Permitting for Port Infrastructure to Support Offshore Wind in California


Left: Proposed site for the Pier Wind Terminal Development Project, Port of Long Beach (Cheli 2025). Right: Proposed site for the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project, Wigi (Humboldt Bay) (Jacobson 2025).

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About the Schatz Energy Research Center

The Schatz Energy Research Center at Cal Poly Humboldt advances clean and renewable energy. Our projects aim to reduce climate change and pollution while increasing energy access and resilience. Our work is collaborative and multidisciplinary, and we are grateful to the many partners who together make our efforts possible. Learn more about our work at schatzcenter.org.

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- Redwood Region Climate and Community Resilience Hub (CORE Hub) staff
- Trinidad Rancheria Tribe staff

Table of Acronyms

Acronym	Meaning
AB	California Assembly Bill
BOEM	Bureau of Ocean Energy Management
CARB	California Air Resources Board
CCC	California Coastal Commission
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CSLC	California State Lands Commission
CZMA	Coastal Zone Management Act
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESHA	Environmentally Sensitive Habitat Area
FAA	Federal Aviation Administration
FAST-41	Fixing America's Surface Transportation Act (Title 41)
GW	Gigawatt
HBHRCD	Humboldt Bay Harbor, Recreation & Conservation District
INFRA	Infrastructure for Rebuilding America (US DOT grant)
LCP	Local Coastal Program
MARAD	Maritime Administration (US DOT)
M/F	Manufacturing / Fabrication
MHTL	Mean High Tide Line
MLLW	Mean Lower Low Water
MMIP	Missing and Murdered Indigenous People
MOU	Memorandum of Understanding
MW	Megawatt
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NOP	Notice of Preparation
NREL	National Renewable Energy Laboratory
O&M	Operations and Maintenance
OCS	Outer Continental Shelf
OSW	Offshore Wind
PMP	Port Master Plan
ROD	Record of Decision
RWQCB	Regional Water Quality Control Board

S&I	Staging and Integration
SB	California Senate Bill
SWRCB	State Water Resources Control Board
THPO	Tribal Historic Preservation Officer
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
US DOT	U.S. Department of Transportation
USFWS	U.S. Fish & Wildlife Service
WEA	Wind Energy Area
WTG	Wind Turbine Generator

Table of Contents

Executive Summary

This report identifies the permitting and planning processes that will need to occur for the development of port infrastructure to support offshore wind development in California. The report focuses on projects that will develop port infrastructure for the staging, integration, and assembly of floating offshore wind turbines before they are towed out to a wind energy area (referred to as "staging and integration projects" in this report). It highlights the port development projects currently proposed in Wigi (Humboldt Bay)[1] and the Port of Long Beach. The permitting and planning pathways for these projects are complex and will require permits from numerous federal, state, and local agencies. The scale and nature of these projects also often raise concerns about impacts to the environment, Tribal interests, and surrounding communities. This report aims to facilitate informed discussions among regulatory agencies, Tribal Nations, communities near ports, and other interested parties on the permitting of staging and integration projects.

Key Takeaways

- California has ambitious offshore wind targets that require development of new port infrastructure to support the assembly of large floating offshore wind turbines before they are taken out to sea.
- Permitting for staging and integration projects is complex and may involve over 20 authorizations from four to six federal agencies, three to five state agencies, and two or more local agencies, each with distinct regulatory processes and requirements. The process of obtaining these authorizations is expected to take approximately three to four years after commencement of environmental review, and extensions and appeals could extend this timeline.
- The two key processes that are likely to consider the entirety of these projects are: permits and planning decisions under the California Coastal Act, and permits, planning, and environmental review by the port governing body or harbor district.
- Most staging and integration projects will be located at least in part on public trust tidelands and submerged lands. These lands must be managed in the public interest and consistent with the public trust doctrine, the California Constitution, and, in certain cases, legislative grants to local grantees.
- In places where public trust lands have been granted to harbor districts and port authorities, these agencies are likely to issue permits for staging and integration projects instead of the California State Lands Commission.

[1] Wigi is the Soulatluk (Wiyot language) name for the body of water commonly called Humboldt Bay today. In recognition of its long-held name, this report generally uses "Wigi" instead of or in addition to "Humboldt Bay."

- Under the California Coastal Act, coastal development permits for staging and integration projects are likely to be issued either by ports with certified port master plans or by the California Coastal Commission. However, recent legislation regarding the issuance of coastal development permits for offshore wind related projects is somewhat unclear. Amendments to port master plans or local coastal programs may be required before staging and integration projects can receive coastal development permits.
- Federal and state laws require agencies to notify and consult with Tribal Nations as sovereign governments who may be impacted by the project during environmental review and permitting, including for staging and integration projects. Although these Tribal consultation requirements generally do not require co-management or shared decision making, certain federal and state laws allow agencies to enter into co-management agreements with Tribal Nations and to nominate Tribal Nations as joint lead agencies or cooperating agencies.
- Federal and state laws also require agencies to provide the public with notice and an opportunity to comment during environmental review and permitting. Public engagement can be especially important for projects located near communities that are already overburdened with pollution and other environmental justice concerns.

Proposed site for the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project (Cheli 2022)

A table below summarizes the likely roles of the key agencies involved in permitting and planning for development of infrastructure for the staging and integration of offshore wind turbines in Wigi and the Port of Long Beach. Additional agencies involved in the permitting and planning process for these projects are identified in **Appendix A**.

Table 1. Summary of key agency roles in permitting and environmental review

Agency	Anticipated Role
California Coastal Commission	Responsible for decision on certification of any amendments to port master plans and local coastal programs related to staging and integration projects. Likely to process consolidated coastal development permits for projects in areas without a certified port master plan and where a certified local coastal program governs, including the proposed project in Wigi (Humboldt Bay).
Humboldt Bay Harbor, Recreation and Conservation District	Lead agency under the California Environmental Quality Act (CEQA) for environmental review of the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal project. Responsible for processing a Development Permit for the project under the Humboldt Bay Harbor, Recreation, and Conservation District Act.
Port of Long Beach	Lead agency under CEQA for environmental review of the proposed Port of Long Beach Pier Wind Terminal Development project. Responsible for amending the port master plan to incorporate the proposed project. Likely responsible for processing a Harbor Development Permit, which is a consolidated coastal development permit under the certified port master plan and construction permit under the Long Beach City Charter, if the port master plan amendment is certified by the Coastal Commission.
U.S. Army Corps of Engineers (USACE)	Lead agency under the National Environmental Policy Act (NEPA) for environmental review of the proposed Port of Long Beach Pier Wind Terminal Development project. Responsible for processing any necessary permits under the Clean Water Act (Section 404), Rivers and Harbors Act of 1899, and Marine Protection, Research and Sanctuaries Act.
U.S. Department of Transportation Maritime Administration (MARAD)	Likely lead agency under NEPA for environmental review of the proposed Humboldt Bay Offshore Wind Heavy Lift Marine Terminal project.
California State Lands Commission	Unlikely to issue leases or be the lead agency for environmental review under CEQA for the projects proposed in Wigi (Humboldt Bay) or the Port of Long Beach. May exercise its oversight authority over granted public trust lands and could potentially require a lease for certain types of dredging on granted lands.

Overview of Report Sections

Section 1: Port Infrastructure Needs for Offshore Wind in California

- Describes the type of port infrastructure needed to support offshore wind development in California.
- Provides an overview of the proposed port development projects within Wigi (Humboldt Bay) and the Port of Long Beach.

Section 2: Summary of Permitting Processes

- Summarizes the likely permitting processes for staging and integration projects and provides an overview of the expected permitting timeline.

Section 3: Development on Public Trust Tidelands and Submerged Lands

- Explains ownership and management responsibilities for public trust tidelands and submerged lands where staging and integration projects will be located.
- Discusses the roles of the California State Lands Commission and local port and harbor authorities in permitting activities on these lands.
- Details the ownership and regulatory frameworks governing public trust lands in Wigi (Humboldt Bay) and the Port of Long Beach.

Section 4: California Coastal Act and Coastal Zone Management Act Permitting

- Identifies permitting requirements under the California Coastal Act and the federal Coastal Zone Management Act.
- Discusses the Coastal Commission's authority over permitting and planning for development in the coastal zone.
- Explains the roles of coastal development permits, local coastal programs, and port master plans in regulating staging and integration projects.

Section 5: Tribal Consultation and Coordination Requirements

- Describes Tribal consultation requirements under CEQA, NEPA, and the Coastal Act.
- Highlights specific consultation requirements for the Humboldt Bay Harbor District and Port of Long Beach projects.

Section 6: Community Engagement Opportunities and Requirements

- Outlines public notice and engagement requirements under NEPA and CEQA.
- Explains public engagement requirements for ports, harbor districts, and the California Coastal Commission.
- Describes specific engagement requirements and policies for the Wigi (Humboldt Bay) and Port of Long Beach projects.

Appendices

- Appendix A: Table of permits and authorizations likely to be required
- Appendix B: Summary of relevant federal, state, and local laws
- Appendix C: Potential timeline for permits and authorizations
- Appendix D: Statutory and regulatory deadlines for authorizations

1. Port infrastructure needs for offshore wind in California

The State of California has enacted a variety of legislation intended to reduce greenhouse gas emissions and facilitate the development of zero-emission, renewable energy resources. California Senate Bill (SB) 100 established a policy of requiring 100% of retail sales of electricity be supplied by renewable energy and zero-carbon resources by 2045.[2] A report following this legislation found that California will need to roughly triple its current electricity power capacity and use diverse energy sources, including offshore wind, to meet this goal.[3] Both the federal government and State of California have set offshore wind deployment targets in order to meet climate goals. In 2022, the California Energy Commission adopted a planning goal of deploying 2-5 gigawatts (GW) of offshore wind by 2030, and 25 GW by 2045.[4] In 2024, the California Energy Commission adopted the Assembly Bill 525 Strategic Plan for offshore wind development in federal waters off the coast of California.[5]

The federal government's position on offshore wind energy recently shifted. In 2021 and 2022, the Biden-Harris Administration announced goals of deploying 30 GW of offshore wind in the United States by 2030, 15 GW of floating offshore wind by 2035, and 110 GW of offshore wind by 2050.[6] On January 20, 2025, however, the Trump Administration changed course and issued an executive memorandum that withdrew all unleased areas on the Outer Continental Shelf from leasing for offshore wind energy.[7] The executive memorandum states that it does not affect rights under existing leases for offshore wind energy, but requires a comprehensive review to determine whether existing leases should be terminated or amended.[8]

The U.S. Department of the Interior Bureau of Ocean Energy Management (BOEM) has issued five leases for wind energy areas offshore of California: two leases in Northern California off the coast of Humboldt County and three leases in Central California off the coast near Morro Bay.[9]

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[2] 100 Percent Clean Energy Act of 2018 (Senate Bill 100, De León, Chapter 312, Statutes of 2018). 2018.
[3] California Energy Commission. 2021. 2021 SB 100 Joint Agency Report – Achieving 100 Percent Clean Electricity in California: An Initial Assessment.
[4] California Energy Commission. 2022. Offshore Wind Energy Development off the California Coast: Maximum Feasible Capacity and Megawatt Planning Goals for 2030 and 2045.
[5] California Energy Commission. 2024. Assembly Bill 525 Offshore Wind Energy Strategic Plan.
[6] White House. 2021. Fact Sheet: Biden Administration Jumpstarts Offshore Wind Energy Projects to Create Jobs; White House. 2022. Fact Sheet: Biden-Harris Administration Announces New Actions to Expand U.S. Offshore Wind Energy.
[7] White House. 2025. Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects (Executive Memo on Temporary Withdrawal of OCS for Wind Leasing). The presidential memo says that the withdrawal is "temporary" but does not include a set end date. It is unclear whether the Trump Administration, or future administrations, have the authority to reinstate leasing for offshore wind on the Outer Continental Shelf without action from Congress (*See League of Conservation Voters v. Trump*, 363 F. Supp. 3d 1013 (D. Alaska 2019)).
[8] White House, Executive Memo on Temporary Withdrawal of OCS for Wind Leasing, Section 1.
[9] Canopy Offshore Wind, LLC (OCS-P 0561); California North Floating LLC (OCS-P 0562); Atlas Offshore Wind LLC (OCS-P 0563); Golden State Wind LLC (OCS-P 0564); Invenergy California Offshore LLC (OCS-P 0565). See BOEM's California Activities website for more information.

Three Tribal Nations in the North Coast area have formally opposed offshore wind development. In January 2024, the Yurok Tribe hosted the first-ever Tribal Offshore Wind Summit, which centered Tribal leaders from the West and East Coasts and included federal and local agency representatives.[10] The Tolowa Dee-Ni' Nation Tribal Council[11] and the Bear River Band of the Rohnerville Rancheria Tribal Council each voted to oppose offshore wind in 2023 and 2024, respectively.[12] In March 2024, the Yurok Tribal Council voted to formally oppose offshore wind development, noting BOEM's lack of government-to-government consultation with Tribal Nations during the wind energy area leasing process, the failure of the federal and state governments to recognize the Yurok Tribe's inherent sovereignty over its ancestral lands, and unknown risks to ecosystems posed by development, among other circumstances.[13] Every Tribal Nation, including other Tribal Nations in the North Coast area, will have its own perspectives on offshore wind energy development and any related proposed projects.

In order for wind farms to be constructed in the leased wind energy areas or other future wind energy areas on the West Coast, port facilities will need to be developed with infrastructure for the assembly, maintenance, and manufacturing of floating offshore wind turbines. This section discusses the port infrastructure that is required to support offshore wind energy development and describes the two port development projects that have been proposed in Wigi (or Humboldt Bay) and the Port of Long Beach.

1.1. Port infrastructure needed to support offshore wind

A number of studies, including studies commissioned by BOEM,[14] National Renewable Energy Laboratory (NREL),[15] and the California State Lands Commission (CSLC),[16] have considered the types of port facilities necessary to support offshore wind development in California.[17] These

[10] Yurok Tribe. 2024. Yurok Tribe Hosts First-Ever Tribal Offshore Wind Summit.
[11] Tolowa Dee-Ni' Nation Tribal Council. 2023. Resolution No. 2023-47: Offshore Wind Energy Opposition.
[12] Bear River Band of the Rohnerville Rancheria Tribal Council. 2024. Bear River Band of the Rohnerville Rancheria Opposes Offshore Wind.
[13] Yurok Tribe. 2024. Resolution No. 24-033: Statement of the Yurok Tribe in Opposition to Planned Offshore Wind Development; *see also* Yurok Tribe. 2024. Yurok Tribal Council March 6, 2024 Minutes.
[14] Trowbridge, Matt, Jennifer Lim, Shane Phillips, Ashley Knipe (Moffatt & Nichol). 2023. California Floating Offshore Wind Regional Ports Assessment. BOEM, Report No. OCS Study BOEM 2023-010. Contract No. 140M0121D0008: 7. See also Trowbridge M, Lim J, Phillips S (Moffatt & Nichol). 2022. Port of Coos Bay, Port Infrastructure Assessment for Offshore Wind Development. BOEM, Report No. OCS Study BOEM 2022-073. Contract No.: 140M0121D0008.
[15] Shields, Matt, Aubryn Cooperman, Matilda Kreider, Frank Oteri, Zoe Hemez, Liz Gill, Ashesh Sharma, Kyle Fan, Walt Musial, Matt Trowbridge, Ashley Knipe, Jennifer Lim. 2023. The Impacts of Developing a Port Network for Floating Offshore Wind Energy on the West Coast of the United States. Golden, CO: National Renewable Energy Laboratory. NREL/TP-5000-86864.
[16] Lim, Jennifer, Matt Trowbridge (Moffatt & Nichol). 2023. California State Lands Commission. AB 525 Port Readiness Plan. CSLC, Project No. 221194. The California State Lands Commission is also required to develop a second phase plan and strategy for seaport readiness for offshore wind energy development by December 31, 2026, in coordination with the California Coastal Commission and other entities (Cal. Pub. Res. Code § 25991.8, Assembly Bill 3 (Zbur, 2023)).
[17] *See also* Porter, A., and Phillips, S. 2020. Port Infrastructure Assessment Report. In M. Severy, Z. Alva, G. Chapman, M. Cheli, T. Garcia, C. Ortega, N. Salas, A. Younes, J. Zoellick, & A. Jacobson (Eds.) California North Coast Offshore Wind Studies. Humboldt, CA: Schatz Energy Research Center.

studies generally identify three types of port facilities required to support offshore wind deployment in California:

- **Staging and integration (S&I):** A site to receive, stage, and store floating offshore wind turbine components (e.g. blades, nacelles, tower sections) and assemble wind turbine systems. After assembly, wind turbines are towed out to the wind energy area from these sites. These facilities are also likely to support major maintenance of fully assembled wind turbines that cannot be performed in the wind energy area (e.g. replacing blades). In the future, these sites could also potentially be used to decommission floating offshore wind energy projects.
- **Manufacturing/Fabrication (M/F):** A site on a navigable waterway that receives raw materials and creates larger components for wind turbine systems. The major floating turbine system components (e.g. blades and nacelles) are so large that they must be fabricated at port sites because they cannot be transported over land. These sites typically include factory and warehouse buildings and space to store completed components.
- **Operations and maintenance (O&M):** A base for offshore wind operations with offices or warehouses, spare part storage, and a marine facility to support vessels necessary for the operation and maintenance of offshore wind areas (e.g. provisioning, recharging, or refueling of vessels).[18]

Much of this infrastructure does not currently exist at ports in California and significant investments in ports are needed to meet state offshore wind deployment targets and for development of leased wind energy areas in California.[19] To meet California's goal of 25 GW of offshore wind energy by 2045, four staging and integration sites located within at least two ports would likely need to be developed in California.[20]

This report focuses on projects to develop staging and integration sites. These sites will need to be developed before wind energy areas can be developed. Staging and integration sites require a large amount of space and access to deep navigation channels. These sites also cannot have air draft restrictions (physical height restrictions like bridges) because fully assembled floating wind turbines may float approximately 1,100 feet above water and will be towed out to the

[18] Trowbridge, Matt, Jennifer Lim, Shane Phillips, Ashley Knipe (Moffatt & Nichol). 2023. California Floating Offshore Wind Regional Ports Assessment. BOEM, Report No. OCS Study BOEM 2023-010. Contract No. 140M0121D0008: 7.

[19] Trowbridge, BOEM California Floating Offshore Wind Regional Ports Assessment, Section 3; Shields, Impacts of Developing a Port Network for Floating Offshore Wind Energy on the West Coast, NREL. The State of California has made initial investments in this infrastructure through Proposition 4 (2024), which set aside $475 million for port infrastructure to support offshore wind energy development, the California Energy Commission's Offshore Wind Waterfront Facility Improvement Program, and other investments.

[20] Shields, Impacts of Developing a Port Network for Floating Offshore Wind Energy on the West Coast, NREL.

wind energy area from port.[21] Each staging and integration site must generally be between 30 and 100 acres.[22] Among other site requirements, staging and integration sites must have:

- Heavy lift wharves[23] at least 1,500 feet long that can withstand the heavy loads of turbine components and equipment used when staging and assembling turbines;
- Berths[24] for ships to dock at, with depths of approximately 38 feet; and
- Wet storage areas where assembled turbines can be stored in the water before being towed out.

Sinking basins with depths of approximately 40-100 feet may also be required, depending on the type of floating foundation and how floating foundations are assembled and transferred from an assembly wharf to water.[25]

In California, there are a limited number of sites in existing ports that could accommodate the development of staging and integration infrastructure. Studies commissioned by BOEM and the California State Lands Commission determined that the only California ports with good candidate sites for staging and integration facilities are the Ports of Humboldt, Long Beach, and Los Angeles.[26] A significant amount of investment and development is needed for these sites to support staging and integration facilities for offshore wind development.[27] Staging and integration projects are also likely to impact communities that face diverse health, environmental, educational, economic, and accessibility burdens.[28] The following subsections describe the staging and integration projects proposed by the Humboldt Bay Harbor, Recreation, and Conservation District (Humboldt Bay Harbor District) and the Port of Long Beach.

1.2. Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal

The Humboldt Bay Harbor District is the project proponent for the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project (referred to as the Humboldt Bay Harbor District project in this report).[29] The proposed project would redevelop an existing, dilapidated marine terminal on an approximately 180-acres site located on the Samoa Peninsula of Wigi (or Humboldt Bay) in Humboldt County, California.

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[21] Trowbridge, California Floating Offshore Wind Regional Ports Assessment, BOEM, Section 2. This study draws on the analysis in Trowbridge, Port of Coos Bay Port Infrastructure Assessment, BOEM.
[22] Trowbridge, California Floating Offshore Wind Regional Ports Assessment, BOEM, Section 2.
[23] Wharves are structures alongside navigable waters where ships can dock to load and unload cargo.
[24] Berths are the designated areas at wharves (or other structures) where ships are moored. One wharf can have several berths.
[25] Trowbridge, California Floating Offshore Wind Regional Ports Assessment, BOEM, Section 2.
[26] Trowbridge, California Floating Offshore Wind Regional Ports Assessment, BOEM, Section 6; Lim, AB 525 Port Readiness Plan, CSLC, Section 6.1.
[27] Lim, AB 525 Port Readiness Plan, CSLC, Section 8.1.1.
[28] Shields, Impacts of Developing a Port Network for Floating Offshore Wind Energy on the West Coast, NREL.
[29] Humboldt Bay Harbor, Recreation, and Conservation District. 2023. Notice of Preparation of Draft Environmental Impact Report for Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project (NOP).

Project Location

Wigi is California's second largest bay, located about 270 miles north of San Francisco and 100 miles south of the Oregon border. Wigi is part of the ancestral territory of the Wiyot peoples, including the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and Blue Lake Rancheria, who have stewarded this area since time immemorial.[30] The Bay has an entrance channel with an authorized depth of 48 feet and contains an inner federal navigation channel with an authorized depth of 38 feet.[31] The actual depth of the entrance and inner navigation channels vary, especially in winter conditions.[32]

Wigi aerial showing the North Bay and main channel, Samoa peninsula and proposed staging and integration terminal, Tuluwat and Woodley Islands, and the City of Eureka (Cheli 2025)

The project site is located on the Samoa Peninsula, a sand spit between the Bay and the Pacific Ocean that hosts a variety of coastal habitats, including beaches and dunes, coastal coniferous

[30] Wiyot Tribe. 2009. Tuluwat Project; Bear River Band of the Rohnerville Rancheria Tribal Council. 2024. Bear River Band of the Rohnerville Rancheria Opposes Offshore Wind; Hunt, Madison, and Ysabelle Yrad. 2023. Blue Lake Rancheria. Green Ports: Possibilities on the North Coast White Paper, 5.

[31] Depths in Mean Lower Low Water (MLLW). Humboldt Bay Harbor, Recreation, and Conservation District (ICF). 2024. Administrative Draft Project Description for Humboldt Bay Offshore Wind Marine Terminal Project (Administrative Draft Project Description), Appendix A, Section 2.4.1.

[32] Porter (2020), Section 2.2 and Appendix A.

and deciduous forests, freshwater and brackish wetlands, mudflats, eelgrass, and salt marshes.[33] The project site is in an area of the Samoa Peninsula where timber processing, lumber mills, pulp mills, and other timber-related industrial operations historically occurred. To the south of the project site is Redwood Marine Terminal II, the historic site of the Samoa Pulp Mill (constructed in 1965) and the current site of an in-bay oyster and clam nursery, various upland tenants, and the proposed 660,000 square foot Nordic Aquafarms Land-Based Aquaculture Project.[34] The project site is directly adjacent to an existing residential community. It is also directly adjacent to Tuluwat, an ancient village and the site of the Wiyot peoples' annual world renewal ceremony.[35]

The project site includes tidelands, submerged lands, uplands owned and managed by the Harbor District, and uplands that are currently privately held. The project site has the Humboldt County land use designations of Industrial (MC and MG) and Natural Resource (NR).[36] The site is zoned Industrial Coastal Dependent (MC), Industrial General (MG), Natural Resources (NR), and Public Facilities (PF),[37] as depicted in the figure below. The project site is the location of Redwood Marine Terminal I, which currently hosts a variety of tenants who will need to be relocated if the project is constructed.[38] Much of the site is currently vacant and contains aging infrastructure in need of repairs, replacement, or demolition, and vegetation that has grown during periods of disuse. Due to historic industrial uses, known releases of hazardous substances have occurred at the site and there are also areas of the site with potential soil and/or groundwater contamination, including dioxins and furans, PCBs, heavy metals, and petroleum hydrocarbons.[39] The Humboldt Bay Harbor District is in the process of beginning a U.S. EPA Brownfields Phase II Environmental Assessment for portions of the site to inform remediation.[40]

[33] Harbor District Administrative Draft Project Description, Appendix A, Section 2.4.1.
[34] Harbor District Administrative Draft Project Description, Appendix A, Section 2.4.2.5. The Nordic Aquafarms project involves construction of a land-based recirculating aquaculture system and related improvements to Redwood Terminal II, a facility owned by the Humboldt Bay Harbor District. In 2022 through 2024, Nordic Aquafarms and the Humboldt Bay Harbor District obtained coastal development permits for the project from both the California Coastal Commission and Humboldt County.
[35] Wiyot Tribe. 2009. Tuluwat Project.
[36] Humboldt County. 1982 (originally certified). Humboldt Bay Area Plan; Harbor District Administrative Draft Project Description, Appendix A, Section 2.4.2. See the Humboldt County Web GIS for an interactive map viewer with general plan land use designations and other information. The project site includes parcels identified by assessor parcel numbers (APN) 401-031-040, -054, -055, -061, -070, -071, -077, -078; and 401-112-011, -012, -013, -024, -029, -030.
[37] Humboldt County Code, Title III, Div. 1, Ch. 3, Part 1.
[38] Harbor District Administrative Draft Project Description, Appendix A, Section 2.4.2.4. These tenants include shellfish and seaweed mariculture, commercial fishing equipment storage, and hagfish landing and live holding.
[39] Harbor District Administrative Draft Project Description, Appendix A, Section 2.4.2.
[40] Humboldt Bay Harbor District. 2025. Request for Qualification Redwood Marine Terminal I Brownfield Assessment.

