

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**DATE:** **September 8, 2022**

**TIME:** **Closed Session – 5:00 P.M.**  
**Regular Session – 6:00 P.M.**

**PLACE:** **Join Zoom Meeting**  
<https://us02web.zoom.us/j/6917934402>

Meeting ID: 691 793 4402  
One tap mobile  
(669) 900-9128, 6917934402#

*Consistent with Executive Orders N-25-20 and N-29-20, the Board of Commissioners meeting location will not be physically open to the public. Members of the public may observe and participate in the meeting via Zoom or teleconference using the information set forth above.*

**1. Call to Order Closed Session at 5:00 P.M.**

**2. Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the closed session items. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Closed Session Agenda. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners.*

**3. Move to Closed Session**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of potential Acquisition of Mario's Marina LLC commonly known as Mario's Marina in Shelter Cove (APN: 108-171-023-000), Humboldt County, California pursuant to California Government Code §54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Mario's Marina, Shelter Cove Resort Improvement District, and Shelter Cove Fisherman's Preservation, Inc. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz,

**Agenda for September 8, 2022 Regular Board Meeting**

District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.

- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-071-000 and 401-112-029-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Sniper Enterprises, LLC. Under negotiation: price and terms of payment.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-054-000, 401-031-061-000, 401-112-013-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: California Redwood Company. Under negotiation: price and terms of payment.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.

**4. Call to Order Regular Session at 6:00 P.M. and Roll Call**

**5. Pledge of Allegiance**

**6. Report on Closed Session**

**7. Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the various issues NOT itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public NOT appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. Callers can "raise their hand" by pressing (STAR) \*9 and unmute themselves by pressing (STAR) \*6.*

**8. Consent Calendar**

- a) Adopt Minutes for August 15, 2022 Special Board Meeting
- b) Receive District Financial Reports for June 2022

**Agenda for September 8, 2022 Regular Board Meeting**

- c) Approve and authorize the Executive Director to sign a conflict-of-interest waiver relating to matter with California Redwood Company
- d) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings

**9. Communications, Reports and Correspondence Received**

- a) Executive Director's Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Correspondence Received

**10. Unfinished Business - NONE**

**11. New Business**

- a) **Consider Approving a Contract with Redwood Community Action Agency in the Amount of \$438,978.00 for Implementation and Task Management for the Samoa Peninsula Beautification Project**

*Recommendation:* Staff recommends approval a contract with Redwood Community Action Agency in the amount of \$438,978.00.

*Summary:* On June 9, 2022, the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District adopted Resolution 2022-05, authorizing the Executive Director to Execute a Grant Agreement with the California Department of Transportation, accepting a Clean California Grant in the amount of \$903,870.00 for the proposed Samoa Peninsula Beautification Project under the Clean California Grant Initiative. Redwood Community Action Agency worked with the District to prepare a successful application and was identified as a partner agency within the grant application.

- b) **Update on Woodley Island Marina Dredging Needs**

*Recommendation:* Staff Recommends that the Board: Receive a report and provide direction.

*Summary:* Preliminary surveys have been completed for Woodley Island Marina that show where shoaling has occurred. Associated with these surveys District Staff have completed an analysis of the volumes of material and priority areas for Dredging.

- c) **Consider Introducing Amendment No. 4 to Ordinance No. 5: An Amendment to the Ordinance Establishing Fees for Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District**

*Recommendation:* Staff Recommends that the Board: Introduce Amendment No. 4 to Ordinance No. 5 and consent to read by title only.

*Summary:* The proposed amendment would increase the monthly salaries of Commissioners from \$400 per month each (\$500 per month for the President) to

**Agenda for September 8, 2022 Regular Board Meeting**

\$600 per month each for all Commissioners. According to Section 6060 of the Harbors and Navigation Code, commissioner salaries shall not exceed the sum of six hundred dollars (\$600) per month each.

**d) Consider Adoption of Resolution No. 2022-11 Responding to the 2021-22 Grand Jury Report "The Sea Also Rises"**

*Recommendation:* Adopt Resolution No. 2022-11.

*Summary:* The Humboldt County Grand Jury issued a report on May 23<sup>rd</sup> regarding the potential impacts of sea level rise throughout the Humboldt Bay region and calls for a coordinated regional response to address anticipated impacts and hazards. The report requested a response from the Board of Commissioners of the Humboldt Bay Harbor District, as well as from the City of Arcata, City of Eureka, and County of Humboldt. A Resolution and response letter to the Grand Jury can be found in Attachment A.

**e) Consider Adoption of Resolution No. 2022-08 thereby Adopting a Property Acquisition and Disposition Plan for the Multipurpose Marine Terminal Master Plan and CEQA Determination**

*Recommendation:* Staff recommends that the Board Adopt Resolution No. 2022-08.

*Summary:* As outlined in Exhibit 1 of the attached Resolution (see Attachment 1), the District is planning to acquire and dispose of properties in order to implement the "Multipurpose Marine Terminal Master Plan."

**12. Future Agenda Items**

**13. Adjournment**

**DRAFT MINUTES**  
**SPECIAL MEETING OF THE BOARD OF COMMISSIONERS**  
**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**August 15, 2022**

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, at 5:30 P.M. both via video conference with a teleconference option.

**SPECIAL SESSION – 5:30 P.M.**

**ROLL CALL**

PRESENT: DALE  
HIGGINS  
KULLMANN  
MARKS  
NEWMAN

ABSENT: NONE

QUORUM: YES

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on the special session meeting agenda: No one.

**PLEDGE OF ALLEGIENCE**

**CONSENT CALENDAR**

- a) Adopt Minutes for July 14, 2022 Regular Board Meeting
- b) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings
- c) Approve PO #1815 for World Oil, disposal from Arcturus
- d) Consider Accepting for Filing District Permit 2022-04: County of Humboldt – Humboldt Bay Trail South
- e) Consider Accepting for Filing District Permit 2022-05: City of Eureka – Samoa Boat Launch Improvement Project

COMMISSIONER MARKS MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-E.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

**COMMISSIONER HIGGINS MADE A MOTION TO MOVE AGENDA ITEM 7B TO THE FIRST ITEM OF NEW BUSINESS**

COMMISSIONER MARKS SECONDED.

**COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED**

- a) Executive Director's Report**
  - I. No report.
- b) Staff Reports**
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports**
  - I. No report.
- d) Commissioner and Committee Reports**
  - I. Commissioners reported on recent activities and subcommittees.
- e) Correspondence Received**
  - I. None received.

**UNFINISHED BUSINESS - NONE**

**NEW BUSINESS**

- b) Consider Approval of an Earnest Money Funding Agreement and Grant of Assignment and Purchase Option**
  - I. District Counsel presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. No one commented.
  - IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER NEWMAN MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN EARNEST MONEY FUNDING AGREEMENT AND GRANT OF ASSIGNMENT AND PURCHASE OPTION BETWEEN THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION AND THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.  
COMMISSIONER KULLMANN SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT  
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE
- a) Receive a Report and Provide Direction Regarding the Potential to Enter into a Project Labor Agreement Regarding the Development of the New Heavy Lift Marine Terminal to Support the Offshore Wind Industry**
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Jeff Hunerlach, Amy Jester and Connie Stewart commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. Discussion item only, no formal action was taken.
- c) Consider Appointing Bar Pilot Apprentices Interviewed by the Pilotage Advisory Subcommittee**
  - I. Chair Dale presented the item.

- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER NEWMAN MOVED TO APPOINT PAUL CASKEN AND MICHAEL LEE AS BAR PILOT APPRENTICES.  
COMMISSIONER KULLMANN SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT  
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**d) Consider Adopting Resolution 2022-10 Amending the Fee Schedule of Harbor District Properties and Operations**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Chet Albin commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER MARKS MOVED TO ADOPT RESOLUTION 2022-10 AMENDING THE FEE SCHEDULE OF HARBOR DISTRICT PROPERTIES AND OPERATIONS.  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT  
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**FUTURE AGENDA ITEMS**

**ADJOURNMENT – 6:25 P.M.**

APPROVED BY:

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Richard Marks  
Secretary of the Board of Commissioners

RECORDED BY:

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Mindy Hiley  
Director of Administrative Services

## HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

For The Months Ended June 30, 2022 and May 31, 2022

	<u>6/30/22</u>	<u>5/31/22</u>
<b><u>Account Balances</u></b>		
Checking	\$ 420,379	\$ 8,132
Savings	54,030	33,370
Tariff	2,389,859	2,464,142
County Treasury	894,345	1,344,345
Cash on hand	1,837	1,930
<b>Total Cash</b>	<b>3,760,450</b>	<b>3,851,919</b>
Less: Restricted cash for Marina surcharges	(1,523,920)	(1,591,105)
<b>Unrestricted Cash</b>	<b>2,236,530</b>	<b>2,260,814</b>

**Change in Cash Balance**

Balance, Beginning of Month	\$ 3,851,919	\$ 2,228,275
Monthly Deposits	203,045	2,047,290
Monthly Payments	(294,514)	(423,646)
Balance, End of Month	<b>\$ 3,760,450</b>	<b>\$ 3,851,919</b>

**Monthly Expenses Summary**

Significant/Unusual Expenses:		
Humboldt Bay Development Assoc lease payment		\$ 53,733
Liability insurance annual payment		18,805
Clean Earth Environmental Solutions RMT2 expense		41,585
Tenera Environmental Inc.	\$ 25,415	31,019
Moffat & Nichol expenditure	69,560	
RMT2 scrap and salvage costs		24,504
Sub-total, Significance/Unusual Expenses	94,975	169,646
General operating expenses and other misc. expense	199,539	254,000
<b>Total Cash Payments</b>	<b>\$ 294,514</b>	<b>\$ 423,646</b>

