study which will be available in early fall.

***Finding 4:** The costs associated with SLR mitigation efforts will be significant and will require the diligent pursuit of Federal, State, and public funding sources.*

Response: Agree

The Board of Supervisors agrees with this finding. The county has been and will continue to diligently pursue funding sources for sea level rise adaptation work. Grant funding has assisted with preparation of the 20+ detailed reports and presentations available on the Sea Level Rise section of the Planning and Building Department's Local Coastal Plan Update web page [here](#) and the Public Works Sea Level Rise web page [here](#).

As mentioned above, with funding from the Coastal Commission, the county is drafting a Humboldt Bay Sea Level Rise Regional Planning Feasibility Study which outlines specific potential long term funding options for regional regulatory and coordination efforts including:

- Federal funding sources such as the Ocean Protection Council,
- State funding sources such as the Coastal Commission,
- Private funding (Nonprofit, private philanthropy or investors, Corporate sustainability initiatives),
- Local public funding - Tax increases (Property Tax Increase, General Tax Increase, Gas Tax, Special Parcel Tax)
- Local public funding - District designation (Special Assessment District, Community Facilities District, Geologic Hazard Abatement District, Enhanced Infrastructure Financing District),
- Local public funding - Community Rating System Insurance Credits, Climate Resilience Citizens' Initiative, Bonds (Green Bonds, Resilience Bonds), Development Impact Fees, Insurance Surcharge, Stormwater credit trading market, Stormwater in-lieu fee program, Stormwater utility rate increase,

Utility rate increase, Community infrastructure resilience authority, and Memorandums of Agreement (MOA's) or Memorandums of Understanding (MOU's).

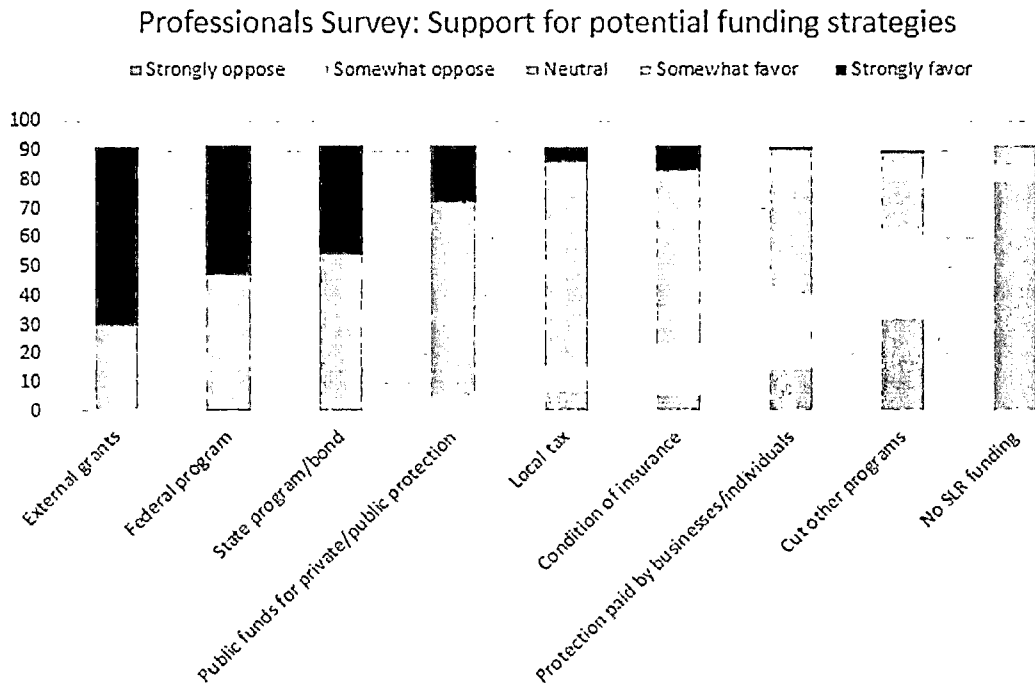
The draft Humboldt Bay Sea Level Rise Regional Planning Feasibility Study lists current grant opportunities that could be sought by individual agencies/entities or jointly as part of a regional effort. Grants could fund individual projects or initiatives, but do not necessarily build capacity or address staffing needs. In addition to the federal and state funds listed above, potential grant providers include:

Federal Agencies - Department of Housing and Urban Development, Department of Homeland Security, Department of Interior, Bureau of Reclamation, Federal Emergency Management Agency (FEMA), National Oceanic and Atmospheric Administration (NOAA), Fish & Wildlife Service, Army Corps of Engineers.