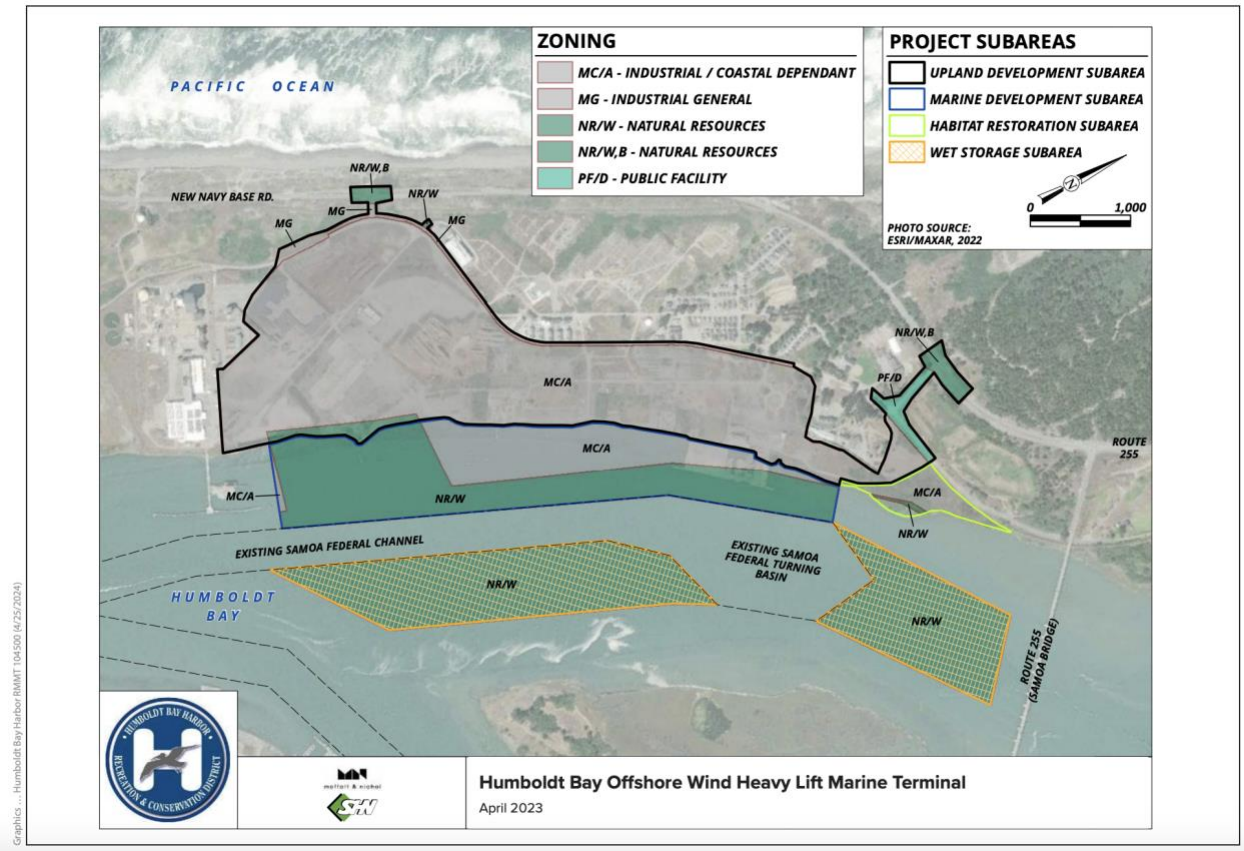

Figure 1. Project Subareas and Zoning. (Humboldt Bay Harbor District (Moffat & Nichol, SHN). 2024. Administrative Draft Project Description, Appendix A, Chapter 2, Figure 4.) Conceptual design subject to change.

The Humboldt Bay Harbor District has received a number of state and federal grants for the project, including an $8.6 million grant from the U.S. Department of Transportation (DOT) Maritime Administration (MARAD),[41] a $427 million grant from the U.S. DOT Infrastructure for Rebuilding America (INFRA) grant,[42] both a $18.2 million grant and $10.45 million grant from the California Energy Commission (CEC),[43] and a $500,000 U.S. EPA Brownfields grant for site assessment,[44] among others.

Proposed Project

The Harbor District envisions that the proposed project would primarily serve as a staging and integration site where floating offshore wind turbine systems can be assembled, temporarily

[41] MARAD. 2023. FY 2023 Port Infrastructure Development Grant Awards. See also the Humboldt Bay Harbor District's FY 2023 Port Infrastructure Development Program (PIDP) Grant Application.
[42] U.S. DOT. 2024. INFRA Awards FY 2023-2024. See also the Humboldt Bay Harbor District's Humboldt Bay Minimum Viable Port Grant Application.
[43] CEC. 2025. Notice of Proposed Awards, GFO-24-701, Offshore Wind Energy Waterfront Facility Improvement Program; CEC. 2022. State Approves $10.5 Million to Prepare the Port of Humboldt Bay for Offshore Wind.
[44] Humboldt Bay Harbor District, Request for Qualification Redwood Marine Terminal I Brownfield Assessment.

stored, launched, and maintained.[45] The key development components of the proposed project are as follows:

- **Staging and integration sites:** Two sites to stage and vertically integrate wind turbine systems, which each require 60 acres of upland space and a heavy lift wharf for delivery vessels.
- **Floating foundation assembly sites:** A floating foundation assembly site of 60 acres that includes berth space for foundation launching and access to a shared berth for delivery of subcomponents. Initially, however, floating foundations may be assembled offsite and towed fully assembled to the staging and integration site.[46]
- **Wet storage area**: Two wet storage areas in the water adjacent to the navigation channel to store fully assembled wind turbine systems before they are towed out to the ocean, as well as floating foundations prior to assembly.
- **Habitat restoration area**: Creation and restoration of wetlands and environmentally sensitive habitat area as mitigation for impacts of the project.

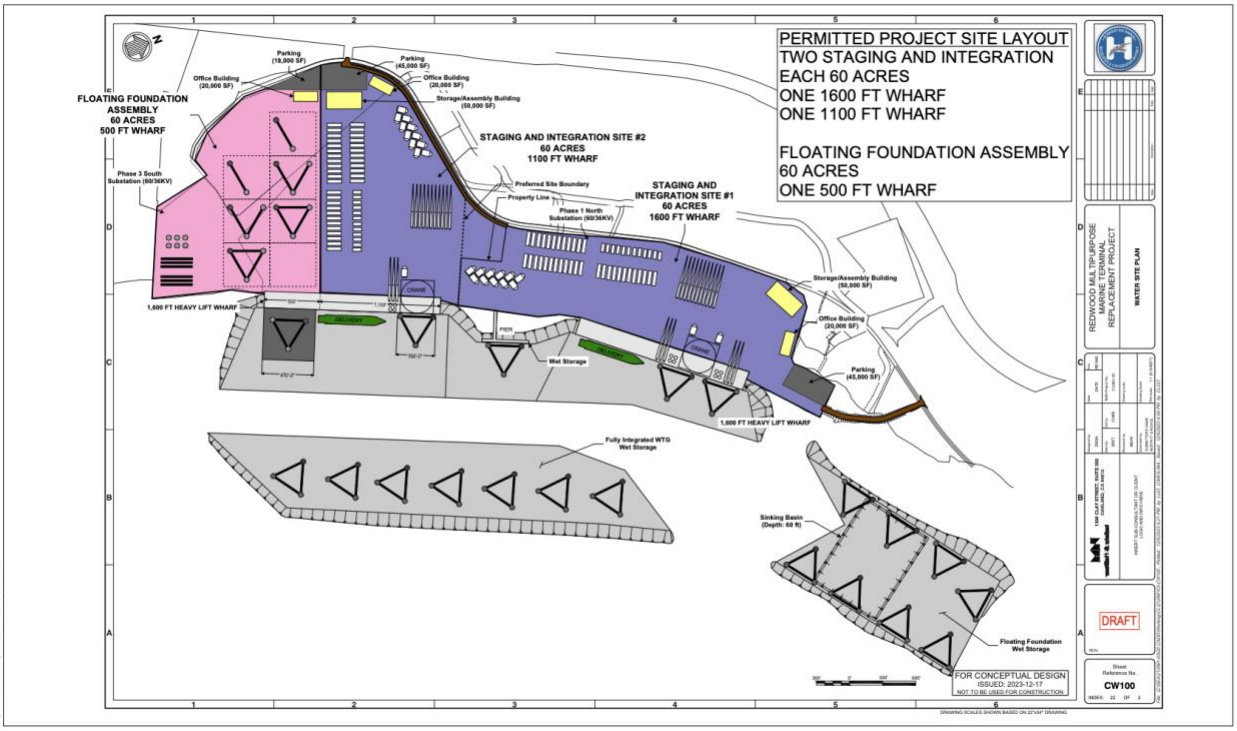

Figure 2. Draft Conceptual Design of Project Site Layout. (Humboldt Bay Harbor District (ICF). 2024. Administrative Draft Project Description, Appendix A, Figure 5.)

[45] Humboldt Bay Harbor District, Administrative Draft Project Description, Appendix A: Chapter 2.

[46] *Id.* at Section 2.5.1.1 and Figures 5, 6, and 11. Construction of the upland floating foundation assembly site is Phase 3 of the proposed project.

Development of staging and integration facilities would include activities both in the waters of Wigi (Humboldt Bay) and on adjacent uplands. These activities include:

- Dredging for development of new berths, a sinking basin, and wet storage areas;
- Demolition of existing structures on the site and relocation of existing uses;
- Construction of new marine terminal facilities and structures including wharves and piers, staging sites for wind turbine components, storage and office buildings, and parking, among other structures;
- Development of wet storage areas for temporary storage of assembled wind turbines and floating foundations;
- Construction of a rock revetment to stabilize and protect upland facilities;
- Habitat restoration as mitigation for environmental impacts of the project; and
- Other activities associated with the development of staging and integration facilities, including a future community benefits program, green terminal planning and implementation, and protections against sex trafficking and Missing and Murdered Indigenous People.[47]

In addition to staging and integration facilities, in the future, the site could be developed with facilities for the manufacturing, importing, staging, and preassembly of various wind turbine components.[48] The project could also potentially support other coastal-dependent uses in the future.[49] This report focuses on the staging and integration components of the proposed project.

Environmental Review and Planning Status

The project is subject to environmental review under both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), which broadly require agencies to consider the environmental impacts of their decisions before they act. As of the date of publication of this report, the Harbor District is in the process of developing an environmental impact report (EIR) pursuant to the CEQA for the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal project.[50] It has also issued several resolutions related to the project. A few key resolutions include:

[47] *Id.* at Section 2.5 and Figures 5 through 23. See the resolutions described on this page for additional information on green terminal planning, the Missing and Murdered Indigenous People (MMIP) Prevention Plan, and other project commitments.
[48] *Id.* at Section 2.5.1.2.
[49] *Id.* at Section 2.2.
[50] Harbor District NOP of Draft EIR.

- **Resolution No. 2024-1:** Directs staff to collaborate with the terminal developer and operator to develop a Green Terminal Strategy and Roadmap that includes goals and timelines for site operations to have net-zero carbon emissions.[51] The Green Terminal Strategy and Roadmap is expected to be brought to the Board of Harbor Commissioners in July 2025.[52]

- **Resolution No. 2024-04:** States that the Harbor District will require terminal project developers and direct contractors to take measures—such as ongoing coordination with Tribal Nations and development of a Tribal Public Safety and Missing and Murdered Indigenous People (MMIP) Prevention Plan—in an effort to prevent sex trafficking and Missing and Murdered Indigenous People, which is particularly prevalent in Humboldt County.[53]

- **Resolution No. 2023-05:** States that the Harbor District is committed to working with Tribal Nations and other interested parties and affected communities on this project, among other commitments.[54]

The Harbor District has identified MARAD, the federal agency who awarded the District a Port Infrastructure Development Program grant for the project, as the lead agency under NEPA.[55] The Harbor District is also in the process of developing an Offshore Wind Long-term Baywide Master Plan (distinct from a port master plan),[56] which will evaluate West Coast offshore wind energy needs, project impacts and mitigation alternatives, and other sites and components of the project.

The Harbor District plans to construct the project in phases. It aims to have all permits required for construction of the first phase of the project in 2026, at the earliest.[57] This is an ambitious timeline to obtain all required authorizations.

1.3. Port of Long Beach Pier Wind Terminal Development Project

The Port of Long Beach is the project proponent for the Pier Wind Terminal Development Project (referred to as the Pier Wind Project) in the City of Long Beach Harbor District. The primary purpose of the project is to support the staging, assembly, and integration of floating foundations and floating offshore wind turbine systems.[58]

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[51] Humboldt Bay Harbor District. 2024. Resolution No. 2024-01.
[52] Humboldt Bay Harbor District. March 4, 2025. Staff Report Regarding the "Green Terminal Roadmap" for the Heavy Lift Marine Terminal Project.
[53] Humboldt Bay Harbor District. 2024. Resolution No. 2024-04.
[54] Humboldt Bay Harbor District. 2023. Resolution No. 2023-05.
[55] Humboldt Bay Harbor District. 2025. Written communication.
[56] Humboldt Bay Harbor District. 2023. Humboldt Bay Minimum Viable Port Grant Application, 7. The Baywide Master Plan is not the same as a port master plan, which is authorized by Chapter 8 of the Coastal Act and discussed in Section 4.1.2 of this report. The future Baywide Master Plan will not be the Coastal Commission's standard of review when processing an application for a coastal development permit for the project.
[57] Harbor District Administrative Draft Project Description, Appendix A, Section 2.6.1.2 at A-11.
[58] Port of Long Beach (Aspen Environmental Group). (November 30, 2023). CEQA Initial Study for the Pier Wind Terminal Development Project Port of Long Beach (CEQA Initial Study).

Project Location

The Pier Wind project site is located in the Port of Long Beach on San Pedro Bay in southern Los Angeles County. The Port is located on the ancestral lands of the Tongva people who have lived in this area since time immemorial and continue to do so today.[59] The Port of Long Beach is directly adjacent to the Port of Los Angeles and in an area characterized by diverse industrial and commercial uses, such as marine cargo terminals, light manufacturing and industry, recreational facilities, hotels, retail shops, sport fishing concessions, and a public boat launch.[60] Residential areas near the Port of Long Beach include the communities of Wilmington and San Pedro in the City of Los Angeles and the neighborhoods of West Long Beach and Downtown Long Beach in the City of Long Beach.[61] To address air pollution associated with port operations, the Port of Long Beach adopted its Green Ports Policy in 2005, establishing guiding principles, program goals, air quality metrics, and a framework for regular air quality reporting.[62] In 2006, the Ports of Long Beach and Los Angeles jointly adopted the San Pedro Bay Ports Clean Air Action Plan (CAAP), an air quality plan that established a strategy for reducing port-related air emissions and associated health risks, and led to the implementation of a variety of anti-air pollution strategies.[63]

The Pier Wind Terminal would be located in the Southwest Long Beach Harbor Planning District (District 6), as designated by the Port Master Plan.[64] The project site is located near the entrance to the Port of Long Beach and close to the main navigation channel, with direct access to the open ocean.[65] The project site is located in an area without any air draft (physical height) restrictions and in front of the Long Beach International Gateway Bridge to allow fully assembled wind turbines to be towed out to the ocean.[66]

[59] Gabrielino/Tongva Nation. Gabrielino/Tongva History.
[60] Port of Long Beach, CEQA Initial Study, Section 1.3.1.
[61] *Id.* at Section 1.3.1.
[62] Port of Long Beach. 2005. Green Ports Policy.
[63] The CAAP was most recently updated in 2017 (Ports of Long Beach and Los Angeles. 2017. Clean Air Action Plan Update.)
[64] Port of Long Beach. 1990. Port Master Plan Update 1990, VI-28 to VI-29; Port of Long Beach. CEQA Initial Study, Section 1.3.2.
[65] Port of Long Beach, CEQA Initial Study, Section 1.3.
[66] *Id.* at Section 1.3.

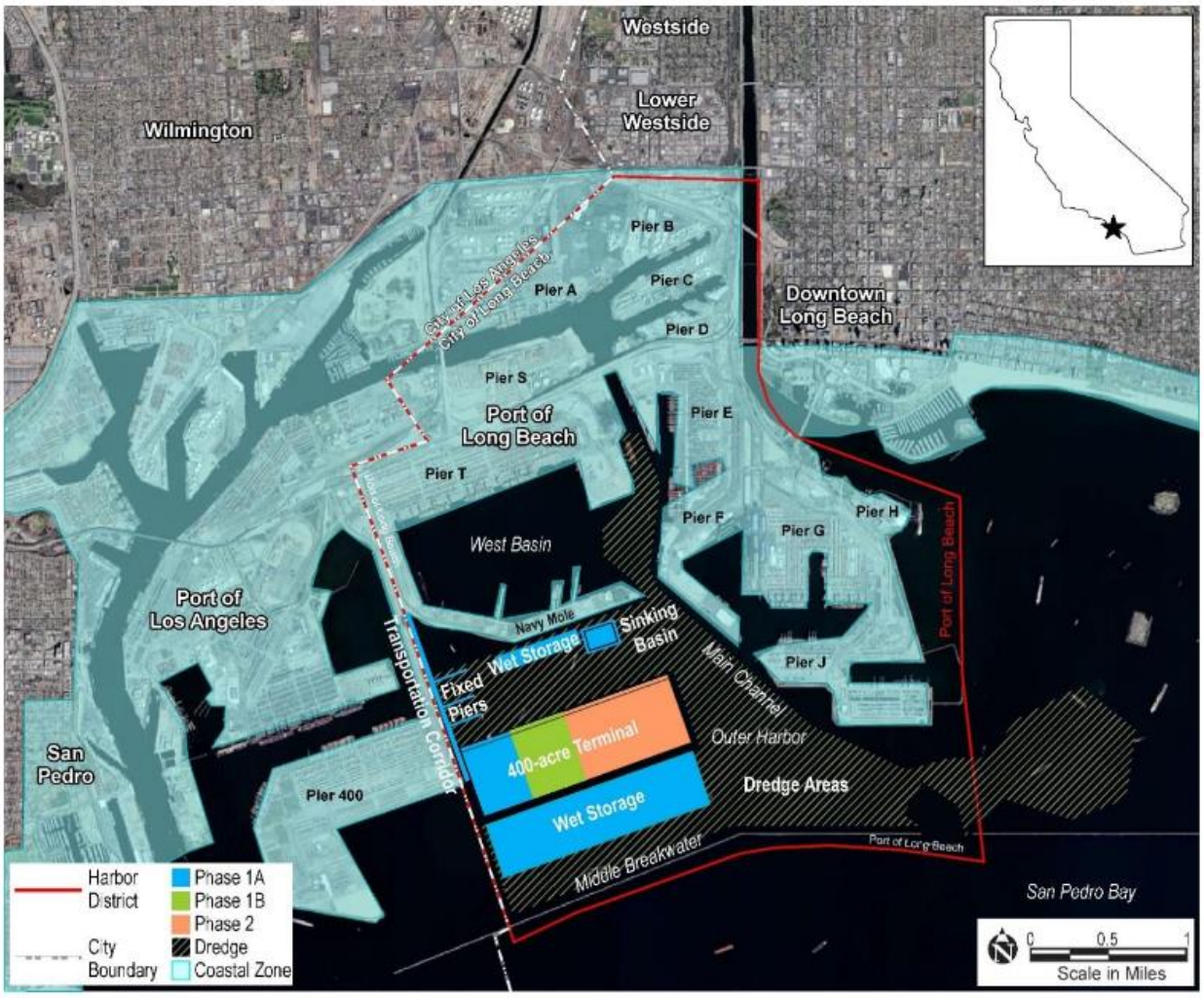

Figure 3. Showing the Pier Wind Project location and vicinity in the Port of Long Beach. (Port of Long Beach. (Aspen Environmental Group). November 30, 2023. CEQA Initial Study: Figure 1-2.) Conceptual design subject to change.

Proposed Project

The Pier Wind project would create a new terminal, transportation corridor, sinking basin, wet storage areas, and wharf and piers to support the staging and integration of offshore wind turbines and floating foundations. The conceptual layout of the project includes three staging and integration sites and two foundation assembly sites. These facilities may also be used for major maintenance of deployed wind turbines that cannot be performed in a wind energy area, such as the replacement of blades.[67]

Among other activities, the proposed project includes:

- Construction of a 400-acre terminal on new filled land for the staging and integration of wind turbine systems and floating foundations;

[67] *Id.* at Section 1.5.2.5.

- Construction of a new 30-acre transportation corridor on new filled land accommodating four travel lanes;
- Dredging to create a sinking basin, wet storage site for assembled floating foundations and offshore wind turbine systems, and berths for vessels;
- Construction of a rock revetment to protect the terminal and transportation corridor from erosion; and
- Construction of a wharf north of the new terminal to accommodate delivery vessels, foundation transfer, wind turbine integration, and major maintenance activities.

These facilities would be constructed in several phases, potentially beginning in 2027 with completion expected in 2035.[68] A figure showing one potential layout of the completed project, based on the conceptual design, is shown on the following page.

[68] *Id.* at Section 1.5.

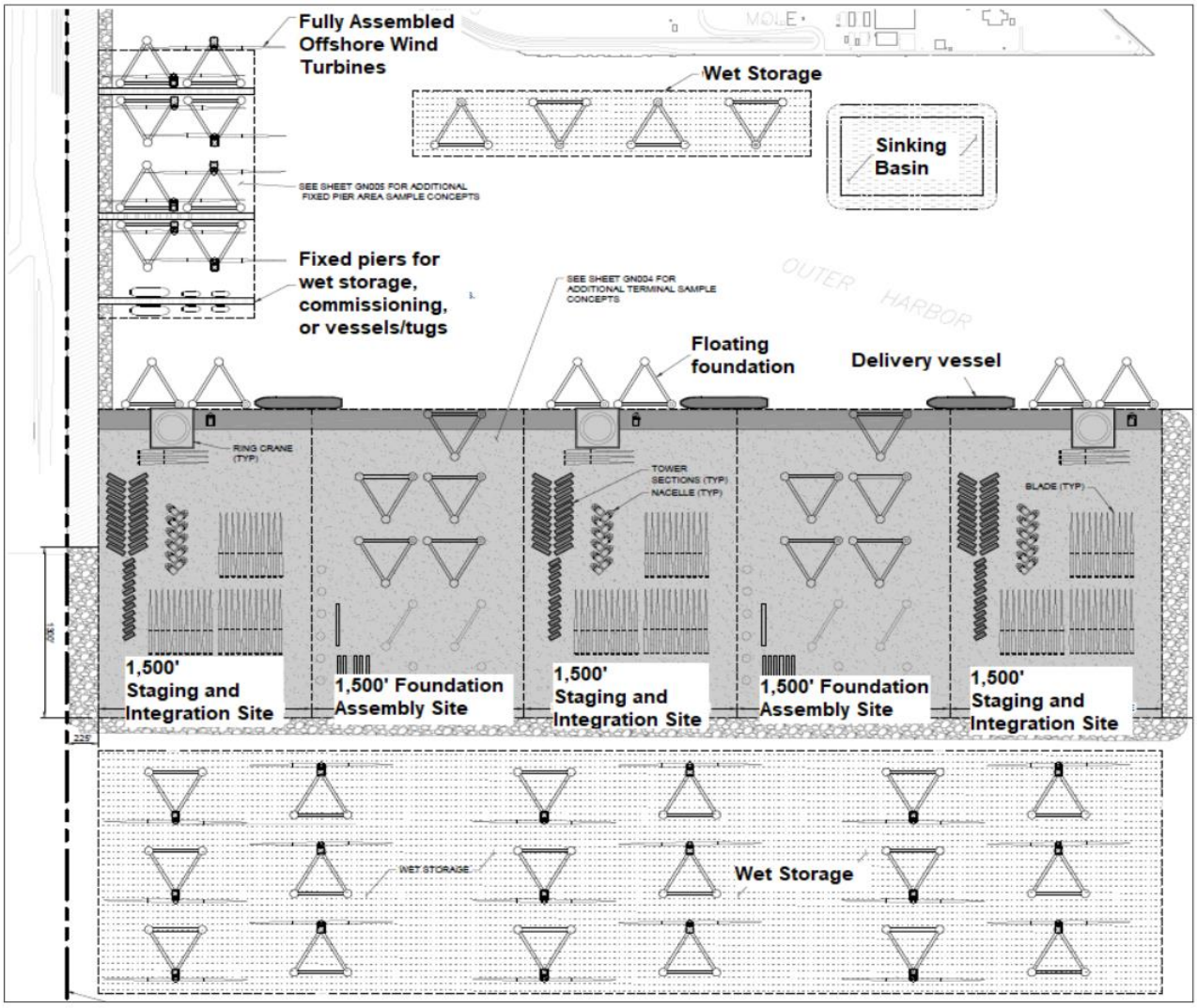

Figure 4. Showing a Potential Site Layout of Pier Wind. (Port of Long Beach. (Aspen Environmental Group). November 30, 2023. CEQA Initial Study: Figure 1-6.) Conceptual design subject to change.

Environmental Review and Planning Status

The proposed Pier Wind project has the potential to affect a variety of resources including aesthetics, biological resources, geology and soils, water quality, noise, recreation, utilities, cultural resources, greenhouse gas emissions, land use, population and housing, transportation, air quality, energy, hazards and hazardous materials, public services, and Tribal cultural resources.[69] The Port and U.S. Army Corps of Engineers (USACE), the federal agency responsible for processing permits relating to dredging and water quality, are in the process of developing a joint Environmental Impact Report/Environmental Impact Statement in accordance with CEQA and NEPA for the Pier Wind Project.[70] The joint draft EIR/EIS is expected to be released in 2025.

[69] *Id.* at Section 2.

[70] Port of Long Beach and U.S. Army Corps. (November 30, 2023). Notice of Preparation/Notice of Intent to Prepare a Joint Environmental Impact Report/Environmental Impact Statement.

2. Summary of permitting processes

Port projects to develop offshore wind turbine staging and integration infrastructure will need to obtain authorizations and planning decisions from numerous federal, state, and local agencies. Many of these authorizations and environmental review processes will require public notice and an opportunity to comment, as well as government-to-government consultation with Tribal Nations with cultural, ecological, or other interests that may be affected by the proposed projects. Staging and integration projects may require over 20 authorizations from the following agencies:

- **Federal agencies:** Authorizations are likely to be required from the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS), U.S. Coast Guard (USCG), and Federal Aviation Administration (FAA). Additionally, a federal agency will need to act as the lead agency for environmental review under the National Environmental Policy Act (NEPA).