**Monthly Deposits Summary**

Significant/Unusual Revenues:		
Property taxes and interest income		\$ 492,361
Interest Payment on NMTC note receivable	\$ 40,187	
CalTrans Tuluwat Spartina grant		1,327,841
Sub-total, Significant/Unusual Revenues	40,187	1,820,202
General revenues	162,858	\$ 227,088
<b>Total Cash Receipts</b>	<b>\$ 203,045</b>	<b>\$ 2,047,290</b>

**Summary of Cash Activity**

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Accrual Basis

**Humboldt Bay Harbor, Recreation & Conservation District****Balance Sheet**

As of June 30, 2022

**Jun 30, 22****ASSETS****Current Assets**

<b>Checking/Savings</b>	
10000 · PETTY CASH ON HAND	150.00
10100 · CHANGE FUND ON HAND	400.00
10111 · COIN MACHINE FUND	730.00
10200 · CASH IN BANK, CHECKING	11,129.19
10200.1 · Cash in PNC, Checking	409,249.87
10400 · CASH IN COUNTY - FUND 2720	858,825.62
10500 · CASH IN COUNTY - FUND 3872	35,518.88
10600.1 · Cash in bank, Tariff PNC	2,389,858.76
10700.1 · Cash in bank, Water PNC	54,030.23
10901 · UNEXPENDED MARINA SURCHARGES	1,523,920.15
10903 · RESTRICTED CASH	-1,523,920.15
<b>Total Checking/Savings</b>	<b>3,759,892.55</b>
<b>Accounts Receivable</b>	
12000 · ACCTS RECEIVABLE	1,062,643.19
<b>Total Accounts Receivable</b>	<b>1,062,643.19</b>
<b>Other Current Assets</b>	
12100 · ALLOW FOR BAD DEBTS	-322,117.75
12200 · TAXES RECEIVABLE	155,747.97
12300 · INTEREST RECEIVABLE	6,919.28
12600 · Note Receivable - NMTC	5,849,375.00
12700 · PREPAID EXPENSES	13,720.02
12900 · Accounts Receivable FSM	-1,025.38
1499 · Undeposited Funds	557.00
<b>Total Other Current Assets</b>	<b>5,703,176.14</b>
<b>Total Current Assets</b>	<b>10,525,711.88</b>
<b>Fixed Assets</b>	
<b>CAPITAL ASSETS, NET</b>	
14910 · BEACH PROPERTY	208,149.00
15000 · AUTOMOTIVE EQUIPMENT	95,639.08
15100 · OFFICE EQUIPMENT	193,303.88
15200 · OPERATING EQUIPMENT	314,098.74
15500 · MARINA, RESTAURANT COMPLEX	34,100.00
15600 · MARINA	10,529,004.29
15700 · FL BOAT BLDG & REPAIR FACILITY	4,302,259.53
15800 · SHELTER COVE	2,386,247.10
15900 · DREDGING COSTS	215,226.78
16000 · KING SALMON	15,143.99
16100 · MARINA DREDGE, CONSTR IN PROGRES	1,214,232.34
16400 · REDWOOD DOCK PROPERTY	3,010,194.30
16500 · HOMELAND SECURITY EQUIPMENT	2,254,007.60
16600 · TABLE BLUFF LIGHTHOUSE	361.44
16700 · AQUAPONICS PILOT FACILITY	96,036.61
16800 · REDWOOD TERMINAL 2	2,613,169.43
16900 · Dredge	1,215,423.27
17000 · ACCUMULATED DEPRECIATION	-17,855,858.17
<b>Total CAPITAL ASSETS, NET</b>	<b>10,840,739.21</b>
14800 · SHIPWRECK PROPERTY	50,088.05
14900 · DOG RANCH PROPERTY	7,507.70
<b>Total Fixed Assets</b>	<b>10,898,334.96</b>
<b>Other Assets</b>	
19000 · Deferred Outflows of PERS	320,904.00
<b>Total Other Assets</b>	<b>320,904.00</b>
<b>TOTAL ASSETS</b>	<b>21,744,950.84</b>

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Balance Sheet

As of June 30, 2022

Jun 30, 22

LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · ACCOUNTS PAYABLE	826,886.68
Total Accounts Payable	826,886.68
Credit Cards	
20112 · US Bank Visa	2,378.76
Total Credit Cards	2,378.76
Other Current Liabilities	
Payroll tax & Withholding Liab	
2100 · PAYROLL LIABILITIES	4,456.25
21300 · STATE UNEMPLOYMENT TAX	408.31
21600 · PERS CARE/MEDICAL INSURANCE	5,320.36
21700 · PERS RETIREMENT	-0.93
Total Payroll tax & Withholding Liab	10,183.99
20000.1 · ACCOUNTS PAYABLE YR END ADJUST	-358,999.37
20100 · LEASE PAYABLE TO HBDA	-1,028.00
20200 · NOTES PAYABLE	327,959.14
20400 · ACCRUED WAGES PAYABLE	30,648.93
20500 · ACCRUED INTEREST	75,776.66
20600 · ACCRUED VACATION PAYABLE	35,976.00
20800 · DEPOSITS ON HAND	
20801 · KEY DEPOSITS ON HAND	16,660.00
20802 · PLUG DEPOSITS ON HAND	1,020.00
20803 · SLIP DEPOSITS ON HAND	56,458.54
20804 · STORAGE DEPOSITS	3,806.15
20806 · LEASE SECURITY DEPOSIT	138,719.42
20807 · STORAGE DEPOSIT - REDWOOD DOCK	2,750.26
20808 · WAIT LIST DEPOSIT	3,300.00
Total 20800 · DEPOSITS ON HAND	222,714.37
22000 · DEFERRED LEASE INCOME	37,974.88
24000 · Ground Lease Deferred Income	3,906,000.00
24002 · Groundlease Current Def Income	60,092.31
28000 · DEFERRED INCOME	159,379.27
28400 · DEFERREDINCOMECalTrans Spartina	1,313,052.14
28500 · OTHER DEFERRED CREDITS	747,257.92
Total Other Current Liabilities	6,566,988.24
Total Current Liabilities	7,396,253.68
Long Term Liabilities	
24001 · Gound Lease Amortization	-379,322.24
24003 · Groundlease Current Offset	-60,092.31
25500 · OPEB Liability	220,710.00
25700 · BOND PAYABLE 2014 REFINANCING	1,968,656.20
25800 · BBVA Loan Payable	1,058,384.95
25900 · LESS CURRENT PORTION	-327,959.14
27000 · Net Pension Liability	1,150,835.00
27200 · Deferred Inflows of PERS	153,290.00
Total Long Term Liabilities	3,784,502.46
Total Liabilities	11,180,756.14
Equity	
30500 · INVESTMENT IN FIXED ASSETS	9,229,635.59
30900 · RESTRICTED FUND BALANCE	1,523,920.04
31200 · GENERAL FUND BALANCE	
31000 · FUND BALANCE - TIDELANDS TRUST	-2,061,554.20

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Accrual Basis

## Humboldt Bay Harbor, Recreation & Conservation District

### Balance Sheet

As of June 30, 2022

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	Jun 30, 22
31200 · GENERAL FUND BALANCE - Other	-401,812.27
Total 31200 · GENERAL FUND BALANCE	-2,463,366.47
Net Income	2,274,005.54
Total Equity	10,564,194.70
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>21,744,950.84</b>

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Accrual Basis

**Humboldt Bay Harbor, Recreation & Conservation District**  
**Profit & Loss**  
**June 2022**

	Jun 22	Jul '21 - Jun 22
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
<b>Donations</b>		
46519 · Donations - Lighthouse	2.00	21.00
<b>Total Donations</b>	2.00	21.00
<b>Dredging Revenue</b>		
41318 · Dredging Surcharge - T	17,908.26	197,272.44
<b>Total Dredging Revenue</b>	17,908.26	197,272.44
<b>Fees</b>		
40108 · PERMITS-T	200.00	6,900.00
40808 · Pilotage Services - T	0.00	3,306.88
41308.1 · Poundage - T	0.00	7,930.94
41818 · Late Charges/Interest - T	625.00	9,565.00
41819 · Late Charges/Interest - NT	675.00	5,231.39
45608 · Chevron - Ports O&M - T	8,087.50	32,350.00
<b>Total Fees</b>	9,587.50	65,284.21
<b>Float Replacement Account</b>		
41418 · Float Replacement	6,028.15	66,392.98
<b>Total Float Replacement Account</b>	6,028.15	66,392.98
<b>Grant Revenue</b>		
<b>Conservation Grants</b>		
45208.3 · Conservation Grants, Gov't - T	0.00	2,749.00
<b>Total Conservation Grants</b>	0.00	2,749.00
<b>Harbor Grants</b>		
45208 · Harbor Grants, Other - T	0.00	10,529.50
45208.1 · Harbor Grants, Gov't - T	-339,366.41	280,492.77
<b>Total Harbor Grants</b>	-339,366.41	291,022.27
<b>Total Grant Revenue</b>	-339,366.41	293,771.27
<b>Harbor Surcharge</b>		
40908 · Harbor Improvement Surcharge-T	4,469.00	140,938.62
<b>Total Harbor Surcharge</b>	4,469.00	140,938.62
<b>Interest Revenue</b>		
43108 · Interest Income - T	820.69	2,004.21
43109 · Interest Income - NT	13,650.00	163,800.04
43309 · Interest On Del Accts - NT	0.00	75.00
43318 · Interest On Del Accts - T	0.00	80.07
<b>Total Interest Revenue</b>	14,470.69	165,959.32
<b>Other Revenue</b>		
45908 · Other Revenue - T	0.00	45.00
45909 · Other Revenue - NT	51,423.79	59,378.13
46008 · Recovery of Bad Debt - T	0.00	3,735.16
<b>Total Other Revenue</b>	51,423.79	63,158.29
<b>Rent Income</b>		
40218 · Slip Rents - T	46,843.25	515,963.82
40318.1 · Transient Rentals - T	2,971.81	31,468.71
40518 · Equipment Rent - T	0.00	7,440.00
40519 · Equipment Rent - NT	280.00	5,004.52
40809 · Yard Rent - NT	1,021.20	11,354.40
41108 · Rents, Tidelands Leases - T	29,303.24	382,525.16
41309 · Storage - NT	4,774.52	62,115.69
41409 · Upland Rent - NT		
41409.2 · Redwood Terminal 2 - NMTC	5,007.69	60,092.28