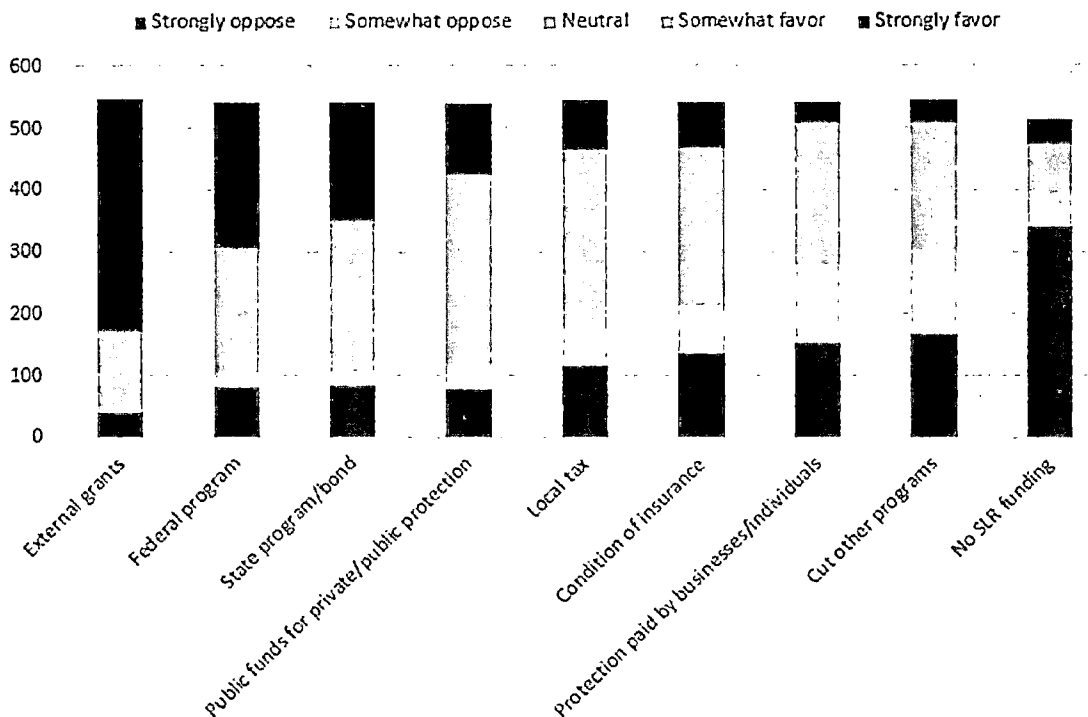
State Agencies - California State Coastal Conservancy, California Parks & Recreation, California Department of Fish & Wildlife, California Department of Water Resources, California Wildlife Conservation Board, Caltrans, CalOES, State Water Resources Control Board.

Through its work on the draft Regional Planning Feasibility Study, the county is also documenting how other funding strategies may be helpful in addressing SLR including the those associated with the Regional Climate Action Plan (CAP), Humboldt County Association of Governments (HCAOG) joint powers agreement, and Reclamation District #768 and a regional planning effort in San Mateo County known as "OneShoreline" which grew from a Flood Control District.

Local Funding Preferences. The Stakeholder Catalogue identified local preferences for funding options as shown in the following figures:



Public Survey: Support for potential funding strategies



Finding 5: *The decade of studies that defined the areas and physical assets vulnerable to SLR around Humboldt Bay by mid-century clearly indicate there is an urgency to start developing and implementing solutions.*

Response: Agree:

The Board of Supervisors agrees with this finding. However, the surveys in the Stakeholder Catalogue identified divergent responses between stakeholders and even individuals within organizations on what levels of SLR we should be addressing (how many feet of sea level rise should we be targeting), and in what timeframe it should be addressed. A good starting point for developing and implementing solutions would be to develop consensus on the height and timeframe of our regional adaptation efforts.