- **State agencies:** Authorizations are likely to be required from the California Coastal Commission and State Water Resources Control Board (SWRCB) and/or the applicable regional water quality control board. An authorization from the California Department of Fish and Wildlife (CDFW) may be required if the project would result in the take of listed species, and the California Office of Historic Preservation and Tribal Historic Preservation Officers may be required to concur in consultation if the project may affect historic property. The California State Lands Commission (CSLC) may also require a lease for projects, or certain project components, located on its ungranted sovereign tidelands and submerged lands or for certain types of dredging on granted tidelands and submerged lands.

- **Local agencies:** Authorizations are likely to be required from the applicable harbor district or port governing body and the local government with land use authority over the project.

It will likely take project proponents at least three to four years from the commencement of environmental review to obtain all authorizations. Extensions of deadlines and appeals of decisions may elongate this timeline. A potential timeline for these authorizations, planning decisions, and environmental review is located in **Appendix C**, with statutory and regulatory deadlines identified in **Appendix D**.

Consolidated permitting structures, such as the California Energy Commission's (CEC) Opt-In Certification Program, could potentially expedite permitting timelines and reduce the number of required authorizations. However, this process may offer somewhat limited permit consolidation benefits for staging and integration projects, and is more likely to expedite permitting timelines if opted into before environmental review begins.

The CEC Opt-In Certification Program allows certain types of clean energy projects to opt-in to a consolidated environmental review and permitting program with expedited deadlines.[71] Staging and integration projects are likely to be eligible for the program because they develop infrastructure for the assembly of specialized components and systems that are integral to renewable energy (i.e. floating foundations and offshore wind turbine systems), are likely to be considered discretionary projects under CEQA, and will often require a capital investment of at least $250 million.[72] For projects covered by the Opt-In Certification Program, the CEC acts as the lead agency for CEQA environmental review and must meet certain Tribal consultation, public noticing, and outreach requirements.[73] Eligible projects can receive CEC certification in lieu of local authorizations and some state and federal authorizations, thereby reducing the number of required authorizations.[74]

However, staging and integration projects will still require authorizations from the California Coastal Commission, California State Lands Commission (if needed), State Water Resources Control Board or the applicable regional water quality control boards, and local air quality management districts.[75] As a result, the permit consolidation benefits of the program are likely to be more limited for these projects. Qualifying projects are subject to expedited deadlines for CEQA environmental review and for other required authorizations, including authorizations from the California Coastal Commission, State Water Resources Control Board, regional water quality control boards, and local air quality management districts.[76] Thus, the Opt-In Certification Program may offer more limited permit consolidation benefits, but could expedite the time it takes to receive all necessary authorizations, especially if an applicant opts in to the program prior to environmental review. The staging and integration projects proposed by the Port of Long Beach and Humboldt Bay Harbor District have not opted into the CEC Opt-In Certification Program, as of the date of publication of this report.

A summary of the permits, planning decisions, and environmental review requirements that are likely required for these projects is depicted in the table in **Appendix A**. For a summary of laws relevant to federal, state, and local agency permitting and planning decisions, including further discussion of the CEC Opt-In Certification Program, see **Appendix B**.

In addition to authorizations and environmental reviews required for construction of the project, staging and integration projects will also need to ensure compliance with other regulatory requirements for their operations. For example, increased traffic of regulated vessels from the operation of new staging and integration port facilities could result in ports with low-

[71] Cal. Pub. Res. Code §§ 25545 – 25545.13; Cal. Code Regs. tit. 20, §§ 1875 – 1882. Projects must meet a variety of other requirements to qualify for CEC certification under this process. See the program statutes and regulations (Cal. Pub. Res. Code §§ 25545 – 25545.13; Cal. Code Regs. tit. 20, §§ 1875 – 1882) and Appendix B for more information.
[72] Cal. Pub. Res. Code § 25545(b).
[73] Cal. Pub. Res. Code §§ 25545.7, 25545.7.2, 25545.7.4.
[74] Cal. Pub. Res. Code § 25545.1(a).
[75] Cal. Pub. Res. Code § 25545.1(b).
[76] Cal. Pub. Res. Code § 25545.5.

activity terminals being newly subject to California Air Resources Board (CARB) air quality emission control and planning requirements, in addition to other requirements. See **Appendix B** for more information on these types of requirements.

The remainder of this report focuses on the key permitting and environmental review processes that will holistically consider these types of projects: California Coastal Act and Coastal Zone Management Act permitting and planning processes, authorizations for development on public trust tidelands and submerged lands, and environmental review under CEQA and NEPA.

3. Development on public trust tidelands and submerged lands

Projects to develop staging and integration infrastructure for offshore wind turbines will need to occur, at least in part, on tidelands and submerged lands. Tidelands are the lands between the lines of mean high tide and mean low tide, and submerged lands are the lands seaward of the mean low tide line.[77] Development on tidelands and submerged lands raises unique regulatory, statutory, and common law requirements. This section discusses the ownership and regulatory framework for development on tidelands and submerged lands, with a focus on the Humboldt Bay Offshore Wind Marine Terminal and the Port of Long Beach Pier Wind projects.

Key points from this section include:

- Staging and integration projects will generally be located at least partly on tidelands and submerged lands that are governed by the public trust doctrine.
- In places where tidelands and submerged lands have been legislatively granted to harbor districts and port authorities, these agencies are likely to issue permits or leases for port development projects instead of the California State Lands Commission. The California State Lands Commission, however, has the authority to require a lease for certain types of dredging activities on granted lands, depending on the terms of the legislative grant. A lease from the California State Lands Commission may also be required for components of a project located on the State's ungranted sovereign land.
- Permits for projects on granted public trust lands that are issued by port governing authorities and/or harbor districts, including the Humboldt Bay Harbor District and Port of Long Beach, must be consistent with the public trust doctrine, the California Constitution, and the legislative grant of the lands to the municipality.

3.1. Ownership and regulation of public trust tidelands and submerged lands

Tidelands and submerged lands on the West Coast have long been and continue to be stewarded by many Tribal Nations, who use these areas for subsistence hunting and harvesting, ceremony, and other cultural practices.[78] During colonization and the establishment of the State of California, the lands of Tribal Nations and communities, including tidelands and submerged lands, were forcefully transferred to settlers and the State while Tribal communities faced violence, mass murder, forced labor, and relocation.[79] The State of California gained ownership of tidelands and submerged lands beneath navigable waterways when it was admitted to the United States in 1850.[80] On the coast today, the State of California generally owns the tidelands and submerged lands waterward of the mean high tide line and out to three

[77] *City of Long Beach v. Mansell*, 3 Cal. 3d 462, 478 n.13 (1970) (citing Shalowitz. 1962. Shore and Sea Boundaries, Appendix A). *See also* Shalowitz. 1964. Shore and Sea Boundaries, Vol. 2, 581.
[78] *See, e.g.*, Coastal Band of the Chumash Nation and California State Lands Commission. 2024. Memorandum of Intent: Stewardship of Rincon Island and the Rincon Onshore Facility (Ventura County) in Partnership with the Coastal Band of the Chumash Nation; Wiyot Tribe, Tuluwat Project.
[79] Castillo, Edward D. Native American Heritage Commission. Short Overview of California Indian History.
[80] *Pollard v. Hagan*, 44 U.S. 212 (1845); Submerged Lands Act, 43 U.S.C. §§ 1311(a); 1301(a). See also Cal. Pub. Resources Code § 6009(a).

nautical miles from the coast.[81] The State also owns some former tidelands that were filled and are no longer subject to the tides.[82]

Development on state tidelands and submerged lands is subject to certain limitations. Under the common law public trust doctrine, the State has an affirmative duty to protect state tidelands and submerged lands for a broad range of public uses, including navigation, fishing, boating, water-oriented recreation, public access, and environmental preservation and restoration.[83] The public trust doctrine is not static and the uses it protects may evolve over time to accommodate changing public needs.[84] Development on state tidelands and submerged lands must be consistent with the public trust doctrine. Some examples of development that may be consistent with the public trust doctrine include ports, marinas, docks and wharves, public access amenities, and habitat restoration, among other activities. For more information on the public trust doctrine and state tidelands and submerged lands generally, see the Public Trust Doctrine webpage on the California State Lands Commission website and the Public Trust webpage on the California Coastal Commission website.

The State of California can grant state tidelands and submerged lands to local municipalities.[85] Since statehood, the California State Legislature has enacted over 300 statutes granting over 80 local municipalities (called "grantees" or "trustees") sovereign state lands.[86] Grantees of state tidelands and submerged lands must protect the public trust uses and resources on these lands, like the State is required to do.[87] The management duties of grantees and the uses permitted on granted lands are defined by the statute granting the lands to trustees, the public trust doctrine, and the California Constitution.[88] The specific uses allowed on granted lands and the terms of legislative grants vary. Some legislative grants allow for the construction of ports, harbors, airports, wharves, docks, piers, and other structures necessary for commerce and navigation, whereas other grants may only allow visitor-serving recreational uses or open space. For more information on granted tide and submerged lands, see the California State Lands Commission's Granted Public Trust Lands webpage.

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[81] The State owns the land seaward of the "ordinary high water mark" (Cal. Civ. Code §§ 670, 830; *Borax Consol., Ltd. v. Los Angeles*, 296 U.S. 10 (1935)). California courts and the US Supreme Court have interpreted the "ordinary high water mark" to mean the mean high tide line (MHTL) (*Borax Consol.*, 296 U.S. at 22–23). The offshore boundary of the State's submerged lands is fixed at approximately three nautical miles off the coast (*United States v. California*, 574 U.S. 105 (2014)).

[82] Although the State generally owns tidelands, the boundary may differ in some places such as where there has been fill or artificial accretion, a boundary line determination, court judgment, or for certain types of Mexican land grants. For more information on the state tidelands boundary, see the California State Lands Commission Water Boundaries webpage and the California Coastal Commission and California State Lands Commission Common Core Materials: Key Definitions resource.

[83] *People v. California Fish Company*, 166 Cal. 576 (1913); *Nat'l Audubon Soc'y v. Superior Ct.*, 33 Cal. 3d 419 (1983); *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892).

[84] *Marks v. Whitney*, 6 Cal. 3d 251, 259 (1971).

[85] *City of Long Beach v. Marshall*, 11 Cal. 2d 609 (1938).

[86] California State Lands Commission. Granted Public Trust Lands website.

[87] *City of Long Beach v. Morse*, 31 Cal. 2d 254 (1947); Pub. Resources Code § 6009(c), (d).

[88] Cal. Pub. Res. Code §§ 6009(d), 6009.1.

3.1.1. California State Lands Commission oversight and authority

The California State Lands Commission manages all ungranted state tidelands and submerged lands, and issues leases for activities on these lands.[89] On granted lands, the California State Lands Commission retains oversight authority and ensures that grantees' management of state tidelands and submerged lands is consistent with the requirements of the public trust doctrine, the legislative grant, and the California Constitution.[90] The California State Lands Commission's oversight of granted state lands can range from working cooperatively with grantees on issues such as boundary determinations and proper public trust land uses and expenditures, to litigation to ensure granted lands are managed consistent with the public trust and legislative grants.[91]

The California State Lands Commission also retains authority to require a lease for certain types of dredging on granted lands. Grantees are generally required to notify the California State Lands Commission before dredging on granted public trust lands where the state retains any right to minerals.[92] A lease is not required for maintenance dredging on these lands that meets certain conditions.[93] The California State Lands Commission can require a lease for dredging on granted lands where the state retains the right to minerals if:

- The dredging is not considered maintenance dredging consistent with the proper management of the granted lands;
- The dredged material is sold or used for a private benefit; or
- The dredged material is not disposed of at an approved onshore or offshore disposal site.[94]

Staging and integration port development projects will typically require non-maintenance dredging on granted public trust lands to create wet storage areas, berths, and sinking basins. Accordingly, the California State Lands Commission may have authority to require a lease for non-maintenance dredging activities on granted lands that are part of these projects, depending on whether the legislative grant retained the mineral rights to the state.

For more information on the respective roles of the California State Lands Commission, California Coastal Commission, and local governments in protecting public trust resources on state tidelands and submerged lands, see the California State Lands Commission and California Coastal Commission Agency Roles in Protecting Public Trust Resources Fact Sheet and the Coastal Commission's Public Trust Guiding Principles and Action Plan.

[89] Cal. Pub. Res. Code § 6301.
[90] Cal. Pub. Res. Code §§ 6009, 6009.1, 6301, 6306.
[91] *See, e.g., State of California ex rel. State Lands Com. v. Cnty. of Orange*, 134 Cal. App. 3d 20 (1982) (action by the California State Lands Commission to ensure grantee was managing funds consistent with the public trust doctrine and its legislative grant).
[92] Cal. Pub. Res. Code § 6707(b).
[93] Cal. Pub. Res. Code § 6707(c).
[94] Cal. Pub. Res. Code § 6707(c), (d).

3.1.2. Offshore Wind Energy Resilience Fund leasing and the meaning of "offshore wind energy projects"

Senate Bill (SB) 286 (McGuire, 2023) clarifies and consolidates the environmental review and permitting process for offshore wind energy projects, and includes requirements intended to address the impacts of these projects on fishing industries, Tribal fisheries, and environmental resources. The legislation codified the California Offshore Wind Energy Fisheries Working Group and amended the California Coastal Act and state laws governing the leasing of public lands. SB 286 uses the term "offshore wind energy project" in several different sections without defining this term, which raises questions about which types of projects the new requirements of the law apply to.

As relevant to public trust tidelands and submerged lands, SB 286 added a new Section 7100 to the portions of the Public Resources Code addressing the management and leasing of state lands.[95] Section 7100 requires the California State Lands Commission and local grantees of granted public trust lands to consider including reasonable compensatory mitigation for unavoidable impacts to fishing and Tribal interests when issuing a lease "for purposes of an offshore wind energy project."[96]

In making this determination, the California State Lands Commission and local grantees are required to consider the recommendations for reasonable compensatory mitigation made by the California Offshore Wind Energy Fisheries Working Group.[97] The California State Lands Commission and local grantees must consider the Working Group's recommendations for a payment structure to reasonably compensate commercial, Tribal, and recreational fisheries and impacted commercial fish processors for unavoidable impacts associated with offshore wind energy projects.[98] SB 286 codified and refined the goals of the California Offshore Wind Energy Fisheries Working Group in Section 30616 of the Coastal Act.[99] The Working Group is tasked with developing a statewide strategy by January 1, 2026, "for ensuring that offshore wind energy projects avoid and minimize impacts to ocean fisheries to the maximum extent possible, avoid, minimize, and mitigate impacts to fishing and fisheries in a manner that prioritizes fishery productivity, viability, and long-term resilience, and fairly and reasonably compensate persons engaged in the commercial and recreational fishing industries and tribal fisheries for economic impacts to ocean fisheries resulting from offshore wind energy projects."[100]

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[95] Cal. Pub. Res. Code § 7100.
[96] Cal. Pub. Res. Code § 7100(b).
[97] *Id.*
[98] *Id.*
[99] Cal. Pub. Res. Code § 30616. The California Offshore Wind Energy Fisheries Working Group originated from the California Coastal Commission's conditional concurrence of BOEM's lease sales for the Humboldt and Morro Bay wind energy areas, which required BOEM and other agencies to convene a working group. (California Coastal Commission. 2022. Adopted Findings for Consistency Determination No. CD-0004-22 (Coastal Commission Humboldt WEA Concurrence); California Coastal Commission. 2022. Adopted Findings for Consistency Determination No. CD-0004-22 (Coastal Commission Morro Bay WEA Concurrence).
[100] Cal. Pub. Res. Code § 30616(b), (d). The Working Group is composed of representatives of the Coastal Commission, Department of Fish and Wildlife, California State Lands Commission, Ocean Protection Council, the

The term "offshore wind energy project" is used in several sections of SB 286, including Public Resources Code Section 7100 and Coastal Act Section 30616, but is not defined in these sections, or in any other relevant section of the Public Resources Code or Coastal Act.[101] The absence of a definition for this term raises questions about whether this term only includes offshore wind energy generation facilities (i.e. offshore wind farms), or if it also encompasses other projects related to or necessary for these projects, like staging and integration port development projects and transmission infrastructure projects.

A broad interpretation of the term "offshore wind energy project" that includes staging and integration projects could potentially further the legislative goals of "the expeditious development of offshore wind energy generation facilities *and associated infrastructure* in a manner that also avoids, minimizes, and mitigates impacts to ocean and coastal resources to the maximum extent practicable."[102] Staging and integration projects will be used to assemble and integrate the offshore wind turbines that will ultimately generate energy,[103] and these projects could potentially have impacts on fisheries. Additionally, the California State Lands Commission and local grantees do not have leasing authority in federal waters, where most development of offshore wind farms will be located.

However, this broader interpretation may conflict with the structure and statutory language of SB 286. Staging and integration projects are not, strictly speaking, offshore wind "energy projects," as they do not themselves typically generate, transmit, or store energy. While not dispositive, the definition of "energy facility" elsewhere in the Coastal Act provides some guidance: the Coastal Act defines an "energy facility" as "any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy."[104] Staging and integration projects, which are used

commercial and recreational fishing industries, the offshore wind energy industry, relevant federal agencies, Tribal Nations with affected Tribal fisheries, and other stakeholders as appropriate (Cal. Pub. Res. Code § 30616(a)).

[101] As discussed in Section 5.2, the Coastal Act defines the term "energy facility" as "any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy" (Cal. Pub. Res. Code § 30107). Staging and integration port development projects are also unlikely to be considered an energy facility under this definition because they generally do not process, produce, generate, store, transmit, or act as an energy recovering facility.

[102] Cal. Pub. Res. Code § 30001.3(c) (emphasis added). The legislative history suggests that the Legislature recognized that local grantees have leasing authority in some areas, and particularly in port areas, and amended SB 286 to reflect this. *See* SB 286, Senate Nat. Res. & Water Comm., Bill Analysis, 2023 2024 Reg. Sess., 7 (Cal. Apr. 11, 2023) (as amended Mar. 22, 2023) (suggesting considering that local grantees have jurisdiction in some areas including port areas and stating that the author may wish to consider whether a grantee's leasing authority could be used in lieu of the California State Lands Commission's leasing authority in some locations); SB 286, Senate Floor Analysis, 2023-2024 Leg., Reg. Sess., 6 (Cal. May 23, 2023) (stating that, like the California State Lands Commission, a "grantee of tide or submerged lands is similarly prohibited from issuing a lease for offshore wind energy projects unless certain conditions are met" under SB 286 as amended).

[103] Some staging and integration port development projects, however, may be built to serve multiple uses beyond the assembly of offshore wind turbines (e.g. loading and unloading unrelated cargo).

[104] Cal. Pub. Res. Code § 30107.

to assemble but not operate offshore wind turbines, generally would not fit within this definition.

Additionally, SB 286 uses the term "offshore wind energy project" elsewhere in a manner that supports a narrower read. SB 286 also added a new Section 30601.4 to the Coastal Act, which requires the Coastal Commission to process a consolidated coastal development permit for new development "that is associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects, and transmission facilities needed for those projects...."[105] This language distinguishes between "offshore wind energy projects" and related transmission facilities. It also specifically states that the new permitting requirements apply to any development associated with, appurtenant to, or necessary for offshore wind energy projects. If the term "offshore wind energy projects" were already broad enough to include these associated or necessary developments, this additional language would be redundant.[106] The use of the term "offshore wind energy projects" in this sentence appears to draw a distinction between such projects and the projects "associated with, appurtenant to, or necessary for" their construction and operation. This suggests that that the term "offshore wind energy project" may not be construed so broadly as to include any project that is necessary for or related to offshore wind farms.[107] However, in practice, whether a particular project qualifies may depend on its specific characteristics.

In short, it is unclear whether the California State Lands Commission or local grantees like the Port of Long Beach and Humboldt Bay Harbor District are required to consider including reasonable compensatory mitigation for unavoidable impacts to fishing and Tribal interests from staging and integration projects when issuing a lease or permit for these projects. California State Lands Commission staff encourage other agencies and applicants to consult with the Commission when considering whether a project is an "offshore wind energy project" for purposes of SB 286.[108] Regardless of whether they are legally required to, the California State Lands Commission and local grantees may still choose to consider relevant recommendations of the California Offshore Wind Energy Fisheries Working Group when reviewing staging and integration projects.

[105] Cal. Pub. Res. Code § 30601.4(a)(1). See Section 4.1.3 for more discussion of this requirement.
[106] *See Smith v. Superior Ct.*, 39 Cal. 4th 77, 83 (2006) ("In construing a statute, our fundamental task is to ascertain the Legislature's intent so as to effectuate the purpose of the statute. We begin with the language of the statute, giving the words their usual and ordinary meaning. The language must be construed in the context of the statute as a whole and the overall statutory scheme, and we give significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose.").
[107] Currently proposed legislation, Assembly Bill (AB) 472 (Rogers, 2025), would specifically require that "port infrastructure for offshore wind energy development" be included in the Governor's five-year infrastructure plan under the California Infrastructure Planning Act. The bill would amend the definition of "infrastructure" in the California Infrastructure Planning Act to include "port infrastructure for offshore wind energy development" (proposed amendments to Cal. Gov. Code § 13101).
[108] California State Lands Commission staff. 2025. Written communication.

3.2. Ownership and regulation of public trust lands in Wigi (Humboldt Bay) and the Port of Long Beach

The Humboldt Bay Harbor District and the City of Long Beach are both grantees of state tidelands and submerged lands and must ensure that their management of these lands is consistent with the public trust doctrine, their respective legislative grants, and the California Constitution. The terms of each agency's legislative grant are discussed below. Because these projects do not currently propose development on ungranted tidelands or submerged lands, the Port of Long Beach and Humboldt Bay Harbor District will be responsible for issuing permits or leases, rather than the California State Lands Commission. The California State Lands Commission, however, retains its oversight authority over the Port and Harbor District and may have the authority to require a lease for certain kinds of dredging. In 2024, the California State Lands Commission, Port, and Harbor District signed a Memorandum of Understanding (MOU) on a California Floating Offshore Wind Staging and Integration Partnership agreeing to cooperate and share information with each other in the planning and permitting of these projects.[109]

3.2.1. Humboldt Bay Harbor District legislative grant

In 1970, the California State Legislature enacted the Humboldt Bay Harbor, Recreation, and Conservation District Act.[110] The Act created the Humboldt Bay Harbor, Recreation and Conservation District (Humboldt Bay Harbor District) for the development of harbors and ports, for the promotion of commerce, navigation and fisheries, for recreation, and to develop and protect Humboldt Bay's natural resources. The Act was approved by Humboldt County voters in 1973 in a special countywide election.[111]

The Humboldt Bay Harbor, Recreation, and Conservation District Act, as amended in later years, also granted to the Harbor District certain state tidelands and submerged lands in Wigi (Humboldt Bay).[112] The Act allows for the granted lands to be used for a variety of uses, including the protection of wildlife habitats and resources and the construction of wharves, docks, and other facilities for commerce and navigation, among other uses.[113]

The Humboldt Bay Harbor District has jurisdiction over all tide, submerged, and other lands granted to it and to the land and overlying waters of Humboldt Bay.[114] The Harbor District is governed by the Board of Harbor Commissioners, which is composed of five elected commissioners.[115] To grant a lease, permit, franchise, right, or privilege, the Board of Harbor

[109] California State Lands Commission, Port of Long Beach, Humboldt Bay Harbor, Recreation and Conservation District. (December 17, 2024). Memorandum of Understanding on a California Floating Offshore Wind Staging and Integration Partnership.
[110] Chapter 1283, Statutes of 1970, Harb. & Nav. Code § App. 2.
[111] Scott, Jeremiah. 2013. The Humboldt Bay Harbor District: The First Thirty-One Years (1973-2004). *Humboldt Historian*, Spring 2013.
[112] Chapter 1283, Statutes of 1970, as amended by later statutes including Chapter 1191, Statutes of 1974.
[113] Cal. Harb. & Nav. Code § App. 2, § 78(a).
[114] Cal. Harb. & Nav. Code § App. 2, §§ 5.5; 3(f).
[115] Cal. Harb. & Nav. Code § App. 2, § 16.5.

Commissioners must first find that the proposed uses: (1) are necessary to promote the safety, health, comfort and convenience of the public; (2) are required by the public convenience and necessity; and (3) will not have any substantial adverse environmental or ecological effect.[116] The Commissioners must also find that the proposed use is reasonably required to promote area growth and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree, and will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety and air and water quality in the vicinity, or on parks, recreational and scenic areas, historic sites and buildings, or archeological sites in the area.[117] All grants, franchises, leases, permits, rights, or privileges issued by the Harbor District must also be consistent with the rules and regulations passed by resolution of the Board.[118]

The Harbor District is required by the Humboldt Bay Harbor, Recreation, and Conservation District Act to create a master plan for harbor and port improvement and for the use of all of the granted tidelands and submerged lands.[119] In 1976, the Harbor District adopted by ordinance certain portions of the Humboldt Bay Master Plan.[120] Additionally, the Harbor District later developed the Humboldt Bay Management Plan, which includes policies that guide decisions on development within the Harbor District's jurisdiction in an effort to balance the potentially conflicting uses of Wigi (Humboldt Bay).[121]

Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal

The Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project is located in part on public trust lands granted to the Harbor District by the Legislature. The Harbor District manages these lands and holds them in trust for the public, as discussed above. The granted lands at the project site include: (1) current tidelands and submerged lands, and (2) an upland area of former tidelands that were filled and are no longer subject to tidal action.[122]

The Harbor District is the lead agency under CEQA for this project and will be responsible for issuing a development permit pursuant to the Humboldt Bay Harbor, Recreation, and Conservation District Act for the development on the lands within its jurisdiction.[123] Any development permit issued by the Harbor District for development on granted public trust lands must be consistent with the Humboldt Bay Harbor, Recreation, and Conservation District

[116] Cal. Harb. & Nav. Code § App. 2, § 24(a).
[117] Cal. Harb. & Nav. Code § App. 2, § 24(g).
[118] Cal. Harb. & Nav. Code § App. 2, § 23. For information on the procedures for obtaining a development permit, see Harbor District Ordinance No. 14, Procedures for the Evaluation of Applications for Grants, Franchises, Leases, Permits, Rights or Privileges (1986).
[119] Cal. Harb. & Nav. Code § App. 2, § 19.
[120] Harbor District. Ordinance No. 7 (adopted 1976, amended 1983 and 2021).
[121] Harbor District. (2007). Humboldt Bay Management Plan.
[122] *See Humboldt Bay Harbor, Recreation and Conservation District v. Louisiana Pacific Corporation*, No. 59058, Stipulated Judgment (Humboldt County Superior Court, 1984) (stipulated judgment identifying filled public trust lands at the project site).
[123] Harbor District. NOP of Draft Environmental Impact Report for Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project.