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

June 2022

	Jun 22	Jul '21 - Jun 22
41409 · Upland Rent - NT - Other	74,051.97	2,285,518.51
<b>Total 41409 · Upland Rent - NT</b>	<b>79,059.66</b>	<b>2,345,610.79</b>
<b>Total Rent Income</b>	<b>164,253.68</b>	<b>3,361,483.09</b>
<b>Sales</b>		
40119 · Concession Sales - NT	464.50	5,725.75
<b>Total Sales</b>	<b>464.50</b>	<b>5,725.75</b>
<b>Tax Revenue</b>		
43509 · Property Tax Revenues	106,515.00	1,278,180.00
<b>Total Tax Revenue</b>	<b>106,515.00</b>	<b>1,278,180.00</b>
<b>Utility Surcharge</b>		
40409 · Utility Surcharge - NT	5,396.95	56,779.29
40418 · Utility Surcharge, Marina Dock	3,504.07	49,020.14
<b>Total Utility Surcharge</b>	<b>8,901.02</b>	<b>105,799.43</b>
47019 · Returned Check Charges	0.00	95.00
52708.1 · Discount	40.41	218.46
<b>Total Income</b>	<b>44,697.59</b>	<b>5,744,299.86</b>
<b>Gross Profit</b>	<b>44,697.59</b>	<b>5,744,299.86</b>
<b>Expense</b>		
Accounting/Auditing Services		
52500 · Accounting Fees - T	1,980.00	32,916.75
52508 · Accounting Fees - NT	660.00	13,469.75
<b>Total Accounting/Auditing Services</b>	<b>2,640.00</b>	<b>46,386.50</b>
Advertising & Promotion		
51000 · Advertising & Promotion - NT	78.29	1,821.60
51008 · Advertising & Promotion - T	78.29	1,742.16
<b>Total Advertising &amp; Promotion</b>	<b>156.58</b>	<b>3,563.76</b>
Bad Debts		
51308 · Bad Debts - T	2,669.11	30,418.43
<b>Total Bad Debts</b>	<b>2,669.11</b>	<b>30,418.43</b>
Communications		
51400 · Communications - NT	1,986.22	25,520.52
51408 · Communications - T	399.08	6,507.62
<b>Total Communications</b>	<b>2,385.30</b>	<b>32,028.14</b>
Conference & Meetings		
51500 · Conferences & Meetings - NT	176.67	9,939.91
51508 · Conferences & Meetings - T	275.00	7,587.35
Conference & Meetings - Other	0.00	0.00
<b>Total Conference &amp; Meetings</b>	<b>451.67</b>	<b>17,527.26</b>
Dredging Expense		
55608 · Dredging Expense - T	0.00	8,392.93
56708 · Dredging - GT	825.00	6,512.31
56718 · Dredging - MT	0.00	90,296.04
<b>Total Dredging Expense</b>	<b>825.00</b>	<b>105,201.28</b>
Dues, Subscriptions & Licences		
51600 · Dues & Subscriptions - NT	2,728.12	38,256.39
51608 · Dues & Subscriptions - T	0.00	674.16
<b>Total Dues, Subscriptions &amp; Licences</b>	<b>2,728.12</b>	<b>38,930.55</b>

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

June 2022

	Jun 22	Jul '21 - Jun 22
<b>Elections &amp; Government Fees</b>		
51700 · Elections & Prop Tax Assess-NT	0.00	69,546.75
51708 · Elections & Prop Tax Assess - T	0.00	2,500.22
<b>Total Elections &amp; Government Fees</b>	0.00	72,046.97
<b>Engineering Services</b>		
52400 · Engineering Fees - NT	2,106.25	39,695.75
52408 · Engineering Fees - T	560.00	80,442.65
<b>Total Engineering Services</b>	2,666.25	120,138.40
<b>Fuel</b>		
50400 · IMPUTED AUTO VALUE G/A	120.00	1,507.80
51200 · Automotive, Fuel- NT	723.11	6,694.79
51208 · Vessel Fuel	1,863.96	7,490.65
51218 · Automotive, Fuel - T	738.96	7,277.29
<b>Total Fuel</b>	3,446.03	22,970.53
<b>Grant Expenses</b>		
<b>Conservation Grant Expenses</b>		
54408.3 · Conservation Grant Exp	0.00	500.00
<b>Total Conservation Grant Expenses</b>	0.00	500.00
<b>Harbor Grant Expenses</b>		
54408.1 · Harbor Grant Exp	-69,530.36	430.00
<b>Total Harbor Grant Expenses</b>	-69,530.36	430.00
<b>Total Grant Expenses</b>	-69,530.36	930.00
<b>Insurance</b>		
51800 · Insurance - NT	7,431.82	90,506.27
51808 · Insurance - T	1,447.71	15,484.97
<b>Total Insurance</b>	8,879.53	105,991.24
<b>Interest Expense</b>		
55108 · Interest Expense - T	5,579.00	62,823.13
55109 · Interest Expense - NT	8,347.29	100,401.50
<b>Total Interest Expense</b>	13,926.29	163,224.63
<b>Legal Services</b>		
52300 · Legal Fees - NT	3,168.75	19,960.42
52308 · Legal Fees - T	2,196.25	9,399.38
<b>Total Legal Services</b>	5,365.00	29,359.80
<b>Maintenance - Equipment</b>		
51209 · Automotive, Repairs - NT	383.90	4,410.49
52710 · Repairs & Maint, Equip - NT	15.01	3,328.65
52718 · Repairs & Maint, Equip - T	1,557.97	12,048.32
<b>Total Maintenance - Equipment</b>	1,956.88	19,787.46
<b>Maintenance - Facilities</b>		
52708 · Repairs & Maint, Facilities - T	2,527.85	67,076.52
52709 · REPAIRS & MAINTENANCE G/NT	0.00	30,501.75
52719 · Repairs & Maint, Facilities - N	6,833.66	123,181.91
<b>Total Maintenance - Facilities</b>	9,361.51	220,760.18
<b>Maintenance - IT</b>		
57008 · Maintenance, IT Equip - T	375.00	2,155.07
57009 · Maintenance, IT Equip - NT	705.50	13,008.25
<b>Total Maintenance - IT</b>	1,080.50	15,163.32
<b>Maintenance Supplies</b>		
52008 · Maintenance Supplies - T	310.48	526.57

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

June 2022

	Jun 22	Jul '21 - Jun 22
<b>52010 · Maintenance Supplies - NT</b>	1,370.88	23,938.79
<b>Total Maintenance Supplies</b>	1,681.36	24,465.36
<b>Office Supplies</b>		
<b>51900 · Office Supplies - NT</b>	2,797.68	33,920.34
<b>51908 · Office Supplies - T</b>	639.87	7,823.30
<b>51918 · OFFICE EXPENSE M/T</b>	21.30	287.57
<b>52100 · Outside Services - NT</b>	0.00	1,282.61
<b>Office Supplies - Other</b>	0.00	0.00
<b>Total Office Supplies</b>	3,458.85	43,313.82
<b>Other Expenses</b>		
<b>55419 · Other Expenses - NT</b>	0.00	8,239.36
<b>Total Other Expenses</b>	0.00	8,239.36
<b>Other Professional/Outside Serv</b>		
<b>52109 · Outside Services, Other - NT</b>	0.00	5,696.27
<b>52110 · OUTSIDE SERVICES M/A</b>	216.00	4,321.00
<b>52118 · Outside Services, Other - T</b>	72,089.28	162,757.32
<b>Total Other Professional/Outside Serv</b>	72,305.28	172,774.59
<b>Permits</b>		
<b>51610 · Permits - NT</b>	0.00	695.62
<b>51618 · Permits - T</b>	0.00	15,768.91
<b>Total Permits</b>	0.00	16,464.53
<b>Personnel Expenses</b>		
<b>Commissioners Fees</b>		
<b>50200 · Commissioner's Salaries - NT</b>	1,470.00	17,360.00
<b>50208 · Commissioner's Salaries - T</b>	630.00	7,440.00
<b>Total Commissioners Fees</b>	2,100.00	24,800.00
<b>Contract Temporary Services</b>		
<b>50318 · Contract Temporary Services - T</b>	4,739.28	5,844.10
<b>Total Contract Temporary Services</b>	4,739.28	5,844.10
<b>Payroll Burden</b>		
<b>50500 · Payroll Benefits, Other - NT</b>	31,332.03	379,973.70
<b>50508 · Payroll Benefits, Other - T</b>	9,598.40	117,575.68
<b>6560 · Workers' Comp</b>	3,288.85	41,406.03
<b>Total Payroll Burden</b>	44,219.28	538,955.41
<b>Salaries/Wages</b>		
<b>50100 · Salaries &amp; Wages - NT</b>	72,908.42	854,173.23
<b>50108 · Salaries &amp; Wages - T</b>	0.00	699.91
<b>50119 · Sal. &amp; Wages, Part-time - NT</b>	0.00	1,680.00
<b>Total Salaries/Wages</b>	72,908.42	856,553.14
<b>Total Personnel Expenses</b>	123,966.98	1,426,152.65
<b>Planning Services</b>		
<b>52200 · Planning Fees - NT</b>	3,635.25	27,907.14
<b>52208 · Planning Fees - T</b>	3,062.50	20,268.57
<b>Total Planning Services</b>	6,697.75	48,175.71
<b>Rent Expense</b>		
<b>52600 · Rent Expense - NT</b>	0.00	3,334.00
<b>54308 · Redwood Terminal 2 Lease Expens</b>	17,650.00	226,814.96
<b>Total Rent Expense</b>	17,650.00	230,148.96

