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Humboldt Waterkeeper Comments Prop 4 POPD Development 5-22-2026

Additional submitted attachment is included below.

California Energy Commission
Docket No. 26-POPD-01
715 P Street
Sacramento, CA 95814

May 22, 2026

RE: Comments on Proposition 4 offshore Wind Ports Development Program (POPD) Grant Guidelines

Dear Commissioners:
Thank you for the opportunity to engage in the development of the Prop 4 Offshore Wind Port Development grant program guidelines (POPD). I submit these comments on behalf of Humboldt Waterkeeper, which works to safeguard coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community through education, scientific research, and enforcement of laws to fight pollution.

Our priorities for port development in Humboldt Bay (also "the Bay") include:

- Clean up of legacy contaminants.
- Preservation of the Bay's water quality.
- A thorough impact analysis during environmental review.
- A project design that minimizes impacts to the Bay and nearby communities.
- Ensuring this is an electric port from the first day of operations to reduce noise, air and water pollution, and greenhouse gas emissions.

The Humboldt Bay Harbor, Recreation, and Conservation District ("Harbor District") has indicated interest in pursuing Prop. 4 POPD funds to further its plans for development of a Heavy Lift Marine Terminal at Redwood Marine Terminal I ("RMTI" or "project site"). The RMTI site and associated planning, permitting, and baseline studies are the primary focus of our comments.

I. Legacy Contamination and the Need for Site Remediation

Legacy contamination from past industrial use is prevalent at the RMTI site, which has yet to be fully assessed for contaminated soil and groundwater. Once the site is assessed, remediation plans need to be developed and implemented before construction of new facilities can begin.

Humboldt Bay is designated under the Clean Water Act Sec. 303(d) as Impaired by dioxins and furans, as well as PCBs. These extremely toxic and long-lasting contaminants are likely to be present in soil and groundwater on sites used as former lumber and plywood mills, railroad facilities, and associated docks. All of these uses were associated with the RMTI site throughout its history, along with a cogeneration plant and conical waste burners. Other legacy contaminants, including lead, asbestos, creosote, petroleum hydrocarbons, and metals, are likely present on the project site. The Harbor District is currently conducting a Phase I Environmental Site Assessment under a U.S. EPA Brownfields grant, but the District has yet to secure funding for site remediation.

A. Threats to the Humboldt Bay Ecosystem, Economy, and Human Health

Fully remediating this site prior to any new ground disturbance is critical to prevent mobilization of these legacy contaminants, which would have cascading impacts on Humboldt Bay and the surrounding community. Mobilization of legacy contaminants would expose people and wildlife populations in the Bay, and negatively impact the livelihoods and subsistence practices of the local community.

Humboldt Bay's water quality is integral to thriving local aquaculture and the West Coast's oyster industry. Since Humboldt Bay is currently the only water body in California certified to ship oyster seed to other regions, Humboldt's oyster growers produce the majority of market-sized oysters in California and most of the oyster "seed" that the West Coast oyster industry relies upon. One local company, Taylor Mariculture, grows oyster seed in Humboldt Bay that is distributed to more than 110 companies.

Wild shellfish are also an important local food source. Today, and since time immemorial, Wiyot people harvest various species of clams as exemplified by the nearly two dozen words for various types of clams in Soulatluk, the Wiyot language. According to the California Dept.

of Fish & Wildlife, there is a long history of Humboldt Bay supporting higher catch rates of clams, both sport and commercial, than elsewhere in California.[1]

The commercial fishing fleet based in Eureka is an important component of the region's culture and economy. In 2016, commercial fishermen in Eureka earned over $11.2 million at the dock, while the value of landings in Eureka ranged from $6.6 million in 2001 to $25 million in 2012.[2]

Commercial, sport, tribal, and subsistence fisheries, including shellfish, bioaccumulate dioxins and furans, as well as PCBs. These contaminants become more concentrated at higher trophic levels, bioaccumulating in wildlife and people who eat fish and shellfish. Not only are they extremely persistent in the environment, but they are known to cause a range of serious health effects, including cancer, reproductive and neurological damage, immune suppression, and endocrine effects.[3,4]