Act, public trust doctrine, and Harbor District rules and regulations passed by resolution of the Board. The project site also includes privately owned uplands that are not public trust lands. The Harbor District does not have permitting jurisdiction over these upland areas.[124] Development on private uplands that are not granted lands will still require permits from other agencies, such as the California Coastal Commission and Humboldt County.

The California State Lands Commission retains oversight authority over the Harbor District's management of its granted lands and any development permit. The Memorandum of Understanding signed by the California State Lands Commission, Humboldt Bay Harbor District, and Port of Long Beach emphasizes that the Harbor District is uniquely positioned to provide the staging and integration sites necessary for California to meet its offshore wind energy goals and memorializes the parties' intention to coordinate on many aspects of the proposed project, including planning and permitting.[125]

The California State Lands Commission is not likely to be directly involved in the permitting or environmental review for the project, with one potential exception. The California State Lands Commission could potentially require a lease for the non-maintenance dredging components of the project—such as dredging to create sinking basins, wet storage areas, and berths—or if dredged material is not disposed of at an approved disposal site or is sold or used for private benefit. As discussed in Section 3.1, the California State Lands Commission can require a lease for certain types of dredging on granted lands where "the right to minerals is reserved to the state."[126] The legislative grant to the Harbor District reserves some, but not all, mineral rights to the State. The legislative grant states in relevant part:

> *There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, but excluding sand, gravel and inert earth and the right to remove said deposits in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands as are reserved to the state ...*[127]

In other words, the legislative grant generally reserves the right to minerals to the State, but excludes sand, gravel and inert earth and the right to remove these deposits from that reserve. The Public Resources Code does not specifically indicate whether the California State Lands Commission can require a lease when some but not all minerals are reserved to the State.[128] The dredging components of the proposed project would include the removal from granted lands of minerals not reserved to the State (e.g., sand and gravel), and may also involve the removal of other materials from the bay floor. As a result, it is not clear whether the California

[124] Cal. Harb. & Nav. Code § App. 2, §§ 5.5; 3(f).
[125] California State Lands Commission, Port of Long Beach, Humboldt Bay Harbor District, Memorandum of Understanding on a California Floating Offshore Wind Staging and Integration Partnership.
[126] Cal. Pub. Res. Code § 6707(c), (d).
[127] Chapter 1283, Statutes of 1970, Ch. 6, § 78(g).
[128] Cal. Pub. Res. Code § 6707(c), (d).

State Lands Commission could require a lease for certain kinds of dredging on lands granted to the Harbor District.

3.2.2. City of Long Beach legislative grant

In the early 1900s, the State Legislature granted the City of Long Beach state tidelands and submerged lands within the City's boundaries.[129] The legislative grants allow the granted lands to be used for a harbor, among other uses.[130] Soon after these lands were granted to the City, the City designated a portion of the lands at the mouth of the Los Angeles River as the Port of Long Beach.[131] Today, these granted lands are within the Port of Long Beach and are managed by the Long Beach Board of Harbor Commissioners.

The City of Long Beach Charter established the Long Beach Harbor District to promote and develop the Port of Long Beach.[132] The Board of Harbor Commissioners has the authority to provide for the needs of commerce, navigation, recreation and fishery in the Harbor District; develop and construct properties and publicly owned facilities or appliances incident to the operation of the Harbor District, such as piers, wharves, basins, and channels; and to dredge and reclaim land, among other powers and duties.[133] The City of Long Beach Charter declares that all tidelands and submerged lands within the Harbor District, whether filled or unfilled, are required for commerce, navigation, recreation or fishery uses or for the promotion and accommodation of these uses.[134]

The construction, extension, alteration, improvement, erection, remodel or repair of any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the Harbor District requires a building permit from the Board of Harbor Commissioners.[135] The City Charter requires the Board of Harbor Commissioners to consider in approving or denying a building permit, "the application therefor, the character, nature, size and location of the proposed improvement," and to "exercise a reasonable and sound discretion during" consideration of the permit.[136] A consolidated building permit and coastal development permit (discussed further in Section 4) processed by the Board of Harbor Commissioners is referred to as a Harbor Development Permit. The Port of Long Beach (acting through the Board of Harbor Commissioners) is the lead CEQA agency for the Pier Wind project and will be responsible for

[129] Chapter 676, Statutes of 1911 and as amended, https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2023/07/S1911_Ch676_acc.pdf; Chapter 102, Statutes of 1925 and as amended, https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2023/07/S1925_Ch102_acc.pdf; and Chapter 158, Statutes of 1935, https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2023/07/S1935_Ch158_acc.pdf.
[130] *Id*.
[131] Port of Long Beach. 2019. Draft Port Master Plan Update 2020.
[132] City of Long Beach Charter, Article XII, § 1200.
[133] City of Long Beach Charter, Article XII, § 1203.
[134] City of Long Beach Charter, Article XII, § 1207(a).
[135] City of Long Beach Charter, Article XII, § 1215.
[136] *Id*.

processing any required building permit (or Harbor Development Permit) for activities within the Long Beach Harbor District on tidelands and submerged lands.

The California State Lands Commission retains oversight authority over the Port's management of its granted lands. As noted above, the Memorandum of Understanding signed by the California State Lands Commission, Humboldt Bay Harbor District, and Port of Long Beach memorializes the parties' intention to coordinate on many aspects of the proposed project, including planning and permitting.[137] The California State Lands Commission has previously exercised its oversight authority by implementing an oversight framework to facilitate communication and track progress on issues relating to air quality at the Ports of Los Angeles and Long Beach and impacts to neighboring communities from port operations.[138] This oversight framework may be relevant to the Pier Wind project.

The California State Lands Commission is not likely to be directly involved in the permitting or environmental review for the project. However, if the project includes components outside of granted lands and on state public trust lands, such as sand borrow sites,[139] the California State Lands Commission will be responsible for processing a request for a lease for activities on these lands. The California State Lands Commission could also potentially require a lease for certain types of dredging components of the project—e.g., dredging to create sinking basins, wet storage areas, and berths—but only if the legislative grant reserves the right to minerals to the State. The legislative grant to the City of Long Beach has been amended many times over the years to clarify which lands were granted and how revenues from oil reserves on tidelands can be used.[140] These legislative grants do not reserve mineral rights to the State in a manner that would trigger the potential requirement for a California State Lands Commission lease for non-maintenance dredging.[141] Accordingly, a lease is unlikely to be required from the California State Lands Commission for dredging activities on granted lands that are part of the project.

[137] California State Lands Commission, Port of Long Beach, Humboldt Bay Harbor District, Memorandum of Understanding on a California Floating Offshore Wind Staging and Integration Partnership.
[138] California State Lands Commission. December 6, 2016. "Consider Directing Staff to Implement an Oversight Framework to Facilitate Communication and Track Progress on Issues Relating to Air Quality at the Ports of Los Angeles and Long Beach." Staff Report, Item No. 68; California State Lands Commission. August 9, 2016. "Informational Update on the Port of Long Beach Community Impact Study and Potential Mitigation Measures to Address Direct Impacts of Port-Related Operations on Neighboring Communities." Staff Report, Item No. 60.
[139] *See* Port of Long Beach, CEQA Initial Study, Sections 1.5.1, XVII (stating that a sand borrow site outside of the harbor boundary may be necessary). A sand borrow site is a location where sediment is collected from before being moved to another place for use.
[140] *See, e.g.,* Chapter 138, Statutes of 1964, First Extraordinary Session.
[141] *See* Cal. Pub. Resources Code § 6707(d); *City of Long Beach v. Marshall*, 11 Cal. 2d 609, 620 (1938).

4. California coastal zone planning and permitting

The California Coastal Act and federal Coastal Zone Management Act govern development in California's coastal zone and protect coastal resources. This section identifies the permitting and planning requirements under these laws that are likely to apply to staging and integration projects.

Key points from this section include:

- Under the California Coastal Act, staging and integration projects must obtain coastal development permits and are likely to require amendments to applicable port master plans and, in some cases, local coastal programs.
- Under Senate Bill 286 (2023), the California Coastal Commission is responsible for processing consolidated coastal development permits for staging and integration projects that would otherwise have required a coastal development permit from both a local government with a certified local coastal program and the Commission. Port governing bodies are likely to continue to issue coastal development permits for projects governed by their certified port master plans. However, it is somewhat unclear under Senate Bill 286 which agency (or agencies) are responsible for processing coastal development permits when a local government or port governing body has sole coastal development permitting authority, when the Coastal Commission and a port governing body both have coastal development permitting authority, or when the City of Los Angeles has coastal development permitting authority.
- Staging and integration projects that are undertaken, permitted, or funded by federal agencies are also subject to federal consistency review under the Coastal Zone Management Act, although this review is likely to be limited for projects authorized by a coastal development permit issued by the Coastal Commission or that are consistent with a certified port master plan.

4.1. California Coastal Act planning and permitting

The California Coastal Act applies within the coastal zone, which extends seaward to the outer limit of state waters (three nautical miles from the coast) and inland from several hundred feet from the mean high tide line in many areas to as much as five miles inland in areas of special environmental or recreational significance.[142] The California Coastal Commission implements the Coastal Act in partnership with local governments. The Coastal Commission is composed of twelve voting commissioners, appointed by the Governor, Senate Rules Committee, and the Speaker of the Assembly, and three non-voting members.[143]

[142] Cal. Pub. Resources Code § 30103(a). See the Coastal Zone Boundary Maps webpage on the Coastal Commission website for maps and more information on the coastal zone boundary.
[143] Cal. Pub. Resources Code § 30301.

Chapters 3 and 8 of the Coastal Act are most relevant to the development of port infrastructure to support the staging and integration of offshore wind turbines. Chapter 3 of the Coastal Act protects coastal resources such as coastal public access and recreation, marine resources, environmentally sensitive habitats, and scenic resources and views, among others.[144] It also prioritizes certain types of uses, like coastal- dependent uses, over other uses and governs coastal industrial development.[145] Chapter 8 of the Coastal Act generally governs those portions of the Ports of Long Beach, Hueneme, Los Angeles, and San Diego Unified Port District located within the coastal zone and includes a variety of policies specific to ports.[146]

In 2023, the Coastal Act was amended to include legislative findings that recognize that offshore wind energy generation is an important component of California's renewable energy portfolio and that its development will have impacts on coastal and ocean resources, fisheries, and coastal communities that are not yet fully understood.[147] The legislative findings state that the "urgency of the climate crisis and the importance of ocean health to maintaining a livable planet necessitate expeditious development of offshore wind energy generation facilities and associated infrastructure in a manner that also avoids, minimizes, and mitigates impacts to ocean and coastal resources to the maximum extent practicable."[148]

Under the Coastal Act, any development in the coastal zone generally requires a coastal development permit.[149] Development is broadly defined to include (among other activities) the construction of buildings, public facilities, and roads; the grading, removal, or dredging of any material; and activities that change the intensity of use of land or water.[150] As a result, staging and integration projects will generally require coastal development permits.

Coastal development permits are issued by the Coastal Commission, ports with certified port master plans, and local governments with certified local coastal programs.[151] It is important to know which agency or agencies are responsible for processing a coastal development permit because the permitting procedures and standard of review differs depending on which agency issues the permit. Port development projects that require a coastal development permit from the Coastal Commission will generally need to be consistent with Chapter 3 of the Coastal Act. Projects that require a coastal development permit from a port with a certified port master plan will generally need to be consistent with the certified port master plan and Chapter 8 of the Coastal Act, and in some cases with Chapter 3 of the Coastal Act.

[144] Cal. Pub. Resources Code §§ 30210 – 30255.
[145] *See, e.g.,* Cal. Pub. Resources Code §§ 30255, 30260.
[146] Cal. Pub. Resources Code §§ 30700 – 30721. *See also* Cal. Code of Regs, Title 14 §§ 13600 - 13648. Chapter 8 does not, however, govern development in specified wetlands, estuaries, or existing recreation areas (Cal. Pub. Resources Code § 30700; Cal. Code of Regs, Title 14 § 13610).
[147] Cal. Pub. Resources Code § 30001.3(a)-(b).
[148] Cal. Pub. Resources Code § 30001.3(c).
[149] Cal. Pub. Resources Code § 30600.
[150] Cal. Pub. Resources Code § 30106.
[151] And in certain cases, by local governments with certified land use plans. See Section 4.1.1 for further discussion.

*Table 2. Summary of permitting jurisdiction and standard of review for offshore wind port development projects**

Issuing Agency	Criteria for Permitting Jurisdiction	CDP Standard of Review
California Coastal Commission	• No certified port master plan or local coastal program governs the project;[152] or • Consolidated coastal development permit required for offshore wind related projects under Senate Bill 286 when a coastal development permit would otherwise have been required from both a local government with a certified local coastal program and the Coastal Commission[153]	Generally Chapter 3 of the Coastal Act [154]
Port governing authority	• Certified port master plan governs development of the project • Limited types of projects can be appealed to the Coastal Commission	Certified port master plan[155]
Local government	• Under Senate Bill 286, local governments with certified local coastal programs are unlikely to issue coastal development permits for offshore wind related projects that would otherwise require a coastal development permit from both the local government and the Coastal Commission • Special cases could potentially arise where local governments issue coastal development permits for offshore wind port development projects, such as projects within the City of Los Angeles; projects	Generally the certified local coastal program

[152] In certain cases, such as for the City of Los Angeles, a local government can be delegated coastal development permitting authority prior to certification of its local coastal program if the Coastal Commission has certified the local government's land use plan (Cal. Pub. Resources Code § 30600(b)). However, the Coastal Commission also retains authority to issue coastal development permits in certain areas of the coastal zone (Cal. Pub. Resources Code § 30601). See Section 4.1.1 for more information.

[153] See Section 4.1.3 below for more discussion.

[154] Chapter 8 of the Coastal Act could potentially be the standard of review for certain development projects in the Ports of Long Beach, Los Angeles, Hueneme, or San Diego Unified Port District before the certification of a port master plan amendment; however, this is unlikely to occur as all of the Ports covered by Chapter 8 currently have certified port master plans.

[155] Types of development appealable to the Coastal Commission must be certified by the Coastal Commission as consistent with Chapter 3 of the Coastal Act (*See* Cal. Pub. Resources Code §§ 30714(b), 30715.5). See Section 4.1.2 for more information.

	that the Coastal Commission does not have coastal development permitting authority over; or certain projects that are on granted public trust lands and where the certified local coastal program includes the project development plans
	● Certain locally issued coastal development permits can be appealed to the Coastal Commission, depending on location and project type

**This table is intended for guidance only and more information is included in the subsections below. Applicants and interested parties should check with the Coastal Commission, port, and/or local government to determine which agency is responsible for issuing a coastal development permit for a particular project.*

The following subsections explain which agency is likely to issue coastal development permits for staging and integration port projects, and the process for updating the planning documents that may determine permitting authority and standards. These subsections also discuss the agency likely to issue coastal development permits for the projects proposed in Wigi (Humboldt Bay) and the Port of Long Beach.

4.1.1. Local coastal programs

Local governments are responsible for issuing coastal development permits in most of the coastal zone after certification of a local coastal program.[156] Local coastal programs are developed and implemented by local governments and are intended to carry out the policies of the California Coastal Act at the local level. Local coastal programs include: (1) a land use plan, which contains land use policies, and (2) an implementation plan, which includes measures to implement the land use plan such as zoning ordinances and zoning district maps.[157] The Coastal Commission must certify land use plans that are consistent with Chapter 3 of the Coastal Act,[158] and implementation plans that are consistent with the certified land use plan.[159] This standard of review also applies to amendments to land use plans and implementation plans.[160]

After the Coastal Commission certifies a local coastal program, the authority to issue a coastal development permit is delegated to the local government.[161] To issue a coastal development permit, the local government must find that the development is consistent with the certified local coastal program, and in certain cases, that the development is consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act.[162]

[156] *See* Cal. Pub. Resources Code § 30519; California Coastal Commission. 2025. California Coastal Commission Key Metrics Report 2024.
[157] Cal. Pub. Resources Code §§ 30108.6, 30108.5, 30108.4. See the Local Coastal Program Information webpage on the Coastal Commission's website for more information and resources on local coastal programs.
[158] Cal. Pub. Resources Code §§ 30512, 30512.2.
[159] Cal. Pub. Resources Code § 30513.
[160] Cal. Pub. Resources Code § 30514.
[161] Cal. Pub. Resources Code § 30519.
[162] Cal. Pub. Resources Code § 30604(b), (c).

There are certain areas where local governments cannot gain permitting authority, including:

- On tidelands, submerged lands, or public trust lands (filled or unfilled);
- Within any state university or college; and
- Within the Ports of Long Beach, Los Angeles, Hueneme, or San Diego Unified Port District.[163]

There are two potentially relevant exceptions to this rule. First, local governments can be delegated permitting authority in these areas for development projects that are proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.[164] Accordingly, a local government could potentially have permitting jurisdiction over a project that a port or harbor district proposes to develop staging and integration port infrastructure on public trust lands granted to the local government where the specific development plans are incorporated into the certified local coastal program. In practice, local governments have rarely, if ever, been delegated this type of authority and any effort to do so would likely require close coordination with the Coastal Commission.[165] The second exception is that local governments can be delegated coastal development permitting authority over public trust lands when the Coastal Commission determines, after consultation with the California State Lands Commission, that the lands are both (1) filled and developed and (2) located within an area which is committed to urban uses.[166] Portions of projects to develop wind turbine staging and assembly infrastructure could theoretically be located on filled, developed public trust lands in urban use areas. However, there are limited areas throughout the state where permitting authority over filled public trust lands has been delegated to a local government with a certified local coastal program, and the proposed projects in Wigi (Humboldt Bay) is not located in such an area.[167]

Certain coastal development permits issued by local governments are appealable to the Coastal Commission, including for development: between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea; located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff;

[163] Cal. Pub. Resources Code § 30519(b).
[164] Cal. Pub. Resources Code § 30519(b).
[165] For this exception to apply, the project must be located "on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority" (Cal. Pub. Resources Code § 30519(b)). Thus, the legislative grant of public trust lands would likely need to have been made to a "local government," as defined in Section 30109 of the Coastal Act, rather than a port or harbor district. Accordingly, this exception is unlikely to apply to areas in Wigi where public trust lands were granted to the Humboldt Bay Harbor District.
[166] Cal. Pub. Resources Code § 30613(a).
[167] The City of Eureka has been delegated coastal development permitting authority for certain filled public trust lands within the City and near Wigi (Humboldt Bay), but which are not part of the proposed project site.

located in a sensitive coastal resource area; approved by a coastal county that is not designated as the principal permitted use under the certified implementation plan; and which constitutes a major public works project or a major energy facility.[168] Any local coastal development permit for a staging and integration project is likely to be appealable to the Coastal Commission because components of these projects must occur on tidelands and submerged lands.

The Coastal Commission issues coastal development permits in areas where a certified local coastal program or certified port master plan (discussed in the following subsection) does not apply.[169] In this case, the Commission's standard of review is typically whether the project is consistent with Chapter 3 of the Coastal Act.

Note on permitting authority in the City of Los Angeles

The City of Los Angeles has unique permitting authority under the Coastal Act. Unlike other local governments in the coastal zone, the City of Los Angeles was delegated coastal development permitting authority after certification of its land use plan and prior to certification of its full local coastal program.[170] Any coastal development permit issued by the City of Los Angeles is appealable to the Coastal Commission.[171] Additionally, in certain areas of the coastal zone and for certain types of projects, the Coastal Commission retains its authority to issue coastal development permits so two permits—one from the City of Los Angeles and one from the Coastal Commission—are generally required for development in these dual permit jurisdiction areas.[172] The standard of review for these permits is Chapter 3 of the Coastal Act and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3.[173] A certified land use plan that applies within the project area may also be used as guidance as to the consistency of development with Chapter 3 of the Coastal Act. The Port of Los Angeles rather than the City generally has coastal development permitting authority within the Port, as discussed in the next section. However, the City of Los Angeles' coastal development permitting authority may be relevant for offshore wind related projects located outside of the Port and within the City's permitting jurisdiction.

4.1.2. Port master plans

Chapter 8 of the California Coastal Act generally governs those portions of the Ports of Long Beach, Hueneme, Los Angeles, and San Diego Unified Port District located within the coastal zone.[174] Chapter 8 includes a variety of policies specific to ports, including policies protecting commercial fishing harbor space, regulating the location, design, and siting of port

[168] Cal. Pub. Resources Code § 30603(a).
[169] Cal. Pub. Resources Code §§ 30519(b), 30715.
[170] Cal. Pub. Resources Code §§ 30600(b), 30604(a), 30620, 30620.5.
[171] Cal. Pub. Resources Code § 30602.
[172] Cal. Pub. Resources Code § 30601.
[173] Cal. Pub. Resources Code § 30604(a).
[174] Cal. Pub. Resources Code §§ 30700, 30702. *See also* Cal. Code of Regs, Title 14 §§ 13600 - 13648. Chapter 8 does not, however, govern development in specified wetlands, estuaries, or existing recreation areas (Cal. Pub. Resources Code § 30700; Cal. Code of Regs, Title 14 § 13610).

development, and regulating diking, filling and dredging.[175] These policies acknowledge the special role and needs of ports and differ in significant ways from the Chapter 3 policies of the Coastal Act relating to development elsewhere in the coastal zone. Development that is appealable to the Coastal Commission, however, must be consistent with Chapter 3 of the Coastal Act. Chapter 8 was amended in 2023 by SB 704 (Min, 2023) to include a legislative finding that existing ports, including the Humboldt Bay Harbor District, should be encouraged to pursue development that contributes to the construction and deployment of offshore wind energy generation facilities, consistent with the policies of the Coastal Act.[176]

Under Chapter 8 of the Coastal Act, the Ports of Long Beach, Hueneme, Los Angeles, and San Diego Unified Port District, can be delegated permitting authority if they have a port master plan that is certified by the Coastal Commission. A port master plan is a long-range planning and policy document that carries out the provisions of Chapter 8 of the Coastal Act (and Chapter 3 for appealable development), guides development, and identifies allowable land and water uses in a port. A port master plan must include all of the following:

- Proposed uses of land and water areas;
- Projected design and location of projects intended to serve commercial traffic;
- An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact;
- Projects appealable to the Coastal Commission listed in sufficient detail to be able to determine their consistency with the policies of Chapter 3 of the Coastal Act; and
- Provision of adequate public hearings and public participation in port planning and development decisions.[177]

The port is required to submit to the Coastal Commission any NEPA or CEQA environmental review documents concerning the port master plan.[178]

The Coastal Commission must certify a port master plan (or the portions of it) that conform with and carry out the policies of Chapter 8.[179] Where a port master plan identifies projects appealable to the Coastal Commission, the Commission must also find that these projects are in conformity with Chapter 3.[180] Unlike local coastal programs, the Coastal Commission cannot

[175] See, e.g., Cal. Pub. Resources Code §§ 30702 - 30708.
[176] Cal. Pub. Resources Code § 30701(c).
[177] Cal. Pub. Resources Code § 30711. See also Cal. Code of Regs, Title 14 § 13625.
[178] Cal. Pub. Resources Code § 30718; Cal. Code of Regs, Title 14 § 13645.
[179] Cal. Pub. Resources Code § 30714.
[180] Cal. Pub. Resources Code § 30714.

condition certification of a port master plan on certain modifications being made to the plan.[181] This means that the Coastal Commission cannot formally require modifications that would lead to certification of a port master plan if accepted by the port; it must instead decide whether to certify the entire proposed port master plan. Amendments to certified port master plans are generally processed by the Coastal Commission in the same manner as newly proposed port master plans.[182]

Once a port master plan is certified by the Coastal Commission, the port issues coastal development permits for development within the area of the port governed by the plan.[183] To issue a coastal development permit, the port must find that the development is consistent with the certified port master plan.[184] The Commission has certified port master plans for the Ports of San Diego, Long Beach, Los Angeles, and Hueneme, transferring permit authority to the governing bodies of these ports.[185] The Port of Humboldt does not have a certified port master plan and is generally not governed by Chapter 8 of the Coastal Act.

Only certain categories of projects are appealable to the Coastal Commission after the port issues a coastal development permit. Appealable projects include:

- Certain oil and gas developments;
- Wastewater treatment facilities;
- Roads or highways not principally for internal circulation within the port boundaries;
- Office and residential buildings not principally devoted to the administration of activities within the port;
- Hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes;
- Commercial fishing facilities; and
- Recreational small craft marina related facilities.[186]

As a result, coastal development permits for many staging and integration projects that are governed by a certified port master plan are unlikely to be appealable to the Coastal Commission.

[181] Cal. Pub. Resources Code § 30714.
[182] Cal. Pub. Resources Code § 30716; Cal. Code of Regs, Title 14 § 13636. Minor and de minimis amendments to a port master plan may be processed by the Coastal Commission in a streamlined process (Cal. Pub. Resources Code § 30716(b), (c); Cal. Code of Regs, Title 14 § 13637).
[183] Cal. Pub. Resources Code § 30715. In ports governed by Chapter 8 of the Coastal Act and without a certified port master plan, the Coastal Commission issues coastal development permits pursuant to Chapter 7 of the Coastal Act (*Id*.). The Commission's standard of review for such development projects is generally Chapter 8 of the Coastal Act, but certain projects are evaluated under Chapter 3 (*Id.*; Cal. Code of Regs, Title 14 § 13620).
[184] Cal. Pub. Resources Code § 30715.5.
[185] California Coastal Commission. Frequently Asked Questions (FAQ) on Coastal Commission and Port Development. https://documents.coastal.ca.gov/assets/env-justice/EJPorts_FAQFinal.pdf.
[186] Cal. Pub. Resources Code § 30715.