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Accrual Basis

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

June 2022

	Jun 22	Jul '21 - Jun 22
<b>Small Tools</b>		
52800 · Small Tools - NT	74.55	3,789.33
52808 · Small Tools - T	0.00	906.38
<b>Total Small Tools</b>	<b>74.55</b>	<b>4,695.71</b>
<b>Utilities</b>		
52909 · Utilities - NT	25,614.98	220,394.52
52918 · Utilities - T	4,795.09	49,841.84
53000 · Water, Sewer, & Refuse - NT	16,606.44	131,468.31
53008 · Water, Sewer, & Refuse - T	4,612.33	49,730.51
<b>Total Utilities</b>	<b>51,628.84</b>	<b>451,435.18</b>
<b>Total Expense</b>	<b>266,471.02</b>	<b>3,470,294.32</b>
<b>Net Ordinary Income</b>	<b>-221,773.43</b>	<b>2,274,005.54</b>
<b>Net Income</b>	<b>-221,773.43</b>	<b>2,274,005.54</b>

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09/02/22

Accrual Basis

# Humboldt Bay Harbor, Recreation & Conservation District

## Account QuickReport

As of June 30, 2022

Type	Date	Num	Name	Memo	Amount
<b>10200.1 · Cash in PNC, Checking</b>					
Bill Pmt -Check	06/06/2022		AT&T Phone	QuickBooks gen...	0.00
Liability Check	06/07/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-1,834.48
Liability Check	06/07/2022	E-pay	Internal Revenue Service	94-2262845 QB ...	-4,801.90
Liability Check	06/09/2022		QuickBooks Payroll Serv...	Created by Payro...	-23,422.84
Liability Check	06/10/2022	ACH	PERS Unfunded Accrue...	2233447024	-5,290.82
Liability Check	06/10/2022	ACH	CalPERS 457 Program	450348	-1,700.00
Bill Pmt -Check	06/10/2022	ACH	CalPERS 457 Program	457Match 06/10/...	-325.00
Liability Check	06/10/2022	ACH	California State Disburse...	200000002142499	-461.53
Liability Check	06/10/2022	ACH	State Disbursement Unit	0230000067964	-233.53
Bill Pmt -Check	06/10/2022	1210	B & B Portable Toilets	RWD	-123.49
Bill Pmt -Check	06/10/2022	1211	Eel River Scrap & Salvage		-67.50
Bill Pmt -Check	06/10/2022	1212	Express Services, Inc.	28590512	-2,230.02
Bill Pmt -Check	06/10/2022	1213	Humboldt Bay Municipal ...		-1,190.55
Bill Pmt -Check	06/10/2022	1214	Napa Auto Parts		-810.93
Bill Pmt -Check	06/10/2022	1215	Pacific Gas & Electric (3...	6598073494-4	-177.31
Bill Pmt -Check	06/10/2022	1216	Pierson Building Center	1297	-641.03
Bill Pmt -Check	06/10/2022	1217	Shafer's Ace Hardware	1586	-125.18
Bill Pmt -Check	06/10/2022	1218	SHN Consulting Enginee...		-7,046.10
Bill Pmt -Check	06/10/2022	1219	Southwest Answering Se...	4/21-5/18/2022 ...	-186.00
Bill Pmt -Check	06/10/2022	1220	StewTel, Inc.		-319.59
Bill Pmt -Check	06/10/2022	1221	Thrifty Supply		-379.22
Check	06/10/2022	1222	US Bank Corporate Pay...		-4,741.31
Bill Pmt -Check	06/10/2022	1223	Moffatt & Nichol	Project 212991/0...	-69,560.36
Bill Pmt -Check	06/10/2022	1224	Express Services, Inc.	28590512	-1,095.20
Bill Pmt -Check	06/10/2022	1225	Coldwell Banker Comme...	RMT2 - Symbys (...	-1,546.88
Bill Pmt -Check	06/10/2022	1226	Maples Service Inc.	FLBY, PO #1792	-316.10
Bill Pmt -Check	06/10/2022	1227	Pacific Gas & Electric (1...	Acct #06704919...	-2,209.04
Bill Pmt -Check	06/10/2022	1228	ACWA JPIA	215	-25,778.31
Bill Pmt -Check	06/10/2022	1229	Advanced Security Syste...	RMT2 Work Ord...	-95.00
Bill Pmt -Check	06/10/2022	1230	Englund Marine Supply		-1,534.75
Bill Pmt -Check	06/10/2022	1231	Eureka Oxygen Company		-92.25
Bill Pmt -Check	06/10/2022	1232	Humboldt Waste Manag...	WIM	-276.90
Bill Pmt -Check	06/10/2022	1233	Mission Uniform & Linen	299313	-232.05
Bill Pmt -Check	06/10/2022	1234	Mitchell Law Firm, LLP		-2,594.00
Bill Pmt -Check	06/10/2022	1235	Planwest Partners, Inc.		-5,214.72
Bill Pmt -Check	06/10/2022	1236	Recology Eel River	061097997	-420.66
Bill Pmt -Check	06/10/2022	1237	Recology Humboldt Cou...	061218064	-695.72
Bill Pmt -Check	06/10/2022	1238	Recology Humboldt Cou...	A0060000265	-2,265.45
Bill Pmt -Check	06/10/2022	1239	Western Chainsaw		-360.50
Bill Pmt -Check	06/10/2022	1240	World Oil Enviromental S...	15055	-1,094.80
Bill Pmt -Check	06/10/2022	ACH	Francotyp-Postalia	466106100	-300.00
Bill Pmt -Check	06/14/2022	ACH	PERS Unfunded Accrue...	2233447024	-7,091.83
Liability Check	06/20/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-1,852.72
Liability Check	06/20/2022	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,081.60
Liability Check	06/20/2022	1242	Operating Engineers Loc...	94-2262845	-348.88
Bill Pmt -Check	06/21/2022	ACH	Verizon Wireless		-464.55
Liability Check	06/23/2022		QuickBooks Payroll Serv...	Created by Payro...	-24,714.62
Liability Check	06/24/2022	ACH	California State Disburse...	200000002142499	-461.53
Liability Check	06/24/2022	ACH	PERS Unfunded Accrue...	2233447024	-5,290.82
Liability Check	06/24/2022	ACH	CalPERS 457 Program	450348	-1,700.00
Bill Pmt -Check	06/24/2022	ACH	CalPERS 457 Program	457Match 06/24/...	-325.00
Liability Check	06/24/2022	ACH	State Disbursement Unit	0230000067964	-233.53
Liability Check	06/24/2022	1243	Franchise Tax Board	Christopher Mikk...	-100.00
Check	06/24/2022	1244	Buck, Stephen	Tenant Refund	-103.50
Check	06/24/2022	1245	Gervasi, Jim & Lynne	Tenant Refund	-79.88
Bill Pmt -Check	06/24/2022	1246	101Netlink	WIM	-250.00
Bill Pmt -Check	06/24/2022	1247	Alber's Tractor & Ag Work	Mowing: King Sal...	-870.00
Bill Pmt -Check	06/24/2022	1248	BDI - M&S Arcata	WIM	-282.30
Bill Pmt -Check	06/24/2022	1249	Express Services, Inc.	28590512	-1,095.20
Bill Pmt -Check	06/24/2022	1250	Harper Motors	Taurus	-115.50
Bill Pmt -Check	06/24/2022	1251	Industrial Electric Arcata,...	WIM Hoist	-157.29
Bill Pmt -Check	06/24/2022	1252	Mission Uniform & Linen	299313	-499.88
Bill Pmt -Check	06/24/2022	1253	Mr. Rooter Plumbing	Hydro Scrub	-804.47
Bill Pmt -Check	06/24/2022	1254	North Coast Laboratories...		-310.00
Bill Pmt -Check	06/24/2022	1255	Northern California Glove	3474	-204.83
Bill Pmt -Check	06/24/2022	1256	Nylex.net	PO #1799	-687.50
Bill Pmt -Check	06/24/2022	1257	O&M Industries	WIM 2 Ton Hoist,...	-702.00
Bill Pmt -Check	06/24/2022	1258	Shelter Cove Fishing Pre...	SC Janitorial Jun...	-2,083.33

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09/02/22

Accrual Basis

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Account QuickReport

As of June 30, 2022

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	06/24/2022	1259	Tenera Environmental Inc.	20236001	-25,414.78
Bill Pmt -Check	06/24/2022	1260	Hensell Materials, Inc.	WIM	-31.20
Bill Pmt -Check	06/24/2022	1261	AT&T Internet	831-000-8571 571	-872.58
Bill Pmt -Check	06/24/2022	1262	California Redwood Co.	Red Tank 04/19-...	-503.69
Bill Pmt -Check	06/24/2022	1263	City of Eureka (Sewer)	2001-901804-02	-3,316.54
Bill Pmt -Check	06/24/2022	1264	City of Eureka (Water)	2001-901802-01	-5,528.12
Bill Pmt -Check	06/24/2022	1265	Coastal Business Syste...	WIM Copier Lease	-485.21
Bill Pmt -Check	06/24/2022	1266	David L. Moonie & Comp...		-1,982.00
Bill Pmt -Check	06/24/2022	1267	Humboldt Bay Solar Fun...	HB0520	-18,060.49
Bill Pmt -Check	06/24/2022	1268	Shelter Cove Resort Imp...	SC	-135.93
Bill Pmt -Check	06/24/2022	1269	Staples Credit Plan	6035 5178 1247 ...	-258.93
Bill Pmt -Check	06/24/2022	1270	Valley Pacific Petroleum ...	114137	-4,459.74
Bill Pmt -Check	06/30/2022		AT&T Phone	QuickBooks gen...	0.00
Check	06/30/2022			Service Charge	-232.29
Total 10200.1 · Cash in PNC, Checking					-288,983.28
<b>TOTAL</b>					<b>-288,983.28</b>