Finding 8: *Former industrial and other contaminated sites around the Bay are susceptible to SLR. As such, SLR could push the contamination into wetlands, creeks, and even Humboldt Bay itself, making it harder to mitigate and clean up.*

Response: Agree

The Board of Supervisors agrees with this finding. Potential contaminated sites should be targeted for cleanup in a coordinated and strategic manner, first cleaning up the sites with the highest potential for offsite migration of contaminants. There are examples of efforts moving forward individually. For example, earlier in 2022, the Samoa Peninsula Wastewater Treatment Project was approved by the Board, which will address potential contamination from septic tanks serving single family residences in the Fairhaven and Finntown communities. Humboldt County also secured \$2.3 million from the federal Environmental Protection Agency (EPA) to establish a revolving loan fund that has been used to help clean up lead contamination in the town of Samoa. In

April 2022, the Harbor District completed a Phase 1 environmental site assessment funded by the EPA to identify toxic contaminants on a 35-acre parcel of property zoned Coastal-Dependent Industrial they are potentially acquiring from the Samoa Pacific Group in 2023.

In June, Cal Poly Humboldt also held a two-day strategic planning effort focused on threats and mitigations addressing spent nuclear fuel rods being temporarily stored at the Humboldt Bay Generating Station (HBGS) in the King Salmon area.

Finding 9: Research studies of SLR impacts around Humboldt Bay indicate that if no action is taken by 2050, monthly maximum high tides will overtop bay barriers and flood existing infrastructure, wetlands and low-lying communities.

Response: Agree

The Board of Supervisors agrees with this finding. Dike systems are already experiencing failures and overtopping during extremely high tides. These systems cross jurisdictional boundaries making them an ideal target for regional SLR adaptation collaboration.

The research referenced by the Grand Jury identifies challenges for addressing SLR protecting infrastructure, wetlands and low-lying communities around Humboldt Bay. For example, enhancing protective bay barriers is arguably inconsistent with provisions of the Coastal Act protecting environmentally sensitive habitat areas (ESHA's) and wetlands. Also, uncertainty regarding the continued existence and maintenance of raised railroad beds that form a significant part of the Humboldt Bay shoreline creates a challenge. As mentioned previously, community surveys suggest diverging opinions regarding the level of threat and timeframe to address SLR. These documented challenges point to the need for a careful, stepwise approach to SLR adaptation.

RECOMMENDATIONS

Recommendation 1: The Grand Jury recommends the Board of Supervisors, the City Councils of both Arcata and Eureka, and the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (Harbor District) each meet and vote to affirm a commitment to adapting to and mitigating the adverse effects of Sea Level Rise and direct their staffs to make this commitment a priority in their planning efforts. These individual meetings and commitments should occur by September 30, 2022. (F1, F5, F9)

This recommendation is in the process of being implemented.

The county has committed to addressing SLR. We have an extensive series of reports exploring the issue from a variety of perspectives, including an assessment of the assets vulnerable to SLR, a detailed description of some of the most vulnerable communities and the results of public workshops, Planning Commission and Board of Supervisors meetings, and presently have staff dedicated to SLR work. The Board of Supervisors has authorized grants to update the county's Humboldt Bay Area Plan to address SLR. This research is available for review on the county's Local Coastal Plan web page.

As noted above, the county is working to complete a draft Humboldt Bay Sea Level Rise Regional Planning Feasibility Study which will be circulated for internal review by July 15, 2022. Among other things, this study explores potential frameworks for regionally managing SLR. The report identifies two broad framework categories, one is policy-based and the other is organization-based. The policy-based approach would involve modifications to each jurisdiction's Local Coastal Programs (LCPs) that would need to be certified by the Coastal Commission. Eureka, Arcata and the County of Humboldt's LCPs could be modified in a number of ways to create the consistency necessary for a regional approach to SLR adaptation, ranging from options such as adoption of consist policies, overlay zones, etc.; creation of a regional Public Works Plan; or a separate Humboldt Bay LCP. The other approach is organizational based, which would involve entities such as a joint powers authority or special districts, or the use of MOUs. Both approaches have strengths and weaknesses, and both could be used simultaneously.

Recommendation 2: *The Grand Jury recommends the Board of Supervisors along with elected officials from Arcata, Eureka, and the Harbor District form a Humboldt Bay SLR Steering Committee composed of senior members from each entity who have decision-making authority. This committee should be formed no later than December 1, 2022.*

This recommendation requires further analysis.

The Board of Supervisors agrees to research this recommendation. As previously mentioned, the county will begin internally reviewing a draft Humboldt Bay SLR Regional Planning Feasibility Study in the near future, which will outline potential collaboration framework options. Coordinating with core stakeholders to finalize options and a final recommendation is anticipated to be completed by the end of September 2022.