B. Incorporating Site Remediation into POPD Guidelines

During the CEC staff presentation on March 17th, 2026 introducing the POPD program, staff asked the public if there were any missing 'critical path activities' from the stages of eligible "Port Readiness & Activities" (outlined on slide 30). As noted in the previous section, the RMTI site requires remediation prior to any ground disturbance - making contaminant remediation a "critical path activity" for RMTI. Remediation could apply to proposed port improvement projects in other regions as well, since past port activity is likely to be associated with industrial activities resulting in contamination. **To incorporate site remediation into the POPD program, we recommend adding it as a critical path activity under the Construction stage, within Site Preparation, or within its own sub-category under the Construction stage**.

The CEC is currently positioned to fill a critical funding gap by including remediation as an eligible activity under the POPD program. Project proponents face expensive and time-consuming cleanup activities, especially where parties responsible for the contamination are

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[1] McVeigh, B.A.B., Geibel, J.J., Kalvass, P.E. (2010) Sport Clamming in Humboldt Bay, CA During 2008: Comparisons with Historical Survey Data. California Fish and Game 96(4): 245-255.
[2] Lisa Wise Consulting, Inc. and Humboldt State University. 2019. Eureka, CA Fishing Community Sustainability Plan.
[3] U.S. EPA. 2026. Health Effects of PCBs. https://www.epa.gov/pcbs/health-effects-pcbs#immune
[4] DeVito, M. et al. 2023. The 2022 world health organization reevaluation of human and mammalian toxic equivalency factors for polychlorinated dioxins, dibenzofurans and biphenyls. Regulatory Toxicology and Pharmacology 146 (2024) 105525. https://doi.org/10.1016/j.yrtph.2023.105525.

no longer in existence. In these situations, **grants may be the only source of funding to clean up these sites.**

Site remediation could also be considered a port upgrade that complements offshore wind port development *and* is consistent with the Climate Bond.[5] For instance, the RMTI site is vulnerable to sea level rise, which puts the Bay at risk of further contamination unless the site is remediated. Cleaning up the site would provide direct and measurable benefits to the neighboring disadvantaged, severely disadvantaged, and vulnerable communities.

II. Baseline Data & Environmental Monitoring

Humboldt Bay lacks baseline data on the environmental conditions which will be impacted by port development. POPD funds should be used to fill data gaps and consult with local experts to tailor baseline studies to local conditions and needs.

Baseline studies of current conditions are critical to accurately analyzing potential impacts and appropriate mitigation measures - which are a missing critical path activity under the "Preliminary Planning, Environmental Assessment" stage of the "Port Readiness & Activities".

CEQA Guidelines note that "[g]enerally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published . . . from both a local and regional perspective."[6] "An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline."[7] Thus far, the Harbor District's analyses have relied on historical documents and modelling, with limited data collection. The District, along with other offshore wind project proponents, have cited the expense of conducting studies as a barrier to data collection.

This is of particular concern due to precedent set by the Bureau of Ocean Energy Management's Programmatic EIS (PEIS) for offshore wind development in California[8], in which the various data gaps around impacts of offshore wind development are used to conclude either a lack of impact, or the impossibility of measuring impacts. **As the primary funding agency for offshore wind port development, the CEC has a responsibility to invest in**

[5] question 1d posed to the public in CEC Staff Workshop on 3/17/2026.
[6] Cal. Code Regs. Tit. 14, § 15125.
[7] Id. § 15125(a)(3).
[8] U.S. Department of the Interior, Bureau of Ocean Energy Management, Office of Renewable Energy Programs. (November 2024). Docket BOEM-2023-0061: California Offshore Wind Draft Programmatic Environmental Impact Statement.