4.1.3. Consolidated coastal development permits under Senate Bill 286

As discussed in Section 3.1.2, Senate Bill 286 amended the Coastal Act and Public Resources Code to address the permitting of offshore wind energy projects. This legislation generally requires the Coastal Commission to process a coastal development permit for port development projects necessary to support offshore wind, including staging and integration projects. This legislation directs the Coastal Commission to issue a single "consolidated" coastal development permit for projects associated with offshore wind. Whether that mandate applies in situations where the Commission and a local government with a certified local coastal program do not both have permitting jurisdiction—e.g., when only one agency, a port governing body, or a city without a certified local coastal program holds coastal development permitting authority—remains unclear.

SB 286 added legislative findings to the Coastal Act relating to offshore wind, including a finding that the "urgency of the climate crisis and the importance of ocean health to maintaining a livable planet necessitate the expeditious development of offshore wind energy generation facilities and associated infrastructure in a manner that also avoids, minimizes, and mitigates impacts to ocean and coastal resources to the maximum extent practicable."[187] SB 286 aligns with the legislative goal of expedited development of offshore wind energy generation facilities and associated infrastructure by requiring the Coastal Commission to process a consolidated coastal development permit for qualifying projects associated with offshore wind energy. This generally avoids the need for multiple coastal development permits and appeals of locally issued coastal development permits, and may avoid the need for local coastal program amendments to address proposed projects.

Section 30601.4 states in relevant part:

> *The [Coastal] commission shall process a consolidated coastal development permit for any new development that requires a coastal development permit and that is associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects, and transmission facilities needed for those projects, located in the coastal zone, as defined in this division. Section 30601.3 applies to a consolidated coastal development permit pursuant to this section, except that paragraph (2) of subdivision (a) of Section 30601.3 does not apply, and provided that public participation is not substantially impaired by the review of the consolidated coastal development permit.*[188]

Projects "associated with, appurtenant to, or necessary for" offshore wind. For this consolidated permit process to apply, a project must be "associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects, and transmission facilities needed for those projects."[189] As discussed in Section 1, the development of staging and integration port facilities is necessary for the construction and operation of offshore wind energy projects. Staging and integration projects are thus likely to meet this

[187] Cal. Pub. Resources Code § 30001.3.
[188] Cal. Pub. Resources Code § 30601.4(a)(1).
[189] Cal. Pub. Resources Code § 30601.4(a)(1).

criteria. There may be some projects that are adjacent to staging and integration port development projects and that require a separate coastal development permit, such as related offsite mitigation or dredged material disposal. It may be less clear whether these kinds of related projects are considered "associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects."[190] The broad language in Section 30601.4 suggests that these projects might be considered eligible as associated with offshore wind energy projects. Whether these types of projects require a consolidated coastal development permit under Section 30601.4, however, will likely need to be analyzed on a case-by-case basis.

Jurisdictional questions. It is unclear whether Section 30601.4 requires the Coastal Commission to process a consolidated coastal development permit where the Coastal Commission and a local government with a certified local coastal program do not both have coastal development permitting authority. As discussed in Sections 4.1.1 and 4.1.2 of this report, local governments with certified local coastal programs and port governing bodies with certified port master plans are delegated the authority to issue coastal development permits in the areas where these plans govern, and the Coastal Commission no longer exercises that authority.[191] The City of Los Angeles was also delegated coastal development permitting authority prior to certification of its local coastal program and after certification of its land use plan.[192] Section 30601.4, in contrast, requires the Coastal Commission to issue a consolidated coastal development permit for "*any* new development that requires a coastal development permit" and is associated with, appurtenant to, or necessary for offshore wind energy projects.[193] On its face, this section appears to apply to *any* qualifying project that requires a coastal development permit, regardless of which agency has permitting authority.[194]

However, Section 30601.4 states that Section 30601.3, with the exception of subdivision (a)(2), applies to consolidated coastal development permits, provided that public participation is not substantially impaired by the review of the consolidated coastal development permit.[195] Section 30601.3 identifies the standard of review for consolidated coastal development permits, clarifies fee requirements, and authorizes the Coastal Commission to adopt guidelines to implement this section.[196] Section 30601.3 also states:

> (a) Notwithstanding Section 30519,[197] the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are

[190] Cal. Pub. Resources Code § 30601.4(a)(1).
[191] Cal. Pub. Resources Code §§ 30519, 30715.
[192] Cal. Pub. Resources Code § 30600(b).
[193] Cal. Pub. Resources Code § 30601.4(a)(1) (emphasis added).
[194] The legislative history somewhat supports this interpretation because it refers to the requirement that
[195] Cal. Pub. Resources Code § 30601.4(a)(1).
[196] Cal. Pub. Resources Code § 30601.3(b) – (d).
[197] Section 30519 states that coastal development permitting authority shall be delegated to a local government and no longer exercised by the Coastal Commission after certification of its local coastal program in the areas where the local coastal program applies, except in certain circumstances (Cal. Pub. Resources Code § 30519).

satisfied:

> *(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.*
>
> (2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.[198]

Section 30601.4 specifically states that subdivision (a)(2) of Section 30601.3 does not apply, but that Section 30601.3 otherwise applies.[199] The legislature could have stated that all of subdivision (a) does not apply, but instead singled out subdivision (a)(1) as inapplicable.[200] If applied literally, this language would mean that the requirement in subdivision (a)(1) of Section 30601.3 limits when the Coastal Commission is required to process a consolidated coastal development permit under Section 30601.4 for offshore wind related projects. Under this interpretation, the Coastal Commission would only have authority to process a consolidated coastal development permit for offshore wind related projects that would otherwise require a coastal development permit from both a local government with a certified local coastal program and the Coastal Commission. Meaning, the Coastal Commission could not process a consolidated coastal development permit if a local government or port governing body has sole authority to issue a coastal development permit for the project.[201] The Coastal Commission also likely could not process a consolidated coastal development permit if a port governing body and the Coastal Commission both have coastal development permitting authority because ports are unlikely to be considered "local governments" with certified local coastal programs under the Coastal Act.[202] Likewise, the Coastal Commission likely would not have authority to process

[198] Cal. Pub. Resources Code § 30601.3(a) (emphasis added).
[199] Cal. Pub. Resources Code § 30601.4(a)(1).
[200] Additionally, Section 30601.3(b) states that the standard of review for these types of consolidated coastal development permits is Chapter 3 of the Coastal Act, "with the appropriate local coastal program used as guidance" (Cal. Pub. Resources Code § 30601.3(b)). In ports with certified port master plans, the port master plan and not a local coastal program applies. The requirement in Section 30601.3(b) for the applicable local coastal program to be used as guidance would thus be inapplicable in this situation.
[201] Additionally, it could be considered a misnomer to call a coastal development permit issued by the Coastal Commission a "consolidated" coastal development permit if only one coastal development permit would have otherwise been required.
[202] *See* Cal. Pub. Resources Code § 30601.3(a)(1) (requiring "a local government with a certified local coastal program" to otherwise have jurisdiction for the Coastal Commission to process a consolidated coastal development permit); Cal. Pub. Resources Code § 30109 (defining a "local government" to mean "any chartered or general law city, chartered or general law county, or any city and county"); Cal. Pub. Res. Code § 30112 (defining "port governing body" to mean "the Board of Harbor Commissioners or Board of Port Commissioners which has authority over the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District"). In some cases, there could potentially be questions about whether a port governing body that is part of a city (e.g. Port of Long Beach) is considered a "local government" under the Coastal Act. Additionally, if a port governing body, the Coastal Commission, and a local government with a certified local coastal program all had coastal development

a consolidated coastal development permit in areas where the City of Los Angeles has coastal development permitting authority because the City does not have a certified local coastal program.[203]

The legislative history of SB 286 is somewhat unclear, but could be used to support this interpretation. The bill analysis by the Assembly Committee on Natural Resources states that when a project straddles the permitting jurisdiction of the Coastal Commission and a local government, two permits may be required, and that SB 286 "would eliminate the need for separate [coastal development permits] using different standards of review and instead result in a single [coastal development permit] where the standard of review is the Coastal Act, with the [local coastal program] providing guidance."[204]

In light of the language of Section 30601.4 and the legislative history of SB 286, this report assumes that the Coastal Commission can only issue a consolidated coastal development permit for qualifying projects where both the Commission and a local government with a certified local coastal program would otherwise have coastal development permitting authority. However, the Coastal Commission, local governmental agencies, and courts could potentially reach different conclusions.

For staging and integration projects, this question is most relevant in ports with certified port master plans, including the Ports of Long Beach and Los Angeles, who were generally delegated sole coastal development permitting authority after certification of their port master plans. The answer to this question will have much broader implications, however, as it will dictate whether the Coastal Commission processes consolidated coastal development permits for offshore wind related projects in the following circumstances: when a local government or port governing body has sole coastal development permitting authority; when the Coastal Commission and a port governing body both have coastal development permitting authority; or when a local government without a certified local coastal program has coastal development permitting authority (i.e. the City of Los Angeles). These types of projects could include onshore transmission infrastructure, warehouses to store and manufacture offshore wind turbine components, other development associated with offshore wind energy, and potentially future staging and integration projects, among other types of projects.

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permitting authority over a project, the Coastal Commission may have authority to process a consolidated coastal development permit under Section 30601.4.

[203] *See* Cal. Pub. Resources Code § 30601.3(a)(1).

[204] Assem. Comm. on Nat. Res., Bill Analysis of S.B. 286, 2023–2024 Leg., Reg. Sess. (Cal. June 26, 2023), 5-6. *See also* Coastal Commission. 2024. Legislative Report for February 2024 ("Section 30601.4 directs the Commission to process a consolidated coastal development permit (pursuant to Section 30601.3) for any development in the coastal zone associated with offshore wind energy generation and transmission that would otherwise require a coastal development permit from both a local government and from the commission, provided that permit consolidation would not substantially impair public participation."). However, other bill analyses suggest that the Coastal Commission will have expanded permitting authority as a result of SB 286. *See, e.g.*, Assem. Comm. on Utilities and Energy, Bill Analysis of S.B. 286, 2023–2024 Leg., Reg. Sess. (Cal. July 12, 2023), 9 (noting that SB 286 results in "the expanded authority of the CCC to permit transmission projects")).

Regardless of the resolution of this question, it is clear that the Coastal Commission has the authority and is required to process a consolidated coastal development permit where one would otherwise be required by both a local government with a certified local coastal program and the Coastal Commission. Chapter 3 of the Coastal Act is the standard of review for these types of permits, with the appropriate local coastal program used as guidance.[205]

Public participation. Lastly, permit consolidation cannot substantially impair public participation.[206] As discussed in Section 6.3, both the Coastal Commission and local governments are both required to hold public hearings and provide notice when considering coastal development permits. In many cases, opportunities for public participation will not vary substantially between the local government and the Coastal Commission. There could potentially be special circumstances where the fact that only the Coastal Commission can issue the coastal development permit, instead of both the local government and the Coastal Commission, substantially impairs public participation, but these circumstances may be somewhat unlikely to occur.

Tribal consultation. The Coastal Commission's Tribal Consultation Policy applies to these types of permits, however, it is unclear whether certain Tribal consultation requirements added by SB 286 apply to staging and integration projects, as is discussed further in Section 5.3.2.

Coordination requirements. When the Coastal Commission has authority to process a consolidated coastal development permit under Section 30601.4, it must:

- Forward the application to "local governmental agencies"[207] that have land use and related jurisdiction in the area in which the project would occur;
- Coordinate with affected "local governmental agencies" to incorporate or otherwise address their recommendations in the final consolidated coastal development permit, including measures to address impacts from offshore wind development and respond to community needs, consistent with this division; and
- Coordinate with the California State Lands Commission and relevant local, state, and federal agencies to encourage and facilitate preparation of joint CEQA and NEPA environmental review documents.[208]

[205] Cal. Pub. Resources Code §§ 30601.4(a)(1); 30601.3(b).
[206] Cal. Pub. Resources Code § 30601.4(a)(1).
[207] The term "local governmental agencies" is not defined in SB 286 or the Coastal Act. Elsewhere, the Coastal Act typically uses the term "local government," which is defined to mean "any chartered or general law city, chartered or general law county, or any city and county" (Cal. Pub. Resources Code § 30109). It is unclear whether the use of the term "local governmental agencies" instead of "local government" was intentional. "Local governmental agencies" could potentially have been used by the Legislature to indicate that the Coastal Commission must coordinate with other local agencies, such as harbor districts and ports, in addition to local governments when needed. Although it is unclear whether the Coastal Commission is required to coordinate with other local agencies when processing a consolidated coastal development permit, it may be best practice to do so.
[208] Cal. Pub. Resources Code § 30601.4(a)(2)-(5).

In sum, the Coastal Commission is likely to process a consolidated coastal development permit under Section 30601.4 for staging and integration projects in jurisdictions with certified local coastal programs and where the project is not governed by a certified port master plan (e.g. the project proposed by the Humboldt Bay Harbor District). It is somewhat unclear whether the Coastal Commission has authority to issue consolidated coastal development permits for projects in any of the following circumstances: a local government or port governing body would otherwise have sole coastal development permitting authority; the Coastal Commission and a port governing body both have coastal development permitting authority; or the City of Los Angeles has coastal development permitting authority. When the Coastal Commission processes a consolidated coastal development permit, it must coordinate with local, state, and federal agencies and cannot substantially impair public participation.

4.2. Federal consistency under the Coastal Zone Management Act

The federal Coastal Zone Management Act (CZMA) of 1972[209] is intended to preserve, protect, develop, and where possible, restore or enhance, the resources of the nation's coastal zone for this and succeeding generations.[210] Under the CZMA, states play a key role in reviewing federal actions that affect coastal resources. States are encouraged to create coastal management programs, which designate conservation measures and permissible land and water uses, among other requirements.[211] Whenever a federal agency activity or an activity that requires a federal permit or license affects a state's coastal resources, the CZMA requires review of the action to ensure it is consistent with the state's coastal management plan.[212] The standards of review and review processes differ for state review of activities that are undertaken by federal agencies versus those undertaken by third parties and approved or funded by federal agencies. The differences between these review processes are summarized in the table on the following page.

[209] 16 U.S.C. §§ 1451–1465.
[210] 16 U.S.C. § 1452(1), Section 303 of the CZMA.
[211] 16 U.S.C. § 1455(d), Section 306(d), of the CZMA.
[212] 16 U.S.C. § 1456, Section 307 of the CZMA.

Table 3. Summary of federal consistency review for federal agency activities versus activities that require federal permits or licenses

Federal agency activity that affects coastal resources	Activity that requires a federal permit or license and affects coastal resources
• Federal agency is the principal actor • Federal agency submits a consistency determination to the Coastal Commission at the earliest practicable time, and no later than 90 days before final approval of the action • Activity must be consistent to the maximum extent feasible with the enforceable policies of the California Coastal Management Plan (including Chapter 3 of the Coastal Act) • The Coastal Commission must concur or object to the consistency determination within 60 days of receipt (with a 15-day extension allowed)	• Federal agency authorizes activity of a third party • Applicant submits a consistency certification to the Coastal Commission • Activity must be consistent with the enforceable policies of the California Coastal Management Plan (including Chapter 3 of the Coastal Act) • The Coastal Commission must concur or object to the consistency certification within six months of receipt

4.2.1. Federal agency activity review

The CZMA requires "federal agency activities" that affect any land use, water use, or natural resource of the coastal zone to be "consistent to the maximum extent feasible" with the enforceable policies of approved state management programs.[213] This requirement applies regardless of whether the federal agency activity takes places within or outside of the coastal zone.[214]

A few key terms helpful to understand the scope of federal consistency review for federal agency activities are:

- "Federal agency activity" means any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities.[215] This includes a proposal to physically alter coastal resources, a plan that is used to direct future agency actions, and a proposed rulemaking that alters uses of the coastal zone, among other activities, but

[213] 16 U.S.C. § 1456(c)(1)(A), Section 307(c)(1)(A), of the CZMA.
[214] 16 U.S.C. § 1456(c)(1)(A), Section 307(c)(1)(A), of the CZMA.
[215] 15 C.F.R. § 930.31(a).

does not include the issuance of a federal license or permit or the granting of federal assistance.[216]

- "Consistent to the maximum extent feasible" means "fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency."[217] This means that federal agency activities must be fully consistent with the enforceable policies of state management programs unless full consistency is prohibited by existing law applicable to the federal agency. [218]

Federal agencies must submit a consistency determination to the relevant state agency for federal agency activities that affect any land or water use or natural resource of the coastal zone.[219] The state agency can concur, conditionally concur, or object to the federal agency's consistency determination.[220] If a federal agency determines that its activity will not have any coastal effects, it can submit a negative determination instead of a consistency determination.[221]

4.2.2. Federal agency permits and licenses review

The CZMA mandates that activities by third parties requiring a federal license or permit must be consistent with the enforceable policies of approved state management programs if those activities affect any land or water use or natural resource within the coastal zone.[222] This requirement also applies regardless of whether the activity is located within or outside the coastal zone, as long as coastal resources are affected by it.[223]

"Federal license or permit" generally means "any authorization that an applicant is required by law to obtain in order to conduct activities affecting any land or water use or natural resource of the coastal zone and that any Federal agency is empowered to issue to an applicant."[224]

Applicants for federal permits or licenses for these types of activities must submit a consistency certification to the relevant state agency that certifies that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program.[225] Federal agencies cannot issue a license

[216] 15 C.F.R. § 930.31(a).
[217] 15 C.F.R. § 930.32(a).
[218] 16 U.S.C. § 1456(c)(1)(A), Section 307(c)(1)(A) of the CZMA.
[219] 16 U.S.C. § 1456(c)(1)(C), Section 307(c)(1)(C), of the CZMA; 15 C.F.R. § 930.36.
[220] 15 C.F.R. §§ 930.4, 930.41(a), 930.43
[221] 15 C.F.R. § 930.35(a).
[222] 16 U.S.C. § 1456(c)(3)(A), Section 307(c)(3)(A) of the CZMA.
[223] 16 U.S.C. § 1456(c)(3)(A), Section 307(c)(3)(A) of the CZMA.
[224] 15 C.F.R. § 930.51(a). There are unique federal consistency requirements for projects on the outer continental shelf that are governed by the Outer Continental Shelf Lands Act (16 U.S.C. § 1456(c)(3)(B); 15 C.F.R. §§ 930.70 – 930.85; Cal. Code Regs. tit. 14, §§ 13660 – 13660.13). These requirements may be relevant to related projects in offshore wind energy areas but generally do not apply to the port development projects considered in this report.
[225] 16 U.S.C. § 1456(c)(3)(A), Section 307(c)(3)(A) of the CZMA.

or permit for an activity that affects coastal resources until the state agency concurs with the applicant's certification, unless the Secretary of Commerce finds that the activity is consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security.[226]

4.2.3. Federal consistency review in the California coastal zone

In California, the California Coastal Commission is generally the agency responsible for reviewing activities undertaken, authorized, or funded by the federal government that impact coastal and ocean resources.[227] Chapter 3 of the California Coastal Act includes the enforceable policies of California's coastal management program for federal consistency purposes.[228] Under the CZMA requirements discussed above, federal agency activities that affect coastal resources in the California coastal zone must be consistent with Chapter 3 of the Coastal Act to the maximum extent practicable.[229] Third party activities that require a federal license or permit must be consistent with Chapter 3 of the Coastal Act.[230] Additionally, certified local coastal programs can be used as guidance for federal consistency findings when they have been incorporated into California's coastal management program and contain development standards that apply to the project site.[231]

An activity may not require separate federal consistency review if it has already undergone certain other kinds of review under the Coastal Act, including when:

- The project has been authorized by a coastal development permit issued by the Coastal Commission,[232] or
- The project is governed by and consistent with a certified port master plan.[233]

For more information on federal consistency review in the California coastal zone, see the Coastal Commission's Federal Consistency webpage.

Port development projects to support offshore wind will almost certainly occur within or have impacts on coastal resources within the California coastal zone due to their location in ports and harbors. Port development projects to support staging and integration of offshore wind turbines may also require both federal agency action, like dredging by the U.S. Army Corps of Engineers of federal navigation channels, and permits from federal agencies.[234] As a result, staging and integration port development projects could require a federal consistency

[226] 16 U.S.C. § 1456(c)(3)(A), Section 307(c)(3)(A) of the CZMA.
[227] Cal. Pub. Res. Code § 30330. The exception is in the San Francisco Bay area, where the San Francisco Bay Conservation & Development Commission (BCDC) has federal consistency authority under the CZMA. For additional information on BCDC, see the note at the end of this section.
[228] Cal. Pub. Resources Code § 30008.
[229] 16 U.S.C. § 1456(c)(1)(A), Section 307(c)(1)(A) of the CZMA; Cal. Pub. Resources Code § 30008.
[230] 16 U.S.C. § 1456(c)(3)(A), Section 307(c)(3)(A), of the CZMA; Cal. Pub. Resources Code § 30008.
[231] *See* California Coastal Management Plan, Introduction, Section A(6) (1977).
[232] 15 C.F.R. § 930.6(c). *Cf. Sierra Club v. California Coastal Com.*, 35 Cal. 4th 839, 861 (2005).
[233] Cal. Pub. Resources Code § 30719.
[234] See the Coastal Commission List of Federal Licenses and Permits Subject to Certification for Consistency for a list of federal agency licenses and permits subject to the certification process under Section 307(c)(3) of the CZMA.

determination or certification. However, projects governed by and consistent with a certified port master plan, or authorized by a coastal development permit issued by the Coastal Commission, are considered in conformance with the California Coastal Management Program for purposes of the CZMA and do not require additional federal consistency review.[235] So in practice, federal consistency review of port development projects under the CZMA may be somewhat limited. However, federal consistency review may be required for federal agency activities that are not authorized by a coastal development permit issued by the Coastal Commission or a port governing authority.

Note on the San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC), rather than the Coastal Commission, is responsible for federal consistency review under the CZMA for activities that may have impacts on resources within the San Francisco Bay area.[236] Under the McAteer-Petris Act,[237] BCDC is also responsible for issuing permits for projects that place fill, extract materials, or make any substantial change in use of any water, land or structure, within its jurisdiction in the San Francisco Bay area.[238] BCDC has jurisdiction in San Francisco Bay, within 100 feet of the Bay, and in certain salt ponds, managed wetlands, and waterways.[239] Port development projects to support staging and integration of offshore wind turbines are unlikely to occur in ports or harbors within BCDC's jurisdiction. Studies commissioned by BOEM and the California State Lands Commission concluded that ports within the San Francisco Bay area are not suitable for these types of projects due to air draft restrictions from bridges that would prevent fully assembled wind turbines from being towed out to the ocean.[240] Ports in San Francisco Bay could, however, support other types of projects related to offshore wind development, such as manufacturing and fabrication sites or operations and maintenance sites, which are outside the scope of this report.

4.3. Coastal Act and CZMA permitting and planning for the Humboldt Bay Harbor District Project

The Coastal Commission is likely to process a consolidated coastal development permit for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project and potentially a related local coastal program amendment relevant to the project.

Certain upland portions of the project site are governed by Humboldt County's certified local coastal program.[241] The County's local coastal program consists of: (1) the Humboldt Bay Area

[235] Cal. Pub. Resources Code § 30719; 15 C.F.R. § 930.6(c).
[236] Cal. Pub. Res. Code § 30330. However, the Coastal Commission can review and submit comments for any project that affects resources within the coastal zone (*Id.*).
[237] Cal. Gov't Code § 66600 et seq.
[238] Cal. Gov't Code § 66632(a).
[239] Cal. Gov't Code § 66610. BCDC also has jurisdiction over certain areas in and around the Suisun Marsh (Suisun Marsh Preservation Act of 1977, Cal. Pub. Res. Code § 29000 et seq.).
[240] Trowbridge, et al., California Floating Offshore Wind Regional Ports Assessment, Section 5.1; Lim, et al., AB 525 Port Readiness Plan, Section 6.1.
[241] Humboldt County. 1982 (originally certified). Humboldt Bay Area Plan. *See also* Humboldt County. Humboldt Bay Area Planning Boundary.

Plan, and (2) portions of the County's zoning code that have been certified by the Coastal Commission. The County is currently in the process of updating the Humboldt Bay Area Plan and portions of its zoning code. This update aims to make changes to policies regarding coastal-dependent industrial uses and to accommodate the facilities anticipated to be needed around Wigi (Humboldt Bay) to support offshore wind development, including port development projects.[242] The Coastal Commission will need to certify any updates to the Humboldt Bay Area Plan and zoning code before these changes can become effective in the coastal zone or apply to the project.[243]

Part of the project is also located on tidelands, submerged lands, and public trust lands where the Coastal Commission has original jurisdiction and Humboldt County has not been delegated coastal development permitting authority.[244]

Typically, Humboldt County would process a coastal development permit for the portions of the project governed by its local coastal program, and the Coastal Commission would process a coastal development permit for the portions of the project within its jurisdiction.[245] Alternatively, the Coastal Commission could issue a consolidated permit if the applicant, Humboldt County, and Coastal Commission all agree and certain other criteria are met.[246] Under the recently added Section 30601.4, however, the Coastal Commission is likely required to process a consolidated coastal development permit. This is because the project would otherwise require a coastal development permit from both a local government with a certified local coastal program (Humboldt County) and the Coastal Commission, and the project is associated with and necessary for the construction and operation of offshore wind energy projects.[247] That is, as long as permit consolidation would not substantially impair public participation.[248] The Coastal Commission's standard of review for such a consolidated coastal development permit would be Chapter 3 of the Coastal Act with the Humboldt County local coastal program (the Humboldt Bay Area Plan and the certified portions of its zoning code) used as guidance.[249] The Coastal Commission will be required to coordinate with Humboldt County and potentially the Humboldt Bay Harbor District to incorporate or otherwise address their recommendations in the final consolidated coastal development permit.[250] As discussed in Section 5, the Coastal Commission will also be required to provide federally recognized and non-federally recognized Tribal Nations with an opportunity for consultation prior to a determination on any coastal development permit pursuant to its Tribal Consultation Policy. If the Coastal Commission approves a consolidated coastal development permit for the project,

[242] Humboldt County and Coastal Commission. 2023. Grant Agreement for Humboldt Bay Area Plan and Zoning Code Update. See the Humboldt County Local Coastal Plan Update webpage for more information.
[243] Cal. Pub. Resources Code § 30514(a).
[244] *See* Cal. Pub. Resources Code § 30519(b).
[245] Cal. Pub. Resources Code § 30519.
[246] Cal. Pub. Resources Code § 30601.3(a).
[247] Cal. Pub. Resources Code § 30601.4(a)(1).
[248] Cal. Pub. Resources Code § 30601.4(a)(1).
[249] Cal. Pub. Resources Code §§ 30601.3(b), 30601.4(a)(1),
[250] Cal. Pub. Resources Code § 30601.4(a)(2)-(3).

no additional federal consistency review will be required for the activities authorized by the permit.[251]

4.4. Coastal Act and CZMA permitting and planning for the Port of Long Beach Project

As currently proposed, the project site is located entirely within the area governed by the Port of Long Beach certified port master plan. The Port of Long Beach is likely to amend its port master plan to incorporate the Pier Wind project. As discussed in Section 4.1.3, it is somewhat unclear whether the Coastal Commission is required to issue a consolidated coastal development permit when a port governing body (the Port of Long Beach Harbor Commissioners here) has been delegated sole coastal development permitting authority. In light of the language of Section 30601.4 of the Coastal Act and the legislative history of SB 286, it is likely that the Port of Long Beach, rather than the Coastal Commission, has authority to process a coastal development permit for the Pier Wind project, provided that the Port's amendment to its port master plan is certified. If the project were expanded into areas outside of the Port's sole coastal development permitting authority, such as within the Cities of Los Angeles or Long Beach or in areas within the Coastal Commission's permitting authority, this would raise questions about which entities are responsible for issuing coastal development permit(s) for the project.