How best to move forward with the report recommendations is an open question. The Grand Jury's recommendation of forming a steering committee may have merit, although its composition and what decision-making authority it would have needs further research and deliberation. For instance, Tribal governments should arguably be brought to the table because their properties will potentially be impacted by the decisions made to address SLR. Caltrans also should be involved because dikes protecting Highway 101 between Arcata and Eureka also protect agricultural lands to the east of Highway 101. The California Coastal Commission has decision-making authority on roughly 75% of the area projected to be inundated by SLR in the next 40 years, so their engagement at the outset is important.

Recommendation 3: *The Grand Jury recommends the Humboldt Bay SLR Steering Committee direct the implementation of a regional SLR coordination entity based on the conclusions and recommendations in the Humboldt Bay Sea Level Rise Regional Planning Feasibility Study. The recommended approach shall be selected no later than July 1, 2023.*

This recommendation requires further analysis.

The Board of Supervisors agrees to research this recommendation. See the response to R2 for details.

Recommendation 4 (split into several parts as detailed below): *Once the Humboldt Bay SLR Steering Committee determines the best regional approach to implement, the Civil Grand Jury recommends the regional organization chosen to be formed by July 1, 2024, and include the following stated goals:*

- a) Recommendation 4a: *seek input from all major stakeholders including, but not limited to, local and county agencies, agriculture, fishermen, aquaculture, Tribal groups, owners and occupants of threatened land, regulatory agencies, environmental groups, academia, SLR consultants, PG&E, and CalTrans; (F1, F6)*

This recommendation requires further analysis.

The Board of Supervisors agrees to research this recommendation as detailed in the response to R2. The Stakeholder Catalogue mentioned earlier provides initial input from major stakeholders which may be useful orientation for future outreach. The Catalogue is intended to be regularly updated to keep its data and findings relevant into the future.

- b) Recommendation 4b: *research and aggressively seek sources of SLR mitigation funding by State, Federal, and Public programs; (F4)*

This recommendation is in the process of being implemented.

For details, see response to F3 and F4 above.

- c) Recommendation 4c: *share the operating costs (salaries and office expenses) associated with its efforts; (F3)*

This recommendation requires further analysis.

The Board of Supervisors agrees to research this recommendation. See response to F3 above for details.

- d) Recommendation 4d: *triage the order in which mitigation/adaptation actions can be implemented; (F5, F8)*

This recommendation requires further analysis.

The Board of Supervisors agrees to research this recommendation. See response to F3 above for details.

- e) Recommendation 4e: *analyze the low-lying communities of King Salmon, Fields Landing and Fairhaven/Finntown and develop a planned retreat process for these threatened areas or find ways to successfully save them; (F5, F9)*

This recommendation will not be implemented.

As described above, the county has developed specific vulnerability assessments for the King Salmon, Fields Landing and Fairhaven/Finntown communities so this part of the recommendation will not be implemented without further clarification from the Grand Jury about what is missing from these assessments. Planning a retreat process for these communities may be an important component of the future regional approach to SLR adaptation which will involve the county, residents, and utility providers that requires additional research.

- f) Recommendation 4f: *solicit definitive input from regulatory agencies with jurisdiction over threatened areas so that implementation of mitigation/adaptation actions are not delayed by the permitting process; (F6, F7)*

This recommendation will not be implemented.

The Board of Supervisors cannot implement a recommendation that eliminates permitting processes such that there is no delay in implementation of mitigation/adaptation actions. Protecting public health, safety and welfare is the purpose for establishing permit requirements and without agencies providing the necessary oversight of mitigation/adaptation actions, there will likely be unintended and potentially harmful consequences.

That being said, the Board recognizes the paralyzing effect on implementation caused by unnecessary delays by permitting agencies, and this paralysis can itself have unintended and harmful effect on public health, safety and welfare. The vulnerability assessments mentioned above document how permitting by regulatory agencies intersects with planning and implementation of SLR adaptation projects. The County's Policy Background Study analyzes policies that support preparation of programmatic and streamlined permitting based on compliance with specified performance standards to facilitate timely permitting.

- g) Recommendation 4g: *hold semi-annual public presentations (also available on Zoom) of the organization's activities; (F1) and*

This recommendation requires further analysis.

The Board of Supervisors agrees to research this recommendation. See response to R2 above for details.

- h) Recommendation 4h: *start mitigation projects on or before July 1, 2025. (F5)*

This recommendation requires further analysis.