baseline monitoring to fill these data gaps. Ideally, baseline studies would be performed by academic institutions, tribes, or other experts not under the control or influence of project proponents to minimize developer bias in the results. At a minimum, **project proponents and their teams of scientific consultants should work with local experts on the design of baseline studies.**

A. Integrating Local Expertise into Baseline Study Design

Applicants should be prioritized by the degree to which local experts are involved in baseline study design and data collection. This could be considered part of meaningful community engagement and/or a missing critical path activity. Project proponents need to consult local experts and knowledge holders, as they often have a more intimate understanding of local conditions that will influence study results. These local experts and knowledge holders should have opportunities to influence the design of baseline studies. For instance, Cal Poly Humboldt employs scientists with expertise on local wildlife's use of the RMTI site and surrounding areas whose - their feedback could prevent unintentional impacts to wildlife during data collection and construction activities. **Such experts should be consulted before sampling and monitoring activities are permitted, so they may meaningfully influence study design and ensure local conditions are fully considered, and impacts minimized to the extent feasible.** Integrating local scientists and knowledge holders would also increase public trust of the project proponent's environmental impact analysis.

B. Data Transparency

Data transparency is critical - sharing data from both baseline studies and ongoing monitoring with the public should be required as a condition of the POPD program. Experts, state and local agencies, tribes, environmental and community advocates, and other affected parties would benefit from access to this information.

III. Port electrification

Projects committed to implementing zero emissions port technology to the extent feasible should be prioritized.[9]

[9] questions 1b and 1d posed to the public in CEC Staff Workshop on 3/17/2026.

We urge the CEC to prioritize projects that commit to 100% zero emissions (ZE) technology on newly developed sites from the first day of operations forwards, or incorporate requirements for ports to phase out existing fossil fuel technology. **Should 100% ZE port technology be infeasible due to constraints outside the applicants' control, project developers should be required to utilize ZE technology to the greatest extent possible.**

Port electrification aligns with the major requirements in the climate bond: it reduces greenhouse gas emissions, enhances climate resilience, improves air quality, and provides direct and measurable benefits to disadvantaged, severely disadvantaged, and vulnerable communities. We commend the CEC for recognizing and incorporating this as an important topic to community members.[10] However, we are concerned port developers will not implement ZE technology to the fullest extent possible if it is not a State requirement. American industry has demonstrated throughout history that profits will be prioritized over environmental health - for example, vehicle manufacturers were forced to design cars that pollute less by the Clean Air Act, a development that would not have occurred without government requirements.

A. Require Implementation of ZE Port Technology

Instead of funding just the *design* of zero-emission ports, investments in new port sites should be contingent upon the *implementation* of ZE port technology to the greatest extent possible.

To aid developers' implementation efforts, the CEC should compile a list of currently available ZE port technology, costs, suppliers, and timelines for receiving equipment after placing orders. In the many discussions we have had with offshore wind developers in the past years, we have heard developers cite the lack of this information as a barrier to implementation.

Another challenge identified by port developers are the upfront costs required to electrify ports. While the initial investment in ZE technology will be higher than fossil fuel-based infrastructure, over time the ZE technology will reduce costs for port operation and for vessels utilizing the port. ZE technology will allow ports to avoid volatile fuel prices and availability, costly future retrofits, high maintenance needs, and will eliminate or prevent air pollution emissions at the source. ZE technology presents the fiscally prudent option for achieving a just and equitable transition to carbon neutrality by 2045.

[10] CEC staff. (March 17, 2026). Introduction to the POPD program. "Key Themes from AB 3 Public Process, workshops and public comment letters…2. Design zero-emission ports," Slide 19.

B. Air Emissions Reductions

Towards the goal of air quality improvement, and in alignment with the Climate Bond, **the CEC should compile a shortlist of feasible air emissions reduction strategies to be incorporated into a POPD application**, e.g., dedicating a portion of the award to the purchase of ZE technology, responsible removal and replacement of fossil fuel dependent technology, or upgrade of existing technology/infrastructure on site to better support ZE technology (e.g., upgrading onshore energy capacity or nearby transmission lines).