For the Port of Long Beach Board of Harbor Commissioners to issue a coastal development permit, the proposed project must be consistent with the certified port master plan.[252] The Port of Long Beach's current Port Master Plan was last comprehensively updated in 1990.[253] The Port Master Plan currently designates the majority of the Pier Wind project site as in the Southwest Long Beach Harbor District Planning District (District 6), where permitted uses include anchorage areas, primary port facilities, hazardous cargo facilities, and ancillary port facilities.[254] The current Port Master Plan does not reflect the Pier Wind project and would need to be updated before the Port of Long Beach could process a coastal development permit for the project. The Port of Long Beach is in the process of developing an amendment to the Port Master Plan to reflect the Pier Wind project.[255] This amendment will need to be certified by the Coastal Commission as consistent with Chapter 8 of the Coastal Act before the Port can process a coastal development for the project.[256]

The Port of Long Beach Board of Harbor Commissioners issues Harbor Development Permits, which are combined coastal development permits and building permits.[257] There are three

[251] 15 C.F.R. § 930.6(c). *Cf. Sierra Club v. California Coastal Com.*, 35 Cal. 4th 839, 861 (2005).
[252] Cal. Pub. Resources Code § 30715.5.
[253] Port of Long Beach. 2019. Draft Port Master Plan Update 2020: Section 1.1.
[254] Port of Long Beach. 1996. Port Master Plan Amendment No. 9; Port of Long Beach 1990 PMP Update, Appendix G.
[255] Port of Long Beach Staff. 2025. Written Communication.
[256] Cal. Pub. Resources Code § 30716.
[257] See Section 3.2.2 for discussion of Port of Long Beach building permits.

types of Harbor Development Permits: Level I, Level II, and Level III permits.[258] Due to the proposed major changes in land and water use, the proposed intensity of those uses, large capital investments needed, and potential for adverse environmental impacts, the Board is likely to process a Level III Harbor Development Permit for the project.[259] A coastal development permit (or Harbor Development Permit) issued by the Board for the Pier Wind project is not likely to be appealable to the Coastal Commission because the project as currently proposed is not among the appealable project categories identified in the Coastal Act.[260] Additionally, if the project is consistent with the certified port master plan, no additional federal consistency review is required.[261] The Port must, however, forward all CEQA and NEPA environmental review documents for the project to the Coastal Commission for its comments.[262]

[258] Port of Long Beach Port Master Plan Update 1990, V-17; Port of Long Beach. 1982. Guidelines for Implementation of the Port of Long Beach Certified Port Master Plan (Ordinance No. HD-1234), § 6 (O)-(Q). Port of Long Beach staff have indicated that Ordinance No. HD-1234 has been certified by the Coastal Commission.
[259] Port of Long Beach Ordinance No. HD-1234, § 6(Q). *See also* Port of Long Beach, CEQA Initial Study, Section 1.6.
[260] Cal. Pub. Resources Code § 30715(a).
[261] Cal. Pub. Resources Code § 30719.
[262] Cal. Pub. Resources Code § 30718. *See also* Port of Long Beach Ordinance No. HD-1701, § 14.2.

5. Government-to-government consultation with Tribal Nations

Many ports in California are located in places with historical, cultural, economic, and environmental significance to Tribal Nations. Wigi (Humboldt Bay) and the Port of Long Beach are each located in the ancestral lands of several Tribal Nations who continue to use and steward these lands. For example, the traditional site for the Wiyot peoples' annual World Renewal Ceremony is directly adjacent to the proposed wet storage area for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal.[263] Port development projects can also impact the interests of Tribal Nations with ancestral lands outside of ports, like impacts to Tribal fisheries that emanate outside of the project area. [264] Port development and operations can raise a variety of concerns for Tribal Nations, such as concerns regarding impacts to cultural resources, water quality, noise, lighting, invasive species, increases in water traffic, missing and murdered indigenous peoples (MMIP) and community safety, impacts to culturally significant species, impacts to viewsheds, and erosion impacts of increased dredging. The individual impacts of port development projects may also compound impacts by other projects needed for the development of offshore wind, such as transmission infrastructure and wind farms.

Meaningful government-to-government consultation and shared decision making for proposed projects can help to recognize Tribal Nations' sovereignty, identify impacts to Tribal interests, and develop appropriate management, avoidance, and mitigation strategies. In practice, the goals of government-to-government consultation have been difficult to achieve in many contexts. Many Tribal Nations have found that they do not have adequate resources to engage effectively in consultation, in part due to consultation requests from multiple entities, and that federal, state, and local agencies may not meaningfully and consistently consider the input and information Tribes provide, among a variety of other issues.[265] This has been the experience of a number of Tribal Nations when engaging with federal agencies on the development of offshore wind.[266] For example, in the North Coast area, the Tribal Councils of the Tolowa Dee-Ni' Nation, Yurok Tribe, and Bear River Band of the Rohnerville Rancheria each formally raised concerns regarding government agencies' lack of consultation and involvement of Tribal Nations in decision making for offshore wind development.[267] Each potentially impacted Tribal Nation will have its own perspectives on offshore wind port development, and each federal, state, and local agency will have distinct Tribal consultation requirements and/or policies. In

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[263] *See* "History." Wiyot Tribe. Accessed February 4, 2025. https://www.wiyot.us/148/Cultural.

[264] *See* Tolowa Dee-Ni' Nation. Yurok-Tolowa Dee-ni' Indigenous Marine Stewardship Area (describing the Yurok-Tolowa Dee-ni' Indigenous Marine Stewardship Area, which begins north of the proposed project in Wigi (Humboldt Bay)).

[265] U.S. Government Accountability Office. 2019. Tribal Consultation: Additional Federal Action Needed for Infrastructure Projects (GAO-19-22); Swanson, Greta. 2024. Environmental Law Institute. Analysis of Tribal Consultation Under California SB 18 and AB 52 (synthesizing interviews with Tribal Nations, agencies, and others on AB 52 and SB 18 consultations).

[266] U.S. Government Accountability Office. 2025. Offshore Wind Energy: Actions Needed to Address Gaps in Interior's Oversight of Development (GAO-25-106998).

[267] Yurok Tribe. 2024. Resolution No. 24-033: Statement of the Yurok Tribe in Opposition to Planned Offshore Wind Development; Tolowa Dee-Ni' Nation Tribal Council. 2023. Resolution No. 2023-47: Offshore Wind Energy Opposition; Bear River Band of the Rohnerville Rancheria Tribal Council. 2024. Bear River Band of the Rohnerville Rancheria Opposes Offshore Wind.

addition to government-to-government consultation, agencies can share decision making authority and management of lands, resources, and projects with Tribal Nations through mechanisms like co-management agreements.[268]

This section focuses on Tribal consultation requirements during the key permitting and planning processes for the proposed projects: environmental review under CEQA and NEPA, and permitting and planning decisions under the California Coastal Act. Federal, state, and local agencies may separately be required to notify Tribal governments of consultation opportunities when processing other permits, such as Clean Water Act Section 404 permits.

In addition to the federal and state requirements discussed below, international law on the rights of indigenous people can help to inform what meaningful consultation and engagement with Tribal Nations potentially impacted by offshore wind port development projects can look like. The United Nations (UN) Declaration on the Rights of Indigenous Peoples enshrines the right of indigenous peoples to free, prior, and informed consent before states adopt and implement legislative or administrative measures that may affect them.[269] The Declaration states that states shall consult with and cooperate in good faith with indigenous peoples to obtain their free and informed consent before the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.[270] The Declaration also states that indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures.[271] The United States originally voted against adoption of the Declaration on the Rights of Indigenous Peoples; however, in 2010, the Obama Administration announced its support for the declaration.[272] The principles and rights in the Declaration can help to inform meaningful engagement between federal, state, and local agencies and Tribal governments potentially impacted by proposed offshore wind port development projects.

Key points from this section include:

- Lead agencies under CEQA are required to provide federally recognized and non-federally recognized Tribal Nations that are traditionally and culturally affiliated with the proposed project area an opportunity for consultation. If requested by the Tribe, the

[268] *See e.g.*, National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries. Chumash Heritage National Marine Sanctuary.
[269] UN. 2007. Declaration on the Rights of Indigenous Peoples, Articles 19 (see also Articles 10, 11, 28, 29, 32).
[270] UN Declaration on the Rights of Indigenous Peoples, Article 32.
[271] UN Declaration on the Rights of Indigenous Peoples, Articles 18, 32.
[272] The UN Declaration of the Rights of Indigenous Peoples was adopted by the UN General Assembly in 2007 with 143 states voting in favor and four states voting against, including the United States (UN. 2007. "General Assembly Adopts Declaration on Rights of Indigenous Peoples; 'Major Step Forward' towards Human Rights for All, Says President." Press Release). In 2010, the Obama Administration announced its support for the Declaration of the Rights of Indigenous Peoples (U.S. Department of State. 2010. "Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples." Press Release).

consultation must include discussion of alternatives to the project, recommended mitigation measures, and significant effects on Tribal cultural resources.

- Lead agencies under NEPA are required to provide an opportunity for consultation for federally recognized Tribal Nations likely affected by a proposed project. This requirement primarily stems from regulations by the Council on Environmental Quality, which may no longer be binding on federal agencies. However, lead agencies may have Tribal consultation requirements and policies that continue to define Tribal consultation responsibilities, and Tribal agencies can be designated as joint lead agencies or cooperative agencies under NEPA.
- The California Coastal Commission's Tribal Consultation Policy requires it to provide federally recognized and non-federally recognized Tribal Nations who have interests in certain areas or matters with an opportunity for consultation on Commission actions on coastal development permits, port master plans, and local coastal programs.

5.1. CEQA and NEPA Tribal consultation

Agencies conducting environmental review under CEQA and NEPA are generally required to consult with Tribal governments when undertaking environmental review of projects that may impact Tribal cultural resources.

5.1.1. CEQA Tribal consultation requirements

In 2014, the California Legislature enacted Assembly Bill (AB) 52 (Gatto, 2014) to address the historical exclusion of Tribal Nations from providing input regarding impacts to their own Tribal cultural resources during the CEQA process.[273] AB 52 amended CEQA to add Tribal cultural resources as a distinct category of resources that must be considered in CEQA review, and to require consultation between lead agencies and Tribal Nations on projects that may impact Tribal cultural resources.[274] A lead agency's failure to comply with the Tribal consultation requirements of AB 52 can lead to the overturning of its decision on a project.[275]

When consultation is required

Lead agencies must provide formal notification of projects to both federally recognized and non-federally recognized Tribal Nations[276] that have requested notice from the lead agency and are traditionally and culturally affiliated with the project area.[277] A lead agency must consult with a Tribal Nation that requests consultation and is traditionally and culturally affiliated with

[273] AB 52, § 1.
[274] Cal. Pub. Res. Code §§ 21080.3.1, 21080.3.2, 21082.3, 21084.2, 21084.3. *See Save the Agoura Cornell Knoll v. City of Agoura Hills*, 46 Cal. App. 5th 665, 690 (2020) (requiring development of an EIR where mitigated negative declaration failed to include adequate mitigation measures to avoid or mitigate impacts to Tribal cultural resources).
[275] *See Koi Nation of N. California v. City of Clearlake*, 109 Cal. App. 5th 815 (2025).
[276] AB 52 requires notification to "California Native American tribes," which is defined to include a Native American Tribe located in California that is on the contact list maintained by the Native American Heritage Commission (Cal. Pub. Res. Code § 21073).
[277] Cal. Pub. Res. Code § 21080.3.1(d).

the geographic area of the proposed project.[278] Consultation must happen before the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project.[279]

Scope and outcomes of consultation

AB 52 requires consultation to be a "*meaningful* and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement."[280] Perfunctory consultation by lead agencies does not meet the requirements of AB 52.[281]

If requested by the Tribal Nation, the consultation must include discussion of alternatives to the project, recommended mitigation measures, and significant effects on Tribal cultural resources.[282] The consultation can include discussion of the type of environmental review necessary, the significance of Tribal cultural resources, the significance of the project's impacts on Tribal cultural resources, and project alternatives or appropriate measures for preservation or mitigation that the Tribal Nation recommends to the lead agency.[283]

Mitigation measures that were agreed upon during consultation and that avoid or lessen the impact to Tribal cultural resources must be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program. [284] These mitigation measures must be fully enforceable.[285] If mitigation measures are not identified in the consultation process, AB 52 describes mitigation measures that may be considered to avoid or minimize significant adverse impacts to Tribal cultural resources.[286]

Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.[287]

[278] Cal. Pub. Res. Code § 21080.3.1(b).
[279] Cal. Pub. Res. Code § 21080.3.1(b), (e).
[280] Cal. Pub. Res. Code § 21080.3.1(b); Cal. Gov't Code § 65352.4 (emphasis added).
[281] *See Koi Nation of N. California v. City of Clearlake*, 109 Cal. App. 5th 815 (2025).
[282] Cal. Pub. Resources Code, § 21080.3.2(a). "Tribal cultural resources" are defined to include either: (1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Tribe that are listed, or determined to be eligible for listing, in the national or state register of historical resources, or listed in a local register of historic resources; or (2) resources that the lead agency determines, in its discretion, are Tribal cultural resources (Cal. Pub. Res. Code § 21074).
[283] Cal. Pub. Resources Code, § 21080.3.2(a).
[284] Cal. Pub. Res. Code § 21082.3(a).
[285] *Id.*
[286] Cal. Pub. Res. Code § 21084.3(b).
[287] Cal. Pub. Res. Code § 21080.3.2(b).

In addition to AB 52 consultation, Tribal Nations can participate in CEQA review on any issue of concern as an interested Tribal Nation, person, citizen, or member of the public.[288]

Confidentiality

Confidentiality of information shared during consultation is essential for Tribal Nations to maintain the integrity of cultural resources, places, and practices.[289] AB 52 prohibits lead agencies from disclosing information submitted by a Tribal Nation during environmental review without the prior written consent of the Tribe.[290] However, confidential information can be published in a confidential appendix to the environmental document and disclosed to public agencies with jurisdiction over preparation of the environmental document and to the project applicant.[291] Other existing confidentiality protections limiting disclosure of information about the location of an archeological site or sacred lands; Native American graves, cemeteries, and sacred places; and records of Native American places, features, and objects, and any other confidentiality protections, continue to apply.[292]

For additional information on CEQA and Tribal consultation, see the California Office of Land Use and Climate Innovation's AB 52 and Tribal Cultural Resources in CEQA Technical Advisory.

5.1.2. NEPA Tribal consultation requirements

The statutory language of NEPA does not specifically require Tribal consultation or engagement during environmental review. Council on Environmental Quality (CEQ) regulations implementing NEPA require the lead agency to invite the participation of likely affected Tribal governments as early as practicable, request comments from Tribal governments that may be affected by the proposed action or that are authorized to develop and enforce environmental standards, and to consider these comments.[293] CEQ regulations state that they are binding on all federal agencies implementing NEPA.[294] However, the validity of these regulations is currently in flux. In November 2024, a federal appeals court found that CEQ does not have authority to issue regulations implementing NEPA that are binding on federal agencies.[295] A federal district court followed suit in February 2025.[296] In January 2025, President Trump revoked the 1977 executive order that instructed CEQ to issue regulations for NEPA, further

[288] AB 52, § 11(b).
[289] Swanson, Analysis of Tribal Consultation Under California SB 18 and AB 52.
[290] Cal. Pub. Res. Code § 21082.3(c)(1).
[291] Cal. Pub. Res. Code § 21082.3(c)(1)-(c)(2).
[292] Cal. Pub. Res. Code § 21082.3(c)(3). *See* Cal. Code Regs. tit. 14, § 15120(d); Pub. Res. Code §§ 5097.9, 5097.993; Cal. Gov't Code § 7927.000; *Clover Valley Found. v. City of Rocklin*, 197 Cal. App. 4th 200 (2011).
[293] 40 C.F.R. §§ 1501.9(c)(1), 1502.4(c), 1503.1, 1503.4(a).
[294] 40 C.F.R. § 1500.3(a).
[295] In *Marin Audubon Soc'y v. Fed. Aviation Admin.*, 121 F.4th 902 (D.C. Cir. 2024), the D.C. Circuit Court of Appeals found that the CEQ does not have authority to issue regulations implementing NEPA that are binding on federal agencies. This finding could be considered dicta and not binding on future decisions (*See Marin Audubon Soc'y v. Fed. Aviation Admin.*, 2025 WL 374897, at *1 (D.C. Cir. Jan. 31, 2025) (Srinivasan, J., concurring in denial of petition for rehearing en banc).
[296] A North Dakota federal district court, however, recently followed *Marin Audubon Soc'y*, finding that CEQ lacked authority to issue binding federal regulations (*Iowa v. Council on Env't Quality*, No. 1:24-CV-089 (D.N.D. February 3, 2025)).

creating uncertainty about the validity of CEQ regulations.[297] Most recently, on February 25, 2025, CEQ proposed an interim final rule removing the CEQ regulations implementing NEPA, which states that it becomes effective on April 11, 2025.[298] As a result, it is unclear whether the requirements stated in CEQ regulations regarding Tribal consultation and engagement apply to federal agencies undertaking NEPA environmental review.[299]

The statutory requirements of NEPA, however, clearly continue to remain in place. Although NEPA does not specifically state that it requires consultation with Tribal Nations, amendments to NEPA by the Fiscal Responsibility Act of 2023 (FRA) allow federal agencies to appoint Tribal agencies as joint lead agencies or cooperating agencies.[300]

- **Joint lead agency:** Participating federal agencies can appoint Tribal agencies as joint lead agencies as the involved federal agencies deem appropriate.[301] Joint lead agencies must jointly fulfill the responsibilities of lead agencies by supervising the preparation of environmental review documents, developing and managing a schedule for environmental review and required permits and authorizations, and working with cooperating agencies by requesting their participation, meeting with them upon request, and considering their analysis and proposals.[302]

- **Cooperating agency:** The lead agency can also designate Tribal agencies as cooperating agencies if the Tribal agency has jurisdiction by law or "special expertise" with respect to any environmental impact involved in a proposal.[303] NEPA defines the term "special expertise" to mean "statutory responsibility, agency mission, or related program experience."[304] Tribal Nations could potentially be considered to have an agency mission or related program experience ("special expertise") over the environmental impacts of a proposed project when, for example, the Tribal Nation has Indigenous knowledge or traditional ecological knowledge on culturally significant species that would be impacted by the project, or has programs that protect or manage these species.[305] Cooperating agencies can submit comments to the lead agency, which must be submitted by the deadline established by the lead agency.[306] As noted above, lead agencies must consider the analysis and proposals of Tribal agencies designated as cooperating agencies and meet with these Tribal agencies upon their request.[307]

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[297] Exec. Order No. 14154, § 5 (2025).
[298] 90 Fed. Reg. 10610-01, Removal of National Environmental Policy Act Implementing Regulations (2025); 90 Fed. Reg. 11221 (2025) (correcting original notice).
[299] *See, e.g.,* National Congress of American Indians, and National Association of Tribal Historic Preservation Officers. 2025. *Removal of National Environmental Policy Act Implementing Regulations*, 90 Fed. Reg. 10610 (February 25, 2025) (Docket No. CEQ-2025-0002): Letter to Council on Environmental Quality.
[300] Fiscal Responsibility Act of 2023, Pub. L. No. 118-5 § 321, 137 Stat 10 (2023).
[301] 42 U.S.C. § 4336a(a)(1)(B).
[302] 42 U.S.C. § 4336a(a)(1)(B), (a)(2).
[303] 42 U.S.C. § 4336a(a)(3).
[304] 42 U.S.C. § 4336e(13).
[305] *See* 40 C.F.R. § 1501.8(a) (stating that relevant special expertise may include Indigenous Knowledge).
[306] 42 U.S.C. § 4336a(a)(3).
[307] 42 U.S.C. § 4336a(a)(1)(B), (a)(2).

Other federal agency Tribal consultation policies and regulations

Federal agencies' consultation duties flow from the United States' trust responsibility and its government-to-government relationship with Tribal Nations. [308] Other federal laws, executive orders, and agency policies may also require lead agencies to consult with Tribal Nations during NEPA environmental review.[309] In 2000, President Clinton issued Executive Order 13175, which requires federal agencies to have an accountable process to ensure meaningful engagement with federally recognized Tribal Nations for federal actions with potential "tribal implications."[310] Additionally, other federal laws may require Tribal consultation during NEPA review. For example, Section 106 of the National Historic Preservation Act (NHPA)[311] requires Tribal consultation with federally recognized Tribes when federal actions may impact Tribal historic, cultural, and religious sites.[312] Federal regulations encourage federal agencies to coordinate Section 106 NHPA Tribal consultation with NEPA environmental review.[313]

Many federal agencies have Tribal consultation policies or regulations that may apply to staging and integration projects. For example, the U.S. Army Corps of Engineers (USACE) Civil Works Tribal Consultation Policy requires Tribal consultation with federally recognized Tribal Nations for any policy or activity that has "Tribal implications" or a substantial direct effect on Tribes.[314] This policy applies to all civil works elements of USACE, including its regulatory program.[315] The policy also requires USACE to conduct consultation at any time that a federally recognized Tribal Nation requests.[316] Consultation under this policy means a "[r]egular, meaningful, and robust communication process involving USACE and Tribal officials with decision-making authority and which emphasizes trust, respect, and shared responsibility" between USACE and Tribal Nations.[317] This policy applies during USACE's review of permit applications (e.g. Clean

[308] *See* Exec. Order No. 13175 §§ 2-3; *United States v. Mitchell*, 463 U.S. 206, 225 (1983) (describing the federal government's trust responsibility).

[309] For a list of federal agencies' NEPA procedures and guidance, see the FAST-41 Agency NEPA Implementing Procedures and Guidance website.

[310] "Policies that have tribal implications" is defined to mean: "refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes" (Exec. Order No. 13175 § 1, 65 Fed. Reg. 218 (2000)).

[311] 54 U.S.C. §§ 300101 et seq.; 36 C.F.R. § 800.1 et seq.

[312] 54 U.S.C. §§ 306108, 302706.

[313] 36 C.F.R. § 800.8. See Appendix B for more information on Section 106 NHPA consultation.

[314] USACE. 2023. Civil Works Tribal Consultation Policy (the USACE Tribal Consultation Policy has been removed from its website, but is available via the Way Back Internet Archive here). See also the USACE Tribal Nations Program website for more information. Policies that have "Tribal implications" include regulations, proposed legislation and other policy statements or actions that have substantial direct effects on one more Indian Tribes, on treaty or other reserved rights or resources, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes," among other actions (Id. § 4).

[315] USACE, Civil Works Tribal Consultation Policy, § 5.

[316] *Id.* § 6.

[317] *Id.* § 4.

Water Act and River and Harbors Act permits) and NEPA review, in addition to any other applicable Tribal consultation requirements, such as Section 106 NHPA requirements.

5.2. State legislation and executive orders

In 2011, Governor Brown issued Executive Order B-10-11, which requires all state agencies to encourage communication and consultation with federally recognized and non-federally recognized Tribal Nations.[318] In 2019, Governor Newsom issued Executive Order N-15-19, which formally apologized for the first time on behalf of the citizens of the State of California to all Native Americans in California for the many instances of violence, maltreatment and neglect that California inflicted on Tribal Nations.[319] Executive Order N-15-19 also reaffirmed the commitment to encourage communication and consultation with Tribal Nations.