## COMMISSIONERS

1<sup>st</sup> Division  
 Aaron Newman  
 2<sup>nd</sup> Division  
 Greg Dale  
 3<sup>rd</sup> Division  
 Stephen Kullmann  
 4<sup>th</sup> Division  
 Richard Marks  
 5<sup>th</sup> Division  
 Patrick Higgins

**Humboldt Bay  
 Harbor, Recreation and Conservation District**  
 (707)443-0801  
 P.O. Box 1030  
 Eureka, California 95502-1030



**STAFF REPORT  
HARBOR DISTRICT MEETING  
 September 8, 2022**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Larry Oetker, Executive Director

**DATE:** September 2, 2022

**TITLE:** **Affirmation of Adopted Resolution No. 2021-16 A Resolution of the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and Authorize the Continued Use of Virtual Meetings**

**STAFF RECOMMENDATION:** Affirm the findings made in Resolution 2021-16 regarding the continued state of emergency and authorize the continued use of virtual meetings.

**SUMMARY:** On October 14, 2021 the Board of Commissioners adopted Resolution 2021-16 and, as per Section 4 of that Resolution, agreed to reconsider the findings within 30-days. The findings remain in effect as the COVID-19 pandemic has not subsided and the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act remains in place. Assembly Bill 361, which was signed into law in September of 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings.

**DISCUSSION:** As a result of the COVID-19 pandemic, the Humboldt County Health Officer has imposed and has recommended measures to promote social distancing as more particularly set forth in his August 6, 2021, Order, among other prior orders and guidance. Based on these recommendations, Staff recommends that the Board continue to conduct virtual meetings as authorized by AB 361.

**ATTACHMENTS:**

A. Adopted Resolution 2021-16

**HUMBOLDT BAY HARBOR, RECREATION,  
AND CONSERVATION DISTRICT**

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**RESOLUTION NO. 2021-16**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,  
RECREATION, AND CONSERVATION DISTRICT MAKING FINDINGS PURSUANT TO  
GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND  
AUTHORIZING THE CONTINUED USE OF VIRTUAL MEETINGS**

**WHEREAS**, as a result of the COVID-19 pandemic, the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act;

**WHEREAS**, Assembly Bill 361, which was signed into law in September of 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings;

**WHEREAS**, as a result of the COVID-19 pandemic, the Governor proclaimed a state of emergency on March 4, 2020, in accordance with the section 8625 of the California Emergency Services Act, and the state of emergency remains in effect;

**WHEREAS**, as a result of the COVID-19 pandemic, the Humboldt County Health Officer has imposed and has recommended measures to promote social distancing as more particularly set forth in his August 6, 2021, Order, among other prior orders and guidance;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY  
HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** That the Board has reconsidered the circumstances of the previously declared and existing state of emergency arising from the COVID-19 pandemic;

**SECTION 2.** That the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person, and further that local officials continue to impose or recommend measures to promote social distancing;

**SECTION 3.** That the Board may continue to conduct public meetings in accordance with Government Code section 54953(e);

**SECTION 4.** That the Board will reconsider the above findings within 30-days of this Resolution.

**PASSED AND ADOPTED** by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the **14<sup>th</sup> day of October 2021** by the following polled vote:

**AYES:** Dale, Higgins, Kullmann, Marks

**NOES:** Ø

**ABSENT:** Ø

**ABSTAIN:** Ø

**ATTEST:**



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Patrick Higgins, Secretary  
Board of Commissioners



---

Stephen Kullmann, President  
Board of Commissioners

**CERTIFICATE OF SECRETARY**

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. **2021-16** entitled,

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,  
RECREATION, AND CONSERVATION DISTRICT MAKING FINDINGS PURSUANT TO  
GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND  
AUTHORIZING THE CONTINUED USE OF VIRTUAL MEETINGS**

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the **14<sup>th</sup> day of October 2021**; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this **14<sup>th</sup> day of October 2021**.



\_\_\_\_\_  
Patrick Higgins, Secretary  
Board of Commissioners

## COMMISSIONERS

1<sup>st</sup> Division  
Aaron Newman  
2<sup>nd</sup> Division  
Greg Dale  
3<sup>rd</sup> Division  
Stephen Kullmann  
4<sup>th</sup> Division  
Richard Marks  
5<sup>th</sup> Division  
Patrick Higgins

**Humboldt Bay  
Harbor, Recreation and Conservation District**  
(707)443-0801  
P.O. Box 1030  
Eureka, California 95502-1030



**STAFF REPORT  
HARBOR DISTRICT MEETING  
September 8, 2022**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Larry Oetker, Executive Director

**DATE:** September 1, 2022

**TITLE:** Consider Approving a Contract with Redwood Community Action Agency in the Amount of \$438,978.00 for Implementation and Task Management for the Samoa Peninsula Beautification Project

**STAFF RECOMMENDATION:** Staff recommends approval a contract with Redwood Community Action Agency in the amount of \$438,978.00.

**SUMMARY:** On June 9, 2022, the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District adopted Resolution 2022-05, authorizing the Executive Director to Execute a Grant Agreement with the California Department of Transportation, accepting a Clean California Grant in the amount of \$903,870.00 for the proposed Samoa Peninsula Beautification Project under the Clean California Grant Initiative. Redwood Community Action Agency worked with the District to prepare a successful application and was identified as a partner agency within the grant application.

**DISCUSSION:** The Peninsula Beautification Project will improve key public spaces that are currently underused and abused because of the presence of trash and other illicit activities which decrease the feeling of safety within the community. The Harbor District is partnering with Redwood Community Actions Agency in implementing the overall project. Each project task focuses on enhancing the community through installations and initiatives, such as public art, wayfinding signage, historical markers along dune/beach trails, interpretive signage, coastal safety signage, an extensive anti-littering campaign, educational activities, litter abatement days, abandoned vehicle abatement, dog waste kiosks, bicycle and pedestrian facility improvements, and other site enhancements. This contact puts in place the formal framework necessary for Redwood Community Action Agency and the District to commence the project, engage stakeholders, community members and vendors.

**ATTACHMENTS:**

A Humboldt Bay Harbor, Recreation and Conservation District Service Provider Agreement with Redwood Community Action Agency for Professional Services

Purchase Order No. \_\_\_\_\_

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT  
SERVICE PROVIDER AGREEMENT WITH  
REDWOOD COMMUNITY ACTION AGENCY for PROFESSIONAL SERVICES**

This Agreement is effective July 15, 2022 between the Humboldt Bay Harbor, Recreation and Conservation District, a Special District of the State of California (referred to as "District"), and Redwood Community Action Agency, (referred to as "Service Provider").

1. **Scope of Services:** Service Provider agrees to perform services as set out in **Exhibit A**, "Scope of Work and Compensation" attached hereto and incorporated herein ("Services"), described briefly as Peninsula Beautification Project Implementation Services. No purchase orders for this work will be issued without a valid Agreement.
2. **Standards of Performance:**
  - A. *Standard of Care.* The standard of care for all professional services performed or furnished by Service Provider under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality.
  - B. *Accuracy of Services.* District shall not be responsible for discovering deficiencies in the technical accuracy of Service Provider's Services. Service Provider shall correct any such deficiencies in technical accuracy without additional compensation except to the extent such corrective action is directly attributable to deficiencies in District-furnished information.
3. **Compensation for Services, Payment:**
  - A. *Compensation.* Based upon the Engineer's Estimates, District shall pay to Service Provider as set forth in the Schedule of Values, attached as **Exhibit B**, an amount not to exceed **\$438,978.00**.
  - B. *Preparation and Submittal of Progress Reports:* Service Provider shall prepare and submit progress reports to District accompanying all invoices until the completion of all work.
  - C. *Payments.* All reasonable efforts will be made by District to pay invoices within 30 days of receipt.
4. **Commencement, Completion:**
  - A. *Commencement.* Services of Service Provider shall commence upon full execution of this Agreement by all parties, and the Agreement shall remain in full force until July 31, 2024. No work, services, material, or equipment shall be performed or furnished under this Agreement until the District has delivered a fully executed Agreement to the Service Provider, however excepting that certain Purchase Order, #1834, issued for project preplanning and community outreach. A signed Agreement is considered notice to proceed.
  - B. *Time for Completion.* Service Provider shall complete Services as set forth in Exhibit A. If District authorizes changes in the scope, extent, or character of the Services, then the time for completion of Service Provider's services, and the rates and amounts of Service Provider's compensation, shall be adjusted equitably. If Service Provider fails, through its own fault, to complete the performance required in this Agreement within the time set forth, then District shall be entitled to the recovery of proximate damages resulting from such failure.
  - C. *Suspension and Termination.*

- 1) *Suspension.* District may suspend the Services upon five days written notice to Service Provider.
- 2) *Termination.* The obligation to provide further Services under this Agreement may be terminated for cause by either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

D. *Payments Upon Termination.* In the event of any termination under this Section 4, Service Provider will be entitled to invoice the District and to receive payment for all acceptable services performed or furnished and all reimbursable expenses incurred through the effective date of termination.