IV. Meaningful Community Engagement and Determining Direct and Meaningful Community Benefits[11]

The CEC should prioritize projects that directly incorporate public input into project design and baseline studies at the earliest stages, and require transparent methods of determining direct and meaningful benefits.

When planning for development, ports should use the International Association for Public Participation's (IAP2) Spectrum of Public Participation[12] to define the degree of engagement offered to communities (attached). This spectrum ranges from least to most impact on the decision, from inform to empower:

- Least impact on decision - *inform*: "To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions."
- *Consult*: "To obtain public feedback on analysis, alternatives and/or decisions."
- *Involve*: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered."
- *Collaborate*: "To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution."
- Most impact on decision - *empower*: "To place final decision making in the hands of the public."

Utilizing this guidance will ensure ports and impacted communities have a shared understanding of the public's impact on project design. Oftentimes, the public is told their input will directly influence project development, but the project proponent ultimately arrives at decisions internally with less regard to public input than advertised. **We encourage the CEC**

[11] Question 2a and 2c posed to the public in CEC Staff Workshop on 3/17/2026.
[12] Federation of International Association for Public Participation. (2024). Spectrum of Public Participation. https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/iap2_spectrum_2024.pdf

to require applicants to incorporate public input into project design to the extent feasible, thus building applicants' capacity to meaningfully engage the community.

At a minimum, applicants who commit to involve, collaborate with, or empower their impacted community (as defined in the Spectrum of Public Participation) should be prioritized to receive POPD funds. Projects promising this degree of public engagement are more likely to succeed long-term, as community buy-in will increase with the degree of impact the public has on project design decisions. Equally important is ensuring that public involvement is solicited in a timely manner, before milestone decisions are made, in order to realistically shape project design.

We encourage the CEC to make POPD funding contingent on applicant transparency and direct public involvement around community benefit development. Methodologies to identify benefits should be standard and pulled from authoritative sources, such as the California Natural Resource Agency's Meaningful and Direct Benefits Assessment Guidance[13] (which was expressly written for State Departments administrating Prop 4 grant programs). In alignment with our above requests, this guidance provides an example step to identify community benefits: by responding to a Severely Disadvantaged, Disadvantaged or Vulnerable community's expressed needs or desires.

Applicants should be required to disclose, publish, or otherwise share their benefit identification methodology with the public. We recognize the challenges inherent in balancing various community groups' needs and desires for benefits, and suggest applicants develop benefit prioritization matrices
which would detail benefits provided by the project, who will benefit, and what makes a benefit meaningful and direct. Such a tool would create shared understanding and enable productive conversations with communities around benefit identification.

[13] California Natural Resources Agency. (2024). Meaningful and Direct Benefits Assessment 2024 Climate Bond. https://resources.ca.gov/-/media/CNRA-Website/Files/Bonds/Prop-4/Prop4BenefitsAssessment.pdf

V. Conclusion

We encourage the CEC to adopt the following requirements, prioritization metrics, and missing critical path activities into the POPD guidelines:

- Add site remediation as a critical path activity under the Construction stage, within Site Preparation, or within its own sub-category under the Construction stage.
- Add baseline studies as a critical path activity, and invest in these studies to fill crucial data gaps at proposed port development sites.
- Require consultation with local experts to tailor baseline studies to local conditions and needs.
- Require applicants to make baseline study results and data available to the public.
- Require applicants to *implement* zero emissions port technology to the greatest extent possible.
- Prioritize projects that directly incorporate public input into project design and baseline studies at the earliest stages, and require transparent methods of determining direct and meaningful benefits.

We are grateful for this opportunity to shape the POPD grant program guidelines, and look forward to future engagement from the CEC on port development.

Sincerely,
Sylvia van Royen, GIS & Policy Analyst
sylvia@humboldtwaterkeeper.org

IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION →

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.