AB 923 (Ramos, 2022) added Section 11019.81 to the Government Code, known as the Government-to-Government Consultation Act.[320] The Act encourages state agencies to consult "on a government-to-government basis with federally recognized tribes, and to consult with non-federally recognized tribes and tribal organizations, as appropriate."[321] This consultation is intended to allow Tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have Tribal implications.[322] The language of AB 923 requiring "government-to-government" consultation reflects the sovereign status of Tribal Nations.[323] State agencies are encouraged to consult with a federally recognized Tribe within 60 days of the Tribe making a request for consultation.[324] Additionally, each agency director is encouraged to consider the need for Tribal consultation before approving an agency action.[325] The Government-to-Government Consultation Act also identifies which officials at state agencies have authority to represent the State of California in Tribal consultations and requires that these officials complete consultation training.[326] Although this Act does not create mandatory consultation requirements, it encourages state agencies to consult with Tribal Nations and provides clarity on authorized state officials who can represent state agencies in consultations. Many state agencies, including the California Coastal Commission (as discussed in the next section) and California State Lands Commission have adopted Tribal consultation policies that may apply to staging and integration port development projects. Although the California State Lands Commission is not likely to issue leases for activities on granted public

[318] Exec. Order No. B-10-11 (2011). Notably, the Executive Order does not require consultation with Tribal Nations.
[319] Exec. Order No. N-15-19 (2019).
[320] Cal. Gov't Code § 11019.81(a).
[321] Cal. Gov't Code § 11019.81(c).
[322] Cal. Gov't Code § 11019.81(c). "Tribal implications" means "agency actions that impact one or more federally recognized tribes or nonfederally recognized tribes or tribal organizations, the government-to-government relationship between the state and federally recognized tribes, or the distribution of power and responsibilities between the state and federally recognized tribes" (Cal. Gov't Code § 11019.81(b)(3)).
[323] *See* Cal. Gov't Code § 11019.81.
[324] Cal. Gov't Code § 11019.81(d).
[325] Cal. Gov't Code § 11019.81(e). "Agency action" includes, but is not limited to, agency development of policies, regulations, guidelines, processes, programs, and projects with Tribal implications (Cal. Gov't Code § 11019.81(b)(1)).
[326] Cal. Gov't Code § 11019.81(f), (h).

trust lands, it may process applications for leases for projects (or components of projects) located on ungranted public trust lands or for certain types of dredging, in which case its Tribal Consultation Policy would apply.[327]

Effective January 1, 2025, the "Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act" (AB 1284, Ramos, 2024) gives the California Natural Resources Agency (CNRA) and its departments, boards, commissions, and conservancies the authority to enter into co-governance and co-management agreements with federally recognized Tribal Nations "for the purposes of shared responsibility, decisionmaking, and partnership in resource management and conservation within a tribe's ancestral lands and waters."[328] The scope of these agreements must be limited to areas under CNRA's jurisdiction.[329] Meaning, the CNRA cannot agree to share responsibility or decision making power that it does not have. "Co-governance" means "governance that emphasizes collaboration and shared decision making on a government-to-government level."[330] Whereas "co-management" means "a collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area, or set of natural resources."[331] At the request of a federally recognized Tribe, the CNRA and its departments, boards, commissions, and conservancies can begin government-to-government negotiations on co-governance and co-management agreements, to the extent feasible within existing staffing and budget.[332] Although the CNRA is not required to enter into co-governance or co-management agreements or to consult regarding these agreements, the Act gives CNRA and its subsidiary agencies the authority to do so. The Act generally applies to the CNRA and includes the California State Lands Commission and California Coastal Commission, but does not apply to local agencies such as the Humboldt Bay Harbor District or Port of Long Beach.[333] Permitting or leasing decisions by the California Coastal Commission (and California State Lands Commission to the extent applicable) relating to port development projects to support offshore wind represent resource management and conservation decisions that could potentially be the subject of co-governance or co-management agreements with Tribal Nations whose ancestral lands and waters include the project area.[334]

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[327] State Lands Commission. 2016. California State Lands Commission Tribal Consultation Policy. See Section 3 for more discussion of the circumstances in which the California State Lands Commission may process a lease for these types of projects.

[328] Cal. Gov't Code § 11019.82(c). "Ancestral lands and waters" mean lands, resources, and waters within a federally recognized Tribe's ancestral territory (Cal. Gov't Code § 11019.82(b)(1)).

[329] Cal. Gov't Code § 11019.82(c)(2).

[330] Cal. Gov't Code § 11019.82(b)(2).

[331] Cal. Gov't Code § 11019.82(b)(3).

[332] Cal. Gov't Code § 11019.82(d).

[333] Cal. Gov't Code § 11019.82(b)(5), (c).

[334] In the case of the California State Lands Commission, for example, such a co-management agreement could take the form of a lease. California State Lands Commission staff have indicated that Commission leases are non-exclusive, and so a site could be subject to a Tribal co-management lease agreement, and also leases with other parties for use.

5.3. California Coastal Act review

As discussed in Section 4, the California Coastal Commission is likely to process a coastal development permit for the Humboldt Bay Harbor District project, a port master plan amendment by the Port of Long Beach, and potentially a local coastal program amendment by Humboldt County. Each of these actions would trigger Tribal consultation requirements under the Coastal Commission's Tribal Consultation Policy. This policy aligns with state legislation and executive orders relating to Tribal consultation by state agencies, as discussed above.

5.3.1. Coastal Commission Tribal Consultation Policy

The California Coastal Act does not specifically protect Tribal cultural resources. However, Tribal cultural resources may be considered archeological, paleontological, visual, biological, or other coastal resources that are protected by the Coastal Act.[335]

In 2018, the Coastal Commission adopted its Tribal Consultation Policy. The policy creates procedures for consultations and requires consideration of Tribal cultural resources in planning and permitting decisions, including decisions on coastal development permits, local coastal programs, and port master plans.[336] When reviewing applications for coastal development permits, port master plan amendments, and local coastal program amendments, Coastal Commission staff also review the CEQA environmental review documents to determine whether Tribal consultation was conducted and whether impacts to Tribal cultural resources were considered.[337] For these types of matters, Coastal Commission staff must notify both federally recognized and non-federally recognized Tribal Nations if any of the following circumstances apply: a) consultation is appropriate given the nature of the proposed project or plan and its potential for impacts on Tribal interests;[338] b) Coastal Commission staff has reason to know that particular Tribal Nations may have an interest in the action; c) any Tribal Nation expressed unresolved concerns about the action's impacts on Tribal Interests during a local review process or requests consultation with the Coastal Commission for the action; or d) a

[335] *See, e.g.*, Cal. Pub. Res. Code §§ 30230, 30231, 30240, 30244, 30251.

[336] California Coastal Commission. 2018. Tribal Consultation Policy, § II.1. "Tribal cultural resources" include: (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Tribal Nation that are included or determined to be eligible for inclusion in the California Register of Historical Resources, or included in a local register of historical resources, and (2) A resource determined by the CEQA lead agency or the Coastal Commission to be significant pursuant to criteria set forth in California Public Resources Code Section 5024.1(c) (*Id*. at § II.5). A cultural landscape, historic resource, unique archeological resource, or nonunique archeological resources may be considered Tribal cultural resources in certain circumstances (*Id*. at § II.5).

[337] *Id*. at §§ IV.4.a.1, IV.4.b.1. Before an application is submitted to the Coastal Commission, lead agencies should generally have notified Tribal Nations of projects that may impact Tribal cultural resources and considered such impacts during CEQA review. For local coastal program amendments that are part of the general plan, Commission staff also review any documentation of Tribal consultation under SB 18 (*Id.* at § IV.4.a.1; Cal. Gov't Code § 65352.3(a)(1)).

[338] "Tribal Interests" includes, but is not limited to, Tribal cultural resources or fish, wildlife, plant, water, or similar natural resources, and can include other governmental interests besides cultural and natural resources (Coastal Commission Tribal Consultation Policy, § II.7).

Tribal Nation has specifically requested that the Coastal Commission notify it of this type of action (e.g., all actions in this location or of this type).[339]

For federal consistency reviews of projects that are carried out, approved by, or funded by the federal government, Coastal Commission staff review the submitted consistency certification or application to determine the extent of Tribal consultation with federally recognized and non-federally recognized Tribes, including consultations pursuant to NEPA and NHPA.[340] If a federal agency has only consulted with federally recognized Tribal Nations, the Coastal Commission will determine which, if any, non-federally recognized Tribal Nations may attach cultural significance to areas potentially affected by the project or plan and send out notification.[341]

Consultation can be initiated by a Tribal Nation or the Coastal Commission.[342] As part of consultation, Tribal Nations and Coastal Commission staff can propose mitigation measures or alternatives to avoid or substantially lessen potential impacts to a Tribal cultural resource.[343] If requested by a Tribal Nation, there must be consultation regarding alternatives to the project, mitigation measures, and the effects of the project or any alternatives.[344] If the parties agree on any mitigation measures through the consultation, Coastal Commission staff will normally include those measures in its staff recommendation to the Coastal Commission.[345]

For a list of Tribal liaisons and more information on the Coastal Commission's Tribal Consultation Policy, see its Tribal Consultation Policy webpage.

5.3.2. Coastal Act Section 30601.4 amendments regarding Tribal engagement

SB 286 added Coastal Act Section 30601.4, which requires the Coastal Commission to process a consolidated coastal development permit for certain offshore wind energy related projects.[346] This section further requires the Coastal Commission to engage with Tribal Nations "with fisheries that could be affected by future development associated with a lease for an offshore wind energy project."[347] The Coastal Commission is required to engage with these Tribal Nations on all elements of the lessees' project development process, including measures to address impacts from offshore wind development and respond to community needs, consistent with the Coastal Commission's Tribal Consultation Policy.[348] As discussed in Section 3.1.2, it is unclear whether staging and integration projects can be considered "offshore wind energy projects." As a result, it is not clear whether this consultation requirement applies to Tribal Nations with fisheries that could be affected by staging and integration projects, but that would not be affected by offshore wind farm projects with leases. Regardless of whether this section

[339] *Id.* at §§ IV.4.a.1, IV.4.b.3.
[340] *Id.* at § IV.4.c.
[341] *Id.*
[342] *Id.* at § VII.1.
[343] *Id*. at § VII.5.
[344] *Id*.
[345] *Id*.
[346] See Section 4.1.3 for additional discussion.
[347] Cal. Pub. Res. Code § 30601.4(a)(4).
[348] *Id.*

specifically requires the Coastal Commission to engage with Tribal Nations for staging and integration port development projects, the Coastal Commission could choose to do so, and its Tribal Consultation Policy continues to require it to engage with Tribal Nations as discussed above.

Additionally, SB 286 created the California Offshore Wind Energy Fisheries Working Group, which will develop a statewide strategy for ensuring that offshore wind energy projects avoid, minimize, and in some cases, mitigate for impacts to fishing and fisheries, and compensate commercial and recreational fishing industries and Tribal fisheries for economic impacts to ocean fisheries.[349] The California Offshore Wind Energy Fisheries Working Group is required to include representatives from Tribal Nations with fisheries affected by offshore wind energy development.[350]

5.4. Tribal consultation requirements and opportunities for proposed port infrastructure projects

Port infrastructure projects will require government-to-government consultation opportunities to be made available to Tribal governments during the environmental review and permitting process. A summary of the key Tribal consultation processes for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal project and Port of Long Beach Pier Wind project is below.

Table 4. Summary of Tribal consultation requirements in key permitting and environmental review processes

CEQA/NEPA environmental review	California Coastal Act/CZMA review	Other potential Tribal consultation requirements
Humboldt Bay Harbor District and Port of Long Beach AB 52 consultation under CEQA USACE and MARAD consultation under NEPA.* Federal lead agencies can also appoint federally recognized Tribal Nations as joint lead or cooperating agencies	CCC consultation for coastal development permit(s) for Humboldt Bay Harbor District project CCC consultation for Port of Long Beach port master plan amendment CCC consultation for federal consistency review, if required	USACE and MARAD Tribal consultation policies USACE and MARAD Section 106 NHPA consultation Humboldt County SB 18 consultation for Humboldt Bay Area Plan (local coastal program) amendment, if required

**CEQ regulations with this requirement may be inapplicable, as noted in Section 5.1.2.*

[349] Cal. Pub. Res. Code § 30616. See Section 3.1.2 for more information about the Working Group.
[350] Cal. Pub. Res. Code § 30616(a).

5.4.1. Humboldt Bay Offshore Wind Heavy Lift Marine Terminal project

Several Tribal Nations in the Wigi (Humboldt Bay) area will likely need to be, or in some cases already have been, provided with notice of consultation opportunities associated with the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal project pursuant to federal and state laws and policies. The Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria are all federally recognized Tribal Nations whose ancestral lands include Wigi and, among other Tribal Nations, will need to be provided opportunities for consultation during environmental review and permitting.

CEQA and NEPA environmental review

The Humboldt Bay Harbor District is the lead agency for CEQA review and is currently in the process of preparing a draft Environmental Impact Report (EIR) for the proposed project.[351] Under CEQA and AB 52, the Harbor District must provide formal notification of the project to Tribal Nations (both federally recognized and non-federally recognized) that have requested notice from the Harbor District and are traditionally and culturally affiliated with the project area.[352] The Harbor District is required to consult with Tribal Nations that request consultation and are traditionally and culturally affiliated with the geographic area of the proposed project.[353] Consultation must happen before the release of the EIR.[354] The Harbor District indicates that it invited ten Tribal Nations to consult with it on the proposed project and that it is currently consulting with seven Tribal Nations pursuant to AB 52.[355] In addition to AB 52 consultation, Tribal Nations can participate in CEQA review on any issue of concern as an interested Tribal Nation, person, citizen, or member of the public.[356] This is the case regardless of whether the Tribe is traditionally and culturally affiliated with the geographic area of the proposed project.[357]

The Humboldt Bay Harbor, Recreation, and Conservation District Act does not contain Tribal consultation or coordination requirements,[358] and the Harbor District has not adopted a Tribal consultation policy.[359] Accordingly, the Humboldt Bay Harbor District's Tribal consultation will likely occur primarily during the CEQA environmental review process rather than while considering any development permit.

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[351] Humboldt Bay Harbor District, NOP of Draft Environmental Impact Report.
[352] Cal. Pub. Res. Code § 21080.3.1(d).
[353] Cal. Pub. Res. Code § 21080.3.1(b).
[354] Cal. Pub. Res. Code § 21080.3.1(b), (e).
[355] Humboldt Bay Harbor District. Humboldt Bay Offshore Wind Heavy Lift Marine Terminal website.
[356] AB 52, § 11(b).
[357] *Id.*
[358] *See* Cal. Harb. & Nav. Code § App. 2.
[359] On April 22, 2015, the Humboldt Bay Harbor District adopted a Protocol for Inadvertent Archeological Discovery for Ground Disturbing Project Permits, Leases and Franchises Issued by the Humboldt Bay Harbor, Recreation and Conservation District, which requires notification to Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe if certain archeological or Native American resources (such as human remains) are inadvertently discovered.

The lead agency for NEPA environmental review is likely the U.S. Department of Transportation (USDOT) Maritime Administration (MARAD). CEQ regulations may require the lead agency to invite the participation of likely affected Tribal governments as early as practicable in the scoping process, including as cooperating or participating agencies where appropriate.[360] NEPA and CEQA reviews for the same project should generally be coordinated, including Tribal consultation requirements.[361] However, because the Humboldt Bay Harbor District's CEQA review is already underway and NEPA has not yet begun, separate Tribal consultations may be required for each process. After preparation of a draft Environmental Impact Statement (EIS) and before preparing the final EIS, the lead agency is also required under CEQ regulations to request comments from Tribal governments that may be affected by the proposed action or that are authorized to develop and enforce environmental standards, and to consider and respond to timely comments.[362] As discussed in Section 5.1.2, at the time of publication of this report, the validity of these regulations is unclear. The statutory language of NEPA, however, allows federal agencies to appoint Tribal agencies as joint lead agencies or cooperating agencies in certain circumstances.[363]

Additionally, USDOT has its own Tribal consultation policy which may apply to the proposed project if MARAD is the lead agency.[364] The USDOT Tribal consultation policy generally requires USDOT and its operating administrations, including MARAD, to consult with federally recognized Tribes before taking any action that may have Tribal implications.[365] Among other requirements, USDOT and its operating administrations are also generally required to assess the environmental impact of their activities on Tribal interests and trust resources under NEPA and other applicable laws and requirements, and ensure that such interests and resources are considered before agency activities are undertaken.[366]

Coastal Act and CZMA review

As discussed in Section 4.3, the Coastal Commission will likely be responsible for processing a coastal development permit and local coastal program amendment for the project. The Coastal Commission could also potentially, but may not be required to, consider the federal consistency of components of the project that are carried out by federal agencies and not authorized via a

[360] 40 C.F.R. §§ 1501.9(c)(1), 1502.4(c).
[361] *See* Cal. Code Regs. tit. 14, §§ 15222, 15226, 15228, 15124(d).
[362] 40 C.F.R. §§ 1503.1(a)(2), 1503.4(a).
[363] Fiscal Responsibility Act of 2023, Pub. L. No. 118-5 § 321, 137 Stat 10 (2023).
[364] USDOT. 2023. Department of Transportation Tribal Consultation Policy and Procedures.
[365] *Id*. §§ 3, 7(b). "Tribal implications" is defined to mean "regulations or policies that may have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes, or on the distribution of power between the Federal government and Indian Tribes," and to include the development of new federal standards by DOT that would affect Tribal governments (*Id.* § 5).
[366] *Id*. § 7(i). "Tribal interest" is defined to mean "the interest of a Tribe based on rights established in treaties, the U.S. Constitution, statutes, court decisions, executive orders, the trust responsibility, or the inherent rights of an Indian Tribe," and may or may not be on land under the jurisdiction of a Tribe (*Id.* § 5). "Trust resources" means "natural resources such as, but not limited to, water, fish, wildlife, air, minerals, natural gas, oil, forests, plants, land, rivers, cultural resources, that are held in trust by the Federal government on behalf of Federally Recognized Tribes" (*Id.* § 5).

coastal development permit. The Tribal consultation requirements associated with each of these actions is discussed below.

- **Coastal development permit(s).** Applications for coastal development permits for the project will be submitted to the Coastal Commission after any required Tribal consultation is completed as part of CEQA and NEPA environmental review. After applications are submitted to the Coastal Commission, the Commission will look at this consultation and any analysis of potential impacts to Tribal cultural resources to inform its Tribal consultation processes. Under its Tribal Consultation Policy, the Coastal Commission is required to notify Tribal Nations if the project is likely to impact Tribal cultural resources, among other circumstances.[367]

- **Local coastal plan amendment.** If Humboldt County amends the Humboldt Bay Area Plan to incorporate the proposed project, the County would likely be required to consult with Tribal Nations under Senate Bill (SB) 18 (Burton, 2004) because the Humboldt Bay Area Plan is part of the general plan.[368] Such an amendment would also require an application for a local coastal program amendment. Under its Tribal Consultation Policy, the Coastal Commission would consider the County's SB 18 Tribal consultation, and would be required to notify Tribal Nations if the project is likely to impact Tribal cultural resources, among other circumstances.[369]

- **Federal consistency review.** If federal consistency review is required, under its Tribal Consultation Policy, the Coastal Commission will determine whether non-federally recognized Tribal Nations were consulted with under NEPA, NHPA, or other federal requirements.[370] If a federal agency has only consulted with federally recognized Tribes, the Coastal Commission will determine which, if any, non-federally recognized Tribes may attach cultural significance to areas potentially affected by the project or plan and send out notification.[371]

5.4.2. Port of Long Beach Pier Wind Terminal Development project

A number of Tribal Nations in the Port of Long Beach area will likely need to be, or in some cases may already have been, provided with notice of consultation opportunities associated with the Pier Wind project.

CEQA and NEPA environmental review

The Port of Long Beach is the lead agency for CEQA and is currently in the process of preparing a joint CEQA/NEPA draft EIR/EIS with USACE.[372] As the CEQA lead agency, the Port of Long

[367] Coastal Commission Tribal Consultation Policy, §§ IV.4.b.3.
[368] Cal. Gov. Code §§ 65092, 65352 et seq. See the State of California Office of Land Use and Climate Innovation Tribal Consultation Guidelines (2005) for more information
[369] Coastal Commission Tribal Consultation Policy, §§ IV.4.a.1.
[370] *Id.* at § IV.4.c.
[371] *Id.*
[372] Port of Long Beach and USACE, NOP/NOI to Prepare Joint EIR/EIS.

Beach has the same AB 52 Tribal consultation responsibilities as the Humboldt Bay Harbor District (see above and Section 5.1.1). Similarly, any Tribal Nation, regardless of whether they are traditionally and culturally affiliated with the geographic area of the proposed project, can participate in CEQA review of the project as an interested Tribal Nation, person, citizen, or member of the public.[373]

The USACE is the lead agency under NEPA for the Pier Wind project.[374] Accordingly, USACE may be required under Council on Environmental Quality regulations to invite the participation of likely affected federally recognized Tribes during the scoping process and after preparation of the draft EIR/EIS (See above and Section 5.1.2).[375] USACE may also be required to undertake Tribal consultation with federally recognized Tribes pursuant to other federal requirements, such as Section 106 of the NHPA if the project may impact Tribal historic, cultural, or religious sites.[376] Additionally, USACE has a Civil Works Tribal Consultation Policy that generally requires Tribal consultation with federally recognized Tribes for any policy or activity that has Tribal implications or a substantial direct effect on Tribes.[377]

Coastal Act and CZMA review

As discussed in Section 4.3, the Coastal Commission will likely be responsible for processing a port master plan amendment and potentially federal consistency review for the project. The Port of Long Beach will likely be responsible for processing any coastal development permits for the project. The Tribal consultation requirements associated with each of these actions is discussed below.

- **Coastal development permits.** The Port of Long Beach will likely be responsible for processing any coastal development permits for the project. The Coastal Commission's Tribal Consultation Policy does not apply to the Port of Long Beach. Accordingly, the Port of Long Beach is not subject to the same Tribal consultation requirements as the Coastal Commission when processing coastal development permits. The Port also has not adopted its own Tribal consultation policy. However, the Port will be required to comply with the CEQA Tribal consultation requirements discussed above.
- **Port master plan amendment.** The Coastal Commission will consider the Port of Long Beach's CEQA Tribal consultation and any analysis of potential impacts to Tribal cultural resources to inform its Tribal consultation processes. Under its Tribal Consultation Policy, the Coastal Commission is required to notify Tribal Nations if the project is likely to impact Tribal cultural resources, among other circumstances.[378]

[373] AB 52, § 11(b).
[374] Port of Long Beach and USACE, NOP/NOI to Prepare Joint EIR/EIS.
[375] 40 C.F.R. §§ 1501.9(c)(1), 1502.4(c).
[376] 54 U.S.C. §§ 306108, 302706.
[377] USACE. 2023. Civil Works Tribal Consultation Policy. See also the USACE Tribal Nations Program website for more information.
[378] Coastal Commission Tribal Consultation Policy, §§ IV.a.1.

- **Federal consistency review.** If federal consistency review is required, under its Tribal Consultation Policy, the Coastal Commission will determine whether non-federally recognized Tribal Nations were consulted under NEPA, NHPA, or other federal requirements.[379] If a federal agency has only consulted with federally recognized Tribes, the Coastal Commission will determine which, if any, non-federally recognized Tribes may attach cultural significance to areas potentially affected by the project or plan and send out notification.[380]

Additionally, as discussed in Section 6.2.2, the Port of Long Beach plans to develop a Tribal consultation strategy as part of its Zero Emissions, Energy Resilient Operations (ZEERO) Policy.

[379] *Id.* at § IV.4.c.
[380] *Id.*

6. Community engagement opportunities and requirements

Federal, state, and local agencies developing environmental review documents and considering permits for port development projects are typically subject to public notice and engagement requirements under various laws. This section focuses on public engagement requirements and policies during CEQA and NEPA environmental review, for port and harbor district permits, and for Coastal Act planning and permitting.

Key points from this section include:

- Public noticing and engagement requirements differ across agencies and laws, but typically require public notice of proposed actions and the opportunity to engage at a public hearing and/or submit comments on proposed decisions.
- Lead agencies under both CEQA and NEPA must notify the public before preparation of an environmental impact report (EIR) or environmental impact statement (EIS) and provide an opportunity for public comments on the draft EIR/EIS.
- Port governing authorities and harbor districts, including the Humboldt Bay Harbor District and Port of Long Beach, may have public engagement policies or public engagement plans specific to proposed port infrastructure projects.
- The California Coastal Commission is generally required to provide notice to the public and interested parties and hold a public hearing when deciding on coastal development permits, port master plan amendments, and local coastal program amendments. Amendments to the Coastal Act and the Coastal Commission's Environmental Justice Policy also encourage engagement with affected communities on projects and proposed policies that raise environmental justice issues.

Communities located near ports are often disproportionately impacted by air emissions from port operations, the movement of goods in and out of ports, and other industries that may be co-located with ports.[381] Near-port communities are also often low-income and/or communities of color, and can experience negative health, noise and light, environmental, and other impacts from being located near ports.[382] For example, many of the neighborhoods surrounding the Port of Long Beach face some of the highest pollution burdens in the State and experience high rates of poverty.[383] The air quality and environmental justice concerns at the Ports of Long Beach and Los Angeles led to the development of the Clean Air Action Plan, which provides strategies to address air quality impacts and monitoring of air pollutants.[384] The

[381] U.S. Environmental Protection Agency (USEPA). 2020. Ports Primer for Communities: An Overview of Ports Planning and Operations to Support Community Participation, Section 7.
[382] USEPA Ports Primer, Section 7; Greenberg, Michael R. 2021. Ports and Environmental Justice in the United States: An Exploratory Statistical Analysis. Risk Analysis 41 (11): 2112-2126. https://doi.org/10.1111/risa.13697.
[383] Office of Environmental Health Hazard Assessment, and California Environmental Protection Agency. 2021. CalEnviroScreen 4.0.
[384] Ports of Long Beach and Los Angeles. 2017. Clean Air Action Plan 2017 Update; USEPA. 2021. Case Study of the San Pedro Bay Ports' Clean Air Action Plan 2006–2018.

proposed Humboldt Bay Harbor District project will be located directly adjacent to existing residential neighborhoods on the Samoa Peninsula. Residents on the Samoa Peninsula experience high rates of pollution burden, poverty, and health issues such as asthma and cardiovascular disease.[385] Public engagement can help to inform decision makers of community concerns and impacts of projects. Engagement can also be especially helpful to understand potential environmental justice concerns with port development projects.

6.1. CEQA and NEPA public noticing and engagement

Agencies have parallel public notice and comment requirements under CEQA and NEPA. A lead agency under CEQA may work with a federal agency to prepare a joint environmental document that meets the requirements of both CEQA and NEPA.[386] In this case, the public notice requirements of both laws must be met when preparing an environmental impact report (EIR) or environmental impact statement (EIS).[387] CEQA lead agencies can, however, generally use public notice and meeting procedures for preparation of an EIS under NEPA that also satisfy CEQA requirements for preparing an EIR.[388]

6.1.1. CEQA requirements

CEQA generally requires agencies to provide public notice during the scoping process, after issuing draft environmental review documents, and before making a final decision on the environmental documents. This section focuses on public notice requirements associated with preparation of an EIR because staging and integration port development projects are most likely to require preparation of an EIR due to the potential for significant environmental impacts associated with these types of projects. The CEQA lead agencies for the proposed projects in Wigi (Humboldt Bay) and the Port of Long Beach are currently in the process of preparing EIRs (or a joint EIR/EIS).