5. **Independent Contractor:** Service Provider, in performing Services, shall act as an independent contractor and shall have control of his work and the manner in which it is performed. He/she shall be free to contract for similar services to be performed for others while under contract with the District. Service Provider is not to be considered an agent or employee of the District. Service Provider agrees to furnish at his/her own expense all tools, equipment, services, labor and materials necessary to complete all requirements of this Agreement.

6. **Insurance:** All Work shall be performed entirely at the Service Provider's risk. Prior to the beginning of and throughout the duration of the Work, Service Provider shall procure and maintain for the duration of the contract, and for a minimum of five (5) years after completion of all Work, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Work hereunder by the Service Provider, his agents, representatives, employees, or subcontractors. All insurance carriers shall be admitted in the state of California and have an A.M. Best's rating of A- or better and minimum financial size VII. Coverage shall be at least as broad as the following minimum limits:

- A. *Commercial General Liability:* Insurance Services Office (ISO) "Commercial General Liability" policy form CG 00 01 or the exact equivalent on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000 per occurrence for all covered losses. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Additional insured coverage for the District shall not be limited to its vicarious liability. Defense costs must be paid in addition to limits.
- B. *Automobile Insurance:* ISO Auto Coverage Form CA 00 01 including symbol 1 (Any Auto) or the exact equivalent. Limits are subject to review, but in no event to be less than \$2,000,000 per accident for bodily injury and property damage. If Service Provider or Service Provider's employees will use personal autos on this project, Service Provider shall provide evidence of personal auto liability coverage for each such person
- C. *Workers Compensation Insurance:* covering all employees and volunteers as required by the State of California on a state-approved policy form, and Employer's Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease
- D. *Excess or Umbrella Liability Insurance (Over Primary):* If used to meet limit requirements, shall provide coverage at least as broad as specified for the underlying coverages. Such policy or policies shall include a drop-down provision providing coverage above a maximum \$25,000 self-insured retention for liability not covered by primary but covered by the umbrella. Coverage shall be provided on a "pay on behalf of" basis, with defense costs payable in addition to policy limits. The policy shall contain a provision obligating insurer at the time insured's liability is determined, not requiring actual payment by the insured first. There shall be no cross liability exclusion precluding coverage for claims or suits by one insured against another. Coverage shall be applicable to District for injury to employees

of Service Provider, sub-contractors or others involved in performing services under this Agreement. The scope of coverage provided is subject to approval of District following receipt of proof of insurance as required herein.

*E. General Conditions Pertaining to Insurance:*

- (1) Service Provider shall have its insurer endorse the third-party general liability coverage to include as additional insureds the District, its officials, employees, volunteers and agents, using standard ISO endorsement CG 2010. The additional insured coverage under Service Provider's policy shall be provided on a primary, non-contributing basis in relation to any other insurance or self-insurance available to the District. Service Provider's policy shall not seek contribution from the District's insurance or self-insurance and shall be at least as broad as ISO form CG 20 01 04 13.
- (2) It is a requirement under this Contract that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage and/or limits required in this Section 8 shall be available to the District as an additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Contract, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is greater.
- (3) All self-insured retentions (SIR) must be disclosed to the District for approval and shall not reduce the limits of liability. Policies containing any SIR shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the District.
- (4) The District reserves the right to obtain a full certified copy of any insurance policy and any endorsement. Failure to exercise this right shall not constitute a waiver of the District's right.
- (5) Certificates shall contain a statement that the policy will not be cancelled except after thirty (30) days prior written notice to the District.
- (6) Service Provider agrees to waive subrogation rights against the District regardless of the applicability of any insurance proceeds, and to require that all subcontractors and sub-subcontractors do likewise.
- (7) Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all required coverages and an additional insured endorsement to Service Provider's general liability policy, shall be delivered to the District at or prior to the execution of the Contract.
- (8) All coverage types and limits required are subject to approval, modification and additional requirements by the District, as the need arises. Service Provider shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect the District's protection without the District's prior written consent.
- (9) The District reserves the right at any time during the term of the Contract to change the amounts and types of insurance required by giving the Service Provider ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Service Provider, the District will negotiate additional compensation proportional to the increased benefit to the District.
- (10) In the event Service Provider fails to obtain or maintain completed operations coverage as required by this Contract, the District at its sole discretion may purchase the coverage required and the cost will be paid by Service Provider.

7. Indemnity: When the law establishes a professional standard of care for Service Provider's services, to the fullest extent permitted by law, Service Provider shall indemnify, defend and hold harmless District and any and all of its boards (including the council, boards, commissions, committees and task forces), officials, employees and agents (collectively, "Indemnified Parties") from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Service Provider, its officers, agents, employees or any entity or individual for which Service Provider shall bear legal liability in the performance of professional services under this Agreement.

Other than in the performance of professional services and to the fullest extent permitted by law, Service Provider shall indemnify, defend and hold harmless District, and any all of the Indemnified Parties from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Service Provider or by any individual or entity for which Service Provider is legally liable, including but not limited to officers, agents, employees or sub-Service Providers of Service Provider.

8. Subcontracting: No services covered by the Agreement shall be subcontracted without the prior written consent of the District. Service Provider shall furnish separate insurance certificates and endorsements for each subcontractor having received consent by the District in the amounts specified in Section 4 of this Agreement.

9. Registration with Department of Industrial Relations: If the tasks performed by the Service Provider require prevailing wage, the Service Provider shall be currently registered with the Department of Industrial Relations pursuant to Labor Code § 1725.5.

10. Permits and Licenses: Prior to execution of the Agreement the Service Provider shall obtain and maintain throughout the contract period all licenses required by law including but not limited to a valid business license.

11. Modification, Amendment: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

12. Assignment. This Agreement is not assignable by the Service Provider, either in whole or in part.

13. Designated Representatives. With the execution of this Agreement, Service Provider and District shall designate specific individuals to act as Service Provider's and District's representatives with respect to the services to be performed or furnished by Service Provider and responsibilities of District under this Agreement. Such individuals shall have authority to transmit instructions, receive information, and implement the contract on behalf of each respective party.

**District Representative:**

Name: Chris Mikkelsen

Title: Director of Facilities & Operations

Phone: 707-499-0500

Email: cmikkelsen@humboldtbay.org

**Service Provider Representative:**

Name: Chris Lohofener

Title: Projects Coordinator

Phone: 707-269-2001

Email: ChrisL@rcaa.org

14. **Governing Law:** This Agreement and performance hereunder and all suits and special proceedings shall be construed in accordance with the laws of the State of California. In any action or proceeding that may be brought from or connected in any way to this Agreement, the laws of the State of California shall be applicable and shall govern to the exclusion of the law any other forum. Venue shall be fixed in Humboldt County.
15. **Disputes.** District and Service Provider agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to invoking any procedures of this Agreement or exercising their rights under law. Prior to court action, the parties agree to pursue mediation as a means to settle any dispute.
16. **Entire Agreement.** This Agreement together with the exhibits identified below constitutes the entire Agreement between District and Service Provider for the Services and supersedes all prior written or oral understandings.
17. **Nondiscrimination.** During the performance of this Agreement, Service Provider and its sub-contractors shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religion, color, national origin, ancestry, disability, sexual orientation, medical condition, marital status, age, or denial of family-care leave, medical-care leave, or pregnancy-disability leave. Service Provider and its sub-contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment.
18. **Notices.** Any notice required under this Agreement will be in writing, addressed to the appropriate party at its address on the signature page and given personally, by email, by facsimile, by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.
19. **Severability.** Any provision or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon District and Service Provider, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
20. **Survival.** All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
21. **Timeliness.** Time is of the essence in this Agreement. Service Provider shall proceed with and complete the Services in an expeditious manner.

22. Exhibits Included. The following Exhibits are attached hereto and incorporated into this Agreement:

**Exhibit A – Scope of Services and Compensation**

23. Attorney's Fees: Should any litigation or arbitration be commenced between the parties hereto concerning this Agreement, or the rights and duties of any party in relation thereto, the party prevailing in such litigation or arbitration shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for attorney's fees in such litigation or arbitration.

*(Signatures on next page)*

**IN WITNESS WHEREOF**, the person executing this Agreement on behalf of Service Provider warrants and represents that he/she has the authority to execute this Agreement on behalf of Service Provider and has the authority to bind Service Provider to the performance of its obligations hereunder.

Executed in Eureka, California on \_\_\_\_\_ (date)

**DISTRICT:**

By: Larry Oetker

Signature: \_\_\_\_\_

Executive Director

Date: \_\_\_\_\_

**SERVICE PROVIDER:**

Print Name: Val Martinez

Signature: \_\_\_\_\_

Title: Executive Director

Date: \_\_\_\_\_

Company Name: Redwood Community Action Agency

Address: 904 G Street, Eureka CA 95501

Email: valmartinez@rcaa.org

Phone: 707-269-2001

Contractor's License #: \_\_\_\_\_

Employer Tax ID#: \_\_\_\_\_

DIR ID #: \_\_\_\_\_

EXHIBIT A  
SCOPE OF SERVICES AND COMPENSATION

## Scope of Services and Compensation

**Project name:** Peninsula Beautification Project

**Project funder:** Caltrans – Clean California Local Grant Program

**Service provider:** Redwood Community Action Agency

**Service dates:** July 15, 2022 – June 30, 2024

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### **Project understanding:**

Redwood Community Action Agency (RCAA), project partner, has worked closely with the Humboldt Bay Harbor, Recreation and Conservation District (Harbor District) to develop and write a successful grant to fund the Peninsula Beautification Project (Project). The grant proposal identified RCAA as a project partner per the guidelines of the grant. The Project tasks include implementation of litter abatement, community engagement, infrastructure enhancement, and beautification activities in the Samoa Peninsula communities of Manila, Samoa, Fairhaven, and Finnetown (Peninsula). The Harbor District and RCAA staff will work cooperatively and divide the implementation tasks. Harbor District staff will conduct project management/administration, coordinate and execute subcontracts, oversee construction-related activities, and coordinate with RCAA staff regularly. RCAA staff will conduct community outreach, implement programs such as clean-up days and a regional litter abatement campaign, coordinate public art installation, facilitate community meetings, coordinate with a myriad of project partners, and purchase items for the project as described herein. RCAA will invoice the Harbor District for labor, supplies, and payments to outside vendors, including muralists and other service providers.