The CEQA guidelines recognize that public participation is an essential part of the CEQA process.[389] The purpose of review of EIRs is to share expertise, disclose agency analyses, check for accuracy, detect omissions, discover public concerns, and solicit counter proposals.[390] The CEQA guidelines recommend that reviewers focus their comments on EIRs on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.[391]

Hearings: CEQA does not require lead agencies to hold formal hearings, but agencies can hold public hearings on environmental review of a project, and usually should if it would facilitate the purposes and goals of CEQA.[392] If a public hearing is held, the lead agency must give notice

[385] Office of Environmental Health Hazard Assessment, and California Environmental Protection Agency. 2021. CalEnviroScreen 4.0.
[386] Cal. Code Regs. tit. 14, §§ 15170, 15220-15229.
[387] Cal. Code Regs. tit. 14, § 15225(a).
[388] Cal. Code Regs. tit. 14, § 15225(a).
[389] Cal. Code Regs. tit. 14, § 15201.
[390] Cal. Code Regs. tit. 14, § 15200.
[391] Cal. Code Regs. tit. 14, § 15204(a).
[392] Cal. Code Regs. tit. 14, § 15202.

of the meeting in a timely manner.[393] In practice, agencies sometimes combine the hearing for project approval and certification of the EIR.

Notice of preparation and scoping: A lead agency must notify the public that is preparing an EIR.[394] A lead agency must also hold at least one scoping meeting for projects of statewide, regional, or areawide significance.[395] This meeting will help to determine the scope of an EIR's analysis. The lead agency must provide notice of the scoping meeting to any public agency, organization, or individual who has filed a written request for the notice and to certain other agencies.[396]

Draft EIR: The lead agency must make a draft EIR available for public review.[397] The public review period for draft EIRs for staging and integration port development projects must be at least 30 days and is likely to be at least 45 days because other state agencies have jurisdiction over these projects and they may be considered of statewide, regional, or areawide significance.[398] The lead agency must consider comments and respond to comments received during the review period that raise significant environmental issues. [399] The lead agency may, but is not required to, consider comments received after the review period.[400] If the lead agency adds significant new information to the EIR after the close of the public comment period but before certification of the final EIR, the lead agency must provide a new public comment period.[401]

Final EIR and notice of final decision: When the lead agency completes an environmental review document, including an EIR, it must file a notice of the completion with the Office of Planning and Research that identifies the project, that an environmental document has been prepared, and identifies the project location.[402] A lead agency may provide an opportunity for the public or commenting agencies to review the final EIR before approving the project. [403] This review should focus on the responses to comments on the draft EIR.[404] A lead state or local agency must provide notice of its decision to carry out a project subject to CEQA.[405]

Subsequent or supplemental EIR: An additional public review period is required after certification of the final EIR if: (1) new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available; (2) substantial

[393] Cal. Code Regs. tit. 14, § 15202(e).
[394] Cal. Pub. Res. Code § 21092.
[395] Cal. Pub. Res. Code §§ 21083.9(a)(2), 21083; Cal. Code Regs. tit. 14, § 15206.
[396] Cal. Pub. Res. Code § 21083.9(b).
[397] Cal. Pub. Res. Code §§ 21091(a), 21082.1(d); Cal. Code Regs. tit. 14, § 15087(a).
[398] Cal. Pub. Res. Code §§ 21091(a), 21083(d); Cal. Code Regs. tit. 14, §§ 15087, 15105.
[399] Cal. Pub. Res. Code § 21091(d); Cal. Code Regs. tit. 14, § 15088, 15204(a).
[400] Cal. Pub. Res. Code § 21091(d); Cal. Code Regs. tit. 14, §§ 15088, 15207.
[401] Cal. Pub. Res. Code § 21092.1.
[402] Cal. Pub. Res. Code § 21161.
[403] Cal. Code Regs. tit. 14, § 15089(b).
[404] Cal. Code Regs. tit. 14, § 15089(b).
[405] Cal. Pub. Res. Code §§ 21108(a) & (c), 21152(a) & (c); Cal. Code Regs. tit. 14, § 15094.

changes to the project are proposed that will require major revisions to the EIR; or (3) there is a substantial change in circumstances that will require major revisions to the EIR.[406]

Similar but distinct public noticing and review requirements apply when a lead agency decides to prepare a negative declaration or mitigated negative declaration instead of an EIR.[407]

6.1.2. NEPA requirements

NEPA broadly requires federal agencies to make advice and information useful in restoring, maintaining, and enhancing the quality of the environment available to institutions and individuals, among others.[408]

Council on Environmental Quality (CEQ) regulations state that the purpose of public engagement is to inform the public of an agency's proposed action, allow for meaningful engagement during the NEPA process, and ensure decision makers are informed by the views of the public.[409] CEQ regulations generally require lead agencies to provide public notice of NEPA-related hearings, public meetings, availability of environmental review documents, and other opportunities for engagement.[410] Lead agencies are also required to have websites where they post environmental documents, relevant notices, and other relevant information for use by interested persons.[411] When scoping and preparing an EIS, CEQ regulations require lead federal agencies to take the following actions:

Scoping: When preparing an EIS, lead agencies must facilitate notification to persons and agencies who may be interested or affected by the proposed action.[412] A lead agency must also publish a notice of intent to prepare an EIS in the Federal Register as soon as practicable after determining that a proposal requires an EIS and is sufficiently developed to allow for meaningful public comment.[413] The draft EIS will summarize information, including alternatives and analyses, submitted by commenters during the scoping process.[414]

Draft EIS: After preparing a draft EIS and before preparing a final EIS, the lead agency must request the comments of the public by affirmatively soliciting comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.[415] CEQ regulations recommend that comments on an EIS be as specific as possible, explain why the issues raised are important to consideration of potential environmental effects

[406] Cal. Pub. Res. Code § 21166; Cal. Code Regs. tit. 14, §§ 15162(d), 15163(c).
[407] *See* Cal. Pub. Res. Code §§ 21091, 21092; Cal. Code Regs. tit. 14, §§ 15070-15075, 15200-15209.
[408] 42 U.S.C. § 4332(J).
[409] 40 C.F.R. § 1501.9(a).
[410] 40 C.F.R. § 1501.9(c)(5). As noted above, the validity of CEQ regulations is currently uncertain (*See Marin Audubon Soc'y v. Fed. Aviation Admin.*, 121 F.4th 902 (D.C. Cir. 2024)), and the requirements discussed in this section could change if CEQ regulations are no longer binding on federal agencies.
[411] 40 C.F.R. § 1507.4(a).
[412] 40 C.F.R. § 1501.9(c)(2), 1502.4(b).
[413] 40 C.F.R. § 1502.4(e).
[414] 40 C.F.R. § 1502.17.
[415] 40 C.F.R. § 1503.1(a)(2)(v).

and alternatives to the proposed action, and may address the adequacy of the EIS and/or the merits of the alternatives discussed.[416] The lead agency must consider and respond to substantive comments that were timely submitted during the public comment period.[417]

Final EIS and record of decision: The final EIS must include and respond to substantive comments received on the draft EIS.[418] At the time of a lead agency decision, it must prepare a record of decision (ROD) that states the decision, identifies alternatives considered, and states whether the agency has adopted all practicable means to mitigate environmental harm from the harm selected, and if not, why not.[419]

As discussed in Section 5.1.2 of this report, the validity of CEQ regulations is currently in flux, which means that the requirements discussed above may not be enforceable. Regardless of the validity of these regulations, however, the statutory language of NEPA requires federal agencies to make an EIS available to the public.[420] Amendments to NEPA by the FRA also require any notice of intent to prepare an EIS to include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.[421] Federal agencies also typically have procedures implementing NEPA which may provide additional requirements on public engagement during the environmental review process.[422]

6.2. Port and harbor district permits

Ports and harbor districts may have public noticing and review requirements that apply to the processing of permits for development within their jurisdiction. These requirements differ across ports and harbor districts and will depend on their enabling legislation and other applicable ordinances, regulations, and policies. The following subsections discuss the public noticing and review requirements for the Humboldt Bay Harbor District and the Port of Long Beach.

6.2.1. Humboldt Bay Harbor District public noticing and engagement

The Humboldt Bay Harbor District is subject to public notice and engagement requirements under CEQA and the Humboldt Bay Harbor, Recreation, and Conservation District Act. The Harbor District has also committed to a variety of public meetings and engagements regarding the proposed project.

Humboldt Bay Harbor, Recreation, and Conservation District Act requirements

[416] 40 C.F.R. § 1503.3(a).
[417] 40 C.F.R. § 1503.4(a).
[418] 40 C.F.R. § 1503.4(a)-(c).
[419] 40 C.F.R. § 1505.2.
[420] 42 U.S.C. § 4332(C) (citing 5 U.S.C. § 552).
[421] 42 U.S.C. § 4336a(c).
[422] 40 C.F.R. § 1507.4, 1501.9(e). See, for example, the USACE Planning Community Toolbox with USACE NEPA guidance and other resources.

The Humboldt Bay Harbor, Recreation, and Conservation District Act requires the Humboldt Bay Harbor District to provide public notice of the filing of an application for a development permit and gives the Harbor District discretion to decide whether a public hearing is needed. After an application for a development permit is filed, the Harbor District must provide Humboldt County, other municipal and state agencies, and the public with notice of the filing of the application.[423] A hearing on a development application may be requested within 30 days of this notice.[424] The Board of Harbor District Commissioners determines whether to hold a hearing on the application.[425] If it decides to hold a hearing, the Harbor District will set a hearing date within 90 days of mailing and publishing the notice of the filing of the application.[426] If a public hearing is held, the Board of Harbor Commissioners must act on the application within 30 days of the hearing.[427] If the Board determines that no public hearing is necessary, the Board must act on the application within 60 days of the filing of the application.[428] The Board's action on the application within either of these timelines may be, but is not required to be, a final determination on the application.[429] Actions on an application by the Board may be appealed to the Board within 10 days of the action.[430]

Harbor District public engagement commitments

In addition to these public notice and hearing requirements, the Humboldt Bay Harbor District adopted a Community Engagement Commitments and Strategies Plan for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. The plan includes community engagement objectives, provides criteria for evaluating impacts to affected communities, and identifies anticipated interested parties and affected communities. The plan also commits the Harbor District to holding meetings on CEQA environmental review documents, general public meetings on the project, and a hearing on the development permit for the project after certification of the final EIR. The Harbor District has also established the following advisory committees for the project: technical, community, Town of Samoa, aquaculture, fishermen, and Humboldt Yacht Club advisory committees.[431] The Harbor District is currently providing monthly updates on the project at its Board of Commissioner meetings.[432]

Additionally, the MOU between the California State Lands Commission, Humboldt Bay Harbor District, and the Port of Long Beach states that the parties "recognize the importance of transparency and public engagement in environmental protection efforts and will ensure that all permitting and authorization processes include opportunities for meaningful, early, and

[423] Cal. Harb. & Nav. Code § App. 2, § 24(e).
[424] Cal. Harb. & Nav. Code § App. 2, § 24(f).
[425] Cal. Harb. & Nav. Code § App. 2, § 24 (f); Harbor District Ordinance No. 14, Sections 1.06 and 107.
[426] Harbor District Ordinance No. 14, § 1.06(C).
[427] Harbor District Ordinance No. 14, § 1.07(D).
[428] Harbor District Ordinance No. 14, § 1.07 (C).
[429] Harbor District Ordinance No. 14, § 1.07(E).
[430] Harbor District Ordinance No. 14, § 1.08.
[431] Humboldt Bay Harbor District. 2025. Summary of Advisory Committees for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project.
[432] Humboldt Bay Harbor District. 2025. Staff Report for February 13, 2025 Meeting: Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project, 24-25.

consistent public input so that decision-makers understand the important perspectives, priorities, and values of those communities most affected."[433]

CEQA requirements

Additionally, the Harbor District will be subject to the CEQA public notice and review requirements for preparation of its CEQA environmental review documents discussed above. As noted above, the Harbor District has committed to holding meetings on CEQA environmental review documents. NEPA and CEQA reviews for the same project should generally be coordinated, and CEQA lead agencies can generally use public notice and meeting procedures for preparation of an EIS under NEPA that also satisfy CEQA requirements for preparing an EIR.[434] Here, however, CEQA review is underway before NEPA review has commenced so preparation of an EIR and an EIS may be distinct processes with separate public noticing, hearing, and review timelines.

Meeting information

Humboldt Bay Harbor District Board of Commissioners meetings are generally held on the second Thursday of each month at 6:00 PM. Meetings are hosted in person at 601 Startare Drive, Eureka, California 95501, and via audio/video conference with opportunities for public comment in person and online. The Harbor District's website hosts meeting agendas and materials and allows you to subscribe to email noticing for Board meetings. Past meetings can generally be viewed on the Access Humboldt website.

6.2.2. Port of Long Beach public noticing and engagement

The Port of Long Beach is subject to the CEQA public notice requirements discussed above when preparing its joint EIR/EIS with USACE, and is also subject to public notice and hearing requirements for its amendment to its port master plan and for issuance of a Harbor Development Permit for the Pier Wind project. The Port has also indicated that it will hold a variety of public meetings and engagement opportunities for the project.

Port of Long Beach engagement opportunities

The Port of Long Beach has indicated that it will hold public meetings for review of the draft EIR/EIS, certification of the final EIR/EIS, draft port master plan, adoption of the port master plan amendment, and issuance of a Harbor Development Permit.[435] Additionally, the Port holds regular meetings as part of its Zero Emissions, Energy Resilient Operations (ZEERO) Round Table and Collaboration, which focuses on zero emission and decarbonization efforts and programs, including the Pier Wind project.[436] The Round Table and Collaboration includes representatives from local trade groups, trade industry, Tribal communities, elected officials, and academia. In addition, for the Pier Wind project, Port staff have stated that they expect the Port's future

[433] California State Lands Commission, Port of Long Beach, Humboldt Bay Harbor, Recreation and Conservation District. (December 17, 2024). Memorandum of Understanding on a California Floating Offshore Wind Staging and Integration Partnership.
[434] *See* Cal. Code Regs. tit. 14, §§ 15222, 15226, 15228, 15124(d), 15225(a).
[435] Port of Long Beach. 2025. Written communication with staff.
[436] Port of Long Beach. 2024. Fact Sheet: ZEERO – Zero Emissions, Energy Resilient Operations Policy.

Tribal consultation strategy and community engagement strategy to inform, educate, and involve Tribal representatives and community members in project planning and the identification of community and Tribal benefits.[437]

CEQA requirements

The Port is subject to the CEQA public notice and review requirements discussed above when preparing its joint EIR/EIS with USACE. The Port's CEQA public notice and review requirements are likely to be coordinated with NEPA public notice and review requirements because a joint EIR/EIS is being prepared. As noted above, the Port has stated that it will hold a hearing to solicit public feedback on the draft EIR/EIS and will hold a hearing to certify the final EIR/EIS.[438]

Coastal Act requirements

The Coastal Act requires port master plans to include provisions for adequate public hearings and public participation in port planning and development decisions.[439] The Port of Long Beach will be required to provide adequate public notice and hearings both when amending its port master plan to reflect the Pier Wind project and when considering issuance of a coastal development permit (or Harbor Development Permit) for the project.

Port master plan amendment

The Port of Long Beach is currently in the process of developing a draft port master plan amendment to reflect the Pier Wind project, which has not yet been publicly released. The Coastal Act requires that the public, interested organizations, and governmental agencies be encouraged to submit relevant testimony, statements, and evidence when a port is considering approving a port master plan.[440] Ports must consider this testimony, statements, and evidence when considering and approving a port master plan.[441] When amending its port master plan, the Port of Long Beach is required to:

- Publish a notice of completion of the draft master plan and, upon request, provide copies to interested persons, organizations, and governmental agencies.[442]
- Hold a public hearing on the draft port master plan 30-90 days after publication of the notice of completion.[443] This hearing can be combined with the hearing on draft CEQA environmental review documents.[444]

The Port must take these actions before it adopts the port master plan amendment or submits it to the Coastal Commission for certification. As discussed in the Section 6.3 of this report, the Coastal Commission will also hold a public hearing on certification of the port master plan amendment.

[437] Port of Long Beach. 2025. Written communication with staff.
[438] *Id*.
[439] Cal. Pub. Resources Code § 30711(a)(5).
[440] Cal. Pub. Resources Code § 30712.
[441] Cal. Pub. Resources Code § 30712.
[442] Cal. Pub. Resources Code §§ 30712, 30716(a); Cal. Code Regs. tit. 14, § 13627.
[443] Cal. Pub. Resources Code §§ 30712, 30716(a); Cal. Code Regs. tit. 14, § 13627.
[444] Cal. Code Regs. tit. 14, § 13627.

Coastal development permit

The Guidelines for Implementation of the Port of Long Beach Port Master Plan (Ordinance No. HD-1701) include procedures for considering a Harbor Development Permit, which is a combined coastal development permit and building permit.[445] As discussed in Section 4.3.2, the Board of Harbor Commissioners is likely to process a Level III Harbor Development Permit for the project. The Guidelines require a public hearing for Level III permits to be held between 21 and 42 days of the filing of an application.[446] Hearing dates are required to be set "to allow adequate public dissemination of the information contained in the application prior to the time of the hearing, and to allow public participation and attendance at the hearing, while affording applicants expeditious consideration of their permit applications."[447] The Port must provide known interested parties with notice of the public hearing,[448] and hearings must generally be recorded.[449] The Board of Harbor Commissioners must vote on the issuance of a permit at the public hearing or another hearing within 21 days of the hearing, unless the applicant waives the right to a decision under these timelines.[450]

Authority to consider environmental justice

The Coastal Act states that when acting on a coastal development permit, the issuing agency may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.[451] "Environmental justice" is defined in the Coastal Act to include, at a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions, in addition to other actions.[452] The Coastal Commission's Environmental Justice Policy also strongly encourages that port master plans be updated to address environmental justice.[453] When processing a coastal development permit for the Pier Wind project, the Board of Harbor Commissioners could consider environmental justice. It could also consider addressing environmental justice when amending the port master plan for the project, including in engagement with surrounding communities regarding the amendment. For more information on the environmental justice provisions of the Coastal Act, see Section 6.3 below.

Meeting information

[445] Port of Long Beach Ordinance No. HD-1701. This ordinance may not have been certified as part of the Port's port master plan, and thus, there may be questions about its applicability within the coastal zone.
[446] Port of Long Beach Ordinance No. HD-1701, § 6.6.
[447] Port of Long Beach Ordinance No. HD-1701, § 6.6.
[448] Port of Long Beach Ordinance No. HD-1701, § 6.6.1.
[449] Port of Long Beach Ordinance No. HD-1701, § 6.8.
[450] Port of Long Beach Ordinance No. HD-1701, § 6.15.
[451] Cal. Pub. Resources Code § 30604(h).
[452] Cal. Pub. Resources Code § 30107.3(b)(4).
[453] Coastal Commission. 2019. California Coastal Commission Environmental Justice Policy, 9. See also Coastal Commission. 2024. Resources for Addressing Environmental Justice through Local Coastal Programs (includes recommendations regarding local coastal programs and environmental justice that it states may also apply to port master plan updates).

Port of Long Beach Board of Harbor Commissioner meetings are typically held on the second and fourth Monday of each month at 1:30 PM. Meetings are held in person and via webinar. The Port's Board Meetings website hosts meeting agendas and materials and has information on how to join and provide public comments.

6.3. California Coastal Commission

The Coastal Act emphasizes the central role of public engagement in coastal planning, conservation, and development. It states:

> *The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.*[454]

The Coastal Act and Coastal Commission regulations require the Coastal Commission, ports with certified port master plans, and local governments with certified local coastal programs to provide the public with notice of permitting and planning decisions and an opportunity to participate. As discussed in Section 4, the Coastal Commission is likely to process certain coastal development permits and any amendments to port master plans and local coastal programs that are required for staging and integration port development projects. The Coastal Commission is generally required to hold a public hearing and provide notice to the public and interested parties when deciding any of these matters.[455] The Coastal Commission is required to make the notice of any public meetings and hearings available in both English and Spanish, and may also make the notice available in any other language.[456] Minor and de minimis port master plan and local coastal plan amendments and authorizations for certain types of development may be delegated to the Coastal Commission executive director and/or eligible for streamlined approval processes that may alter public hearing requirements.[457] However, staging and integration port development projects are unlikely to qualify for these streamlined processes due to the scale and nature of the development and potential impacts to coastal resources typically associated with these projects.

Engagement with environmental justice communities

In addition to these requirements, the Coastal Act and Coastal Commission policies encourage meaningful engagement with environmental justice communities and the consideration of impacts to these communities.

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[454] Cal. Pub. Resources Code § 30006.

[455] Cal. Pub. Resources Code §§ 30714, 30716, 30315(b), 30512(a), 30513, 30514(b); Cal. Code Regs. tit. 14, §§ 13015, 13016.

[456] Cal. Pub. Resources Code § 30315.5.

[457] Cal. Pub. Resources Code § 30716(b), (c) (minor and de minimis port master plan amendments); Cal. Pub. Resources Code § 30514(c), (d) (minor and de minimis local coastal program amendments); Cal. Pub. Resources Code §§ 30610, 30624.7 (CDP waivers).

In 2016, the Coastal Act was amended to specifically allow agencies that issue coastal development permits to consider environmental justice, or the equitable distribution of environmental benefits throughout the state, when acting on those permits.[458] The Coastal Act defines "environmental justice" to mean "the fair treatment *and meaningful involvement* of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."[459] The Coastal Act recognizes that environmental justice includes, at a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.[460] Environmental justice is also defined to include actions by governmental entities to engage and provide technical assistance to populations and communities most impacted by pollution to promote these communities' meaningful participation in all phases of the environmental and land use decision making process.[461]

The Coastal Commission adopted an Environmental Justice Policy in 2019, which identifies how the agency will implement its environmental justice authority and creates a set of principles to guide decisions by commissioners.[462] Among other commitments to public engagement, the policy states that the Commission will make an effort to schedule items with significant environmental justice implications in close proximity to affected underserved communities, at locations and times accessible to those who work during the day or lack access to private vehicles, when legal deadlines allow, and to provide language translation services as needed and time extensions for translators. The Environmental Justice Policy also strongly encourages local agencies to update their port master plans and local coastal programs to guide how environmental justice will be considered when agencies act on coastal development permits.[463]

Meeting information

California Coastal Commission meetings are held monthly in different locations throughout California. Coastal Commission meetings occur in a hybrid format, with public participation allowed in-person and virtually through video or teleconference.[464] The Coastal Commission maintains a meeting schedule and posts an agenda prior to each meeting. Past meetings are available on the Cal-Span Live Stream website.

[458] AB 2616 (Burke, 2016), Cal. Pub. Resources Code § 30604(h).
[459] Cal. Pub. Resources Code § 30107.3(a) (emphasis added). *See also* Cal. Gov't Code § 65040.12(e).
[460] Cal. Pub. Resources Code § 30107.3(b)(4).
[461] In terms of substantive outcomes, the Coastal Act also defines environmental justice to include the availability of a healthy environment for all people and the deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities (Cal. Pub. Resources Code § 30107.3(b)(1)-(2).
[462] Coastal Commission. 2019. California Coastal Commission Environmental Justice Policy.
[463] *Id*.
[464] California Coastal Commission. California Coastal Commission Public Participation Procedures.

6.4. Summary of public noticing and engagement requirements

A summary table below shows the public comment and hearing requirements discussed in the sections above for the projects proposed in the Port of Long Beach and Wigi (Humboldt Bay).

Table 5. Summary of public notice and hearing requirements for key permitting processes and environmental review

Agency	Action
California Coastal Commission	Public notice and hearing for each of the following actions: ● Certification of Port of Long Beach port master plan amendment ● Certification of Humboldt County local coastal program amendment (if needed) ● Consolidated coastal development permit for Humboldt Bay Harbor District project ● Federal consistency review for projects or project components that are neither authorized by a Commission-issued coastal development permit nor consistent with an applicable certified port master plan (if needed)
Humboldt Bay Harbor, Recreation and Conservation District	● CEQA environmental review – Notice of preparation of EIR, scoping meeting(s), draft EIR (written comments and hearing), notice of final EIR and final decision (potential for written comments)* ● Development permit – notice of permit application and potential hearing ● Project updates – Harbor District is currently holding monthly updates on the project at its Board of Commissioners meetings
Port of Long Beach	● CEQA environmental review – Notice of preparation of EIR, scoping meeting(s), draft EIR (written comments and hearing), notice of final EIR and final decision (potential for written comments)* ● Port master plan amendment – notice of completion of draft port master plan and hearing on draft port master plan amendment

	● Harbor Development Permit (combined coastal development permit and building permit) – Public notice and hearing
Lead federal agency (USACE, MARAD)	● NEPA environmental review – Notice of intent to prepare an EIS, scoping meeting(s), draft EIS (written comments and potential hearing), and notice of final EIS and record of decision*

** NEPA and CEQA public notice and hearing requirements may be combined when the lead agencies for NEPA and CEQA prepare a joint EIS/EIR, like for the Port of Long Beach project*

Conclusion and Future Work

Developing port infrastructure to support offshore wind energy is a necessary step toward achieving California's renewable energy goals. At the same time, staging and integration projects raise important questions regarding impacts to the environment, host communities, and Tribal Nations. The permitting landscape is complex, requiring approvals from numerous federal, state, and local agencies. Effective coordination among regulatory agencies, Tribal Nations, and affected communities will be essential to advancing these projects in a timely, equitable, and environmentally responsible manner. This report is intended to clarify permitting pathways for staging and integration projects, highlight key regulatory considerations, and support informed decision-making across agencies, developers, Tribal Nations, and impacted communities. Looking ahead, the authors hope this report also contributes to future research that explores ways to streamline permitting processes while ensuring meaningful community engagement, and that advances frameworks for shared governance with Tribal Nations over their ancestral lands and waters.