### **Timeline for implementation:**

RCAA must complete all activities by June 30, 2024. Project implementation will commence immediately upon execution of the Project Services Agreement.

### **Deliverables:**

Deliverables for each task will consist of the following for each category of task activity. All deliverables will be submitted to Harbor District staff per staff direction, and can be included with monthly invoices on a rolling basis, or periodically on a different schedule as requested.

- For meetings, a copy of meeting notes and/ or a written summary of outcomes will be provided.
- For events, a sign-in sheet and/ or photographs of the event will be provided.
- For installed materials, before and after photographs with accompanying descriptions will be provided, and a final map of all installed improvements will be created and submitted.
- For other specified deliverables (invoices or reports), the final copy will be submitted.

**Tasks:**

Task A – Litter Abatement: Activities under the Litter Abatement task will reduce the current amount of trash and prevent future littering and illegal dumping.

**Task A Activities**

- A.1 – Coordination of trash disposal activities throughout life of project.
- A.2 – Coordination and implementation of a minimum of 4 community clean-up volunteer work days for the project period.
- A.3 – Coordination and implementation of a minimum of 8 neighborhood litter abatement “dumpster days” for the project period.
- A.4 – Design and installation of a minimum of 12 signs with messages about litter abatement and appropriate disposal.
- A.5 – Design, fabrication and installation of a minimum of 4 new tamper-resistant trash receptables, 9 new dog waste disposal receptables, 6 monofilament fishing line disposal receptacles, and 4 wall-mounted syringe disposal receptacles, with long-term maintenance agreements for each (based on location/ partner organization).
- A.6 – Coordination of removal and disposal of a minimum of 12 vehicles in roadside locations and 6 vehicles in dune/ beach areas.
- A.7 – Coordination with community partners and Harbor District for placement of decorative barriers to prevent illegal beach and coastal motorized vehicle access, dumping, and environmental damage. Note: contracting with construction companies to deliver barrier materials to be performed by Harbor District.

Task B – Beautification and Enhanced Community Connection: Task B will focus on the coordination of beautification activities and enhancing community connection through signage, native plant installation, and public art.

**Task B Activities**

- B.1 – Planning, coordination, access/ maintenance agreements, and stipends to artists for the installation of murals totaling a minimum of 6700 square feet.
- B.2 – Coordination of native plant placement and workdays for installation of all plantings.
- B.3 – Planning, design, fabrication, and installation of a minimum of 3 wayfinding signs and 8 additional informational signs.
- B.4 – Planning, design, fabrication, and installation of a minimum of 12 historical markers.
- B.5 – Planning, coordination, fabrication, and installation of bike racks and other bike access features.

**Task C - Enhanced Public Health and Enhanced Use of Public Spaces:** Task C will focus on activities that enhance public health and public spaces through project coordination, planning, and installation of project components.

#### Task C Activities

- C.1 – Planning, fabrication, and installation of a minimum of 5 new cast concrete picnic tables and 3 new public seating benches.
- C.2 – Conduct Samoa Trail Planning Meetings with key stakeholders to determine where new trailside amenities can/ will be placed.
- C.3 – Planning, fabrication, and installation of new play structures in public spaces, including insurance/ maintenance agreements with key partners.
- C.4 – Coordination of activities to enhance use of beaches/ dunes, including access to an additional ADA accessible temporary restroom.
- C.5 – Hold Peninsula Stakeholder Meetings to document ideas about improvements to walking and biking on the Peninsula.
- C.6 – Hold Peninsula Stakeholder Meetings to document ideas about improvements to on-shore recreational fishing/ fish-cleaning facilities.
- C.7 – Conduct Peninsula Stakeholder Meetings to document ideas for community identification signage/ monuments/ gateway features, and develop report with findings.
- C.8 – Planning and coordination for Manila Park enhancements. Note: contracting with construction companies to repave parking area to be performed by Harbor District.

**Task D – Education and Community Outreach:** Activities under Task D will provide education on litter abatement and support community-building throughout the Peninsula.

#### Task D Activities

- D.1 – Convening and facilitation for quarterly Peninsula Community Collaborative meetings.
- D.2 – Development, outreach, and promotion of a regional anti-dumping community campaign.
- D.3 – Planning and implementation of guided community walks/ bike rides to increase appreciation of Peninsula resources.
- D.4 – Planning and implementation of a minimum of 3 community meetings, in Manila, Samoa and Fairhaven, to receive input about project.
- D.5 – Development of informational project webpage and promotional materials.
- D.6 – Coordination and promotion of a Peninsula "adopt-a-road" program.
- D.7 – Coordination of Peninsula paddling access point planning meetings and community input process, and addition of crushed rock to small boat trailer/ beach parking access areas.
- D.8 – Coordination and holding of a Community Celebration to acknowledge Project accomplishments and thank volunteers and funders.
- D.9 – Planning, fabrication, and installation of a minimum of 3 coastal safety education signs, and 6 interpretive signs.

**Task E – Program Administration:** Task E will cover the administrative tasks of invoicing, task completion, and grant reporting.

**Task E Activities**

- E.1 – Completion of regular project invoicing and task progress.
- E.2 – Completion of project reporting requirements and sharing of deliverables.

## **Schedule of Values Exhibit B**

Task	Material	Labor	Travel	Equipment	Supplies	Other	Total	RCAA II	RCAA I	RCAA -Ad	RCAA TTL	HBHD HMW	HBHD PM	HBHD - Ad	HBHD Ttl	
A - Trash		\$ 66,776.00	\$ 377.00	\$ -	\$ 1,347.00	\$ -	\$ 68,500.00	\$ 29,250.00	\$ 19,500.00	\$ 7,200.00	\$ 55,950.00	\$ 8,271.00	\$ 2,300.00	\$ 255.00	\$ 10,826.00	
B - Mural / Sign		\$ 102,966.00	\$ 319.00	\$ 4,000.00	\$ 334.00	\$ 67,000.00	\$ 174,619.00	\$ 55,250.00	\$ 34,500.00	\$ 8,000.00	\$ 97,750.00	\$ 2,757.00	\$ 2,300.00	\$ 159.00	\$ 5,216.00	
C - Public Space		\$ 111,570.00	\$ 354.00	\$ -	\$ 736.00	\$ 6,900.00	\$ 119,560.00	\$ 59,150.00	\$ 36,000.00	\$ 8,800.00	\$ 103,950.00	\$ 3,308.00	\$ 3,834.00	\$ 478.00	\$ 7,620.00	
D- Education		\$ 87,865.00	\$ 348.00	\$ -	\$ 4,101.00	\$ 300.00	\$ 92,614.00	\$ 45,500.00	\$ 31,200.00	\$ 3,300.00	\$ 80,000.00	\$ 2,757.00	\$ 3,834.00	\$ 1,274.00	\$ 7,865.00	
E - Admin & Acctg		\$ 19,282.00	\$ -	\$ -	\$ 12.00	\$ -	\$ 19,294.00	\$ 2,600.00	\$ 1,200.00	\$ 11,400.00	\$ 15,200.00	\$ -	\$ 1,534.00	\$ 2,548.00	\$ 4,082.00	
Totals		\$ 429,283.00	\$ 388,459.00	\$ 1,398.00	\$ 4,000.00	\$ 6,530.00	\$ 74,200.00	\$ 903,870.00	\$ 191,750.00	\$ 122,400.00	\$ 38,700.00	\$ 352,850.00	\$ 17,093.00	\$ 13,802.00	\$ 4,714.00	\$ 35,609.00

RCAA \$ 438,978.00

HBHD \$ 464,892.00

Project TTL \$ 903,870.00

**COMMISSIONERS**

1<sup>st</sup> Division  
Aaron Newman  
2<sup>nd</sup> Division  
Greg Dale  
3<sup>rd</sup> Division  
Stephen Kullmann  
4<sup>th</sup> Division  
Richard Marks  
5<sup>th</sup> Division  
Patrick Higgins

**Humboldt Bay  
Harbor, Recreation and Conservation District**  
(707)443-0801  
P.O. Box 1030  
Eureka, California 95502-1030



**STAFF REPORT  
HARBOR DISTRICT MEETING  
September 8, 2022**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Larry Oetker, Executive Director

**DATE:** September 2, 2022

**TITLE:** Update on Woodley Island Marina Dredging Needs

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**STAFF RECOMMENDATION:** Staff Recommends that the Board: Receive a report and provide direction.

**SUMMARY:** Preliminary surveys have been completed for Woodley Island Marina that show where shoaling has occurred. Associated with these surveys District Staff have completed an analysis of the volumes of material and priority areas for Dredging.

**DISCUSSION:** The District has all permits in place to dredge up to 100,000 cubic yards of material from Woodley Island Marina. The Dredge Subcommittee of the Board has met and we would like to provide an overview of the potential strategy to dredge during the July 15 – October 15 2023 work window. Attachment A provides an overview of the strategy and estimated volumes of material that are required to be removed.

**ATTACHMENTS:**

- A      Draft slides
- B.      Dredging Strategy

# 2023 DREDGE EPISODE



HBHD INTERNAL MEETING  
Wednesday, August 30, 2022

Contact: Doug Saucedo  
Natural Resources Coordinator  
[dsaucedo@humboldtbay.org](mailto:dsaucedo@humboldtbay.org)  
(707)443-0801 x116

# REGULATORY AND PERMIT REVIEW

file:\\F:\\8. Dredge\\2022\\3-Permitting\\

- CEQA Notice of Exemption

- DISPOSAL AT HOODS

- US Army Corps of Engineer – Authorized to 12/31/2028

- North Coast Regional Water Quality Control Board  
(WDID No. 1B180035WNHU) – Certificate Expiration 7/23/2028

- California Coastal Commission – Permit Exemption

- AMENDMENTS FOR DISPOSAL AT RMTII DEWATERING BASINS

- US Army Corps of Engineers

- North Coast Regional Water Quality Control Board

- California Coastal Commission – Construction Permit Expired



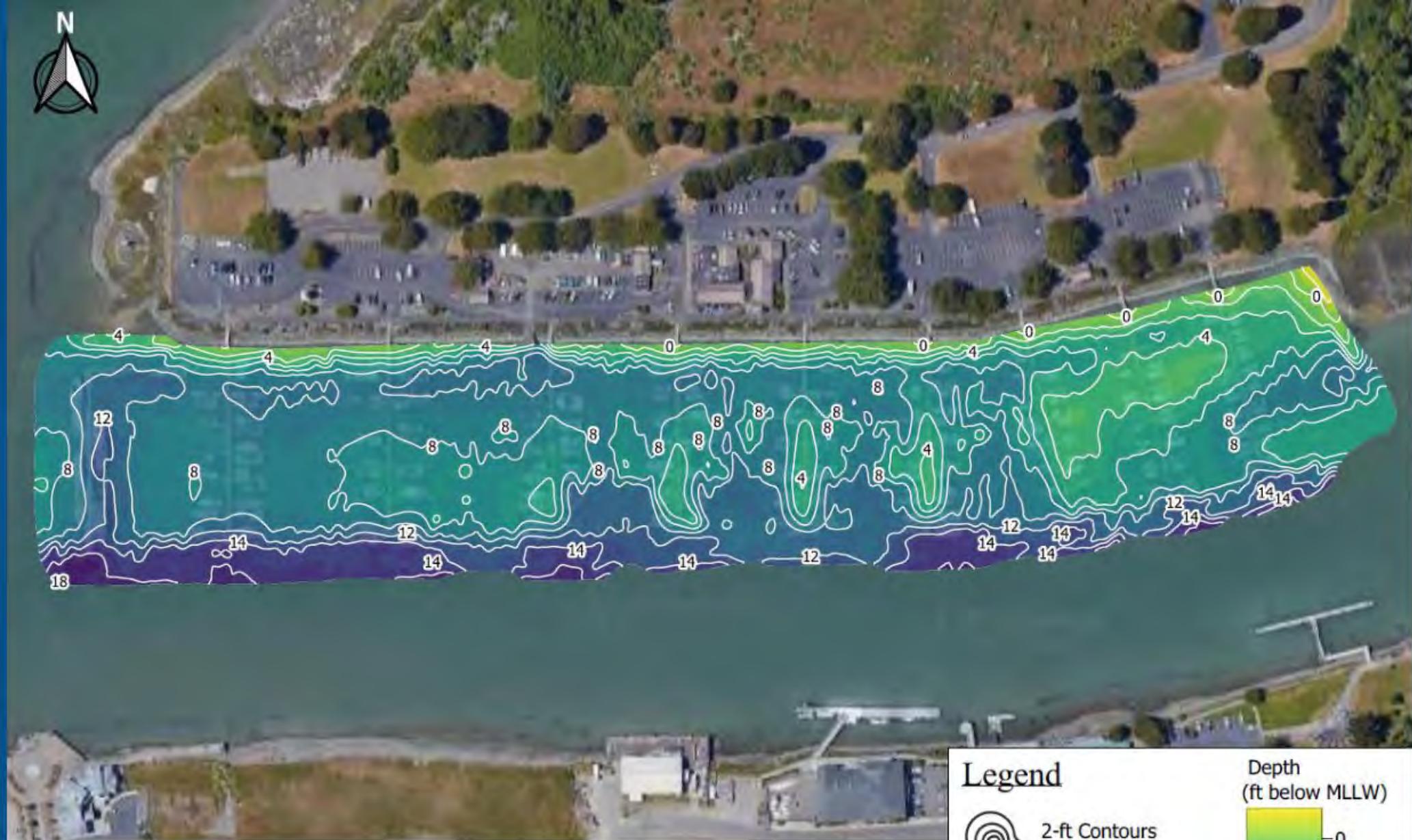
# COLLABORATORS

file:\\F:\\8. Dredge\\2022\\3-Permitting\\

- Chevron Eureka Marine Terminal
- Schneider Dock
- City of Eureka
- US Coast Guard
- Green Diamond
- Crescent City
- Noyo Harbor

Discussion with Adam Wagschal pending.





## Woodley Island Marina Bathymetry

Map design by Thomas Gast & Associates Environmental Consultants, 2022

Date of Bathymetric Survey: 7/6/2022

0 250 500 ft

### Legend



2-ft Contours

Depth  
(ft below MLLW)

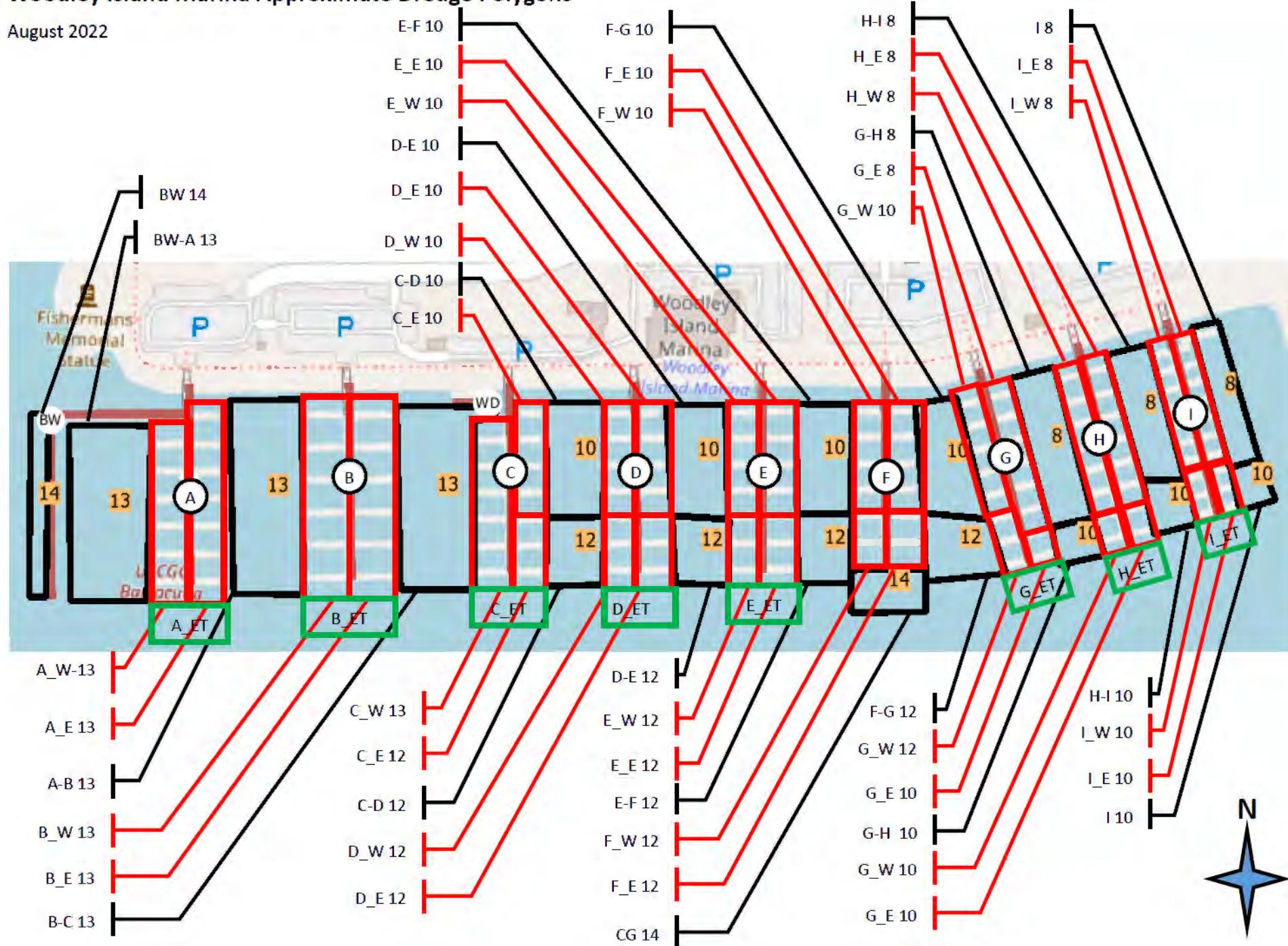
0

18

Imagery: Google, 2022  
Projection: NAD83 /  
California Zone I

### Woodley Island Marina Approximate Dredge Polygons

August 2022



Area ID	Desired Depth		Average Cut Depth	Additional Depth, in ft, up to 15 ft [yd <sup>3</sup> ]		
	Desired Depth (ft)	Cut Volume (yd <sup>3</sup> )		to -14ft MLLW [yd <sup>3</sup> ]	1	2
A_E 13	13	3576	3.92	952	952	1,903
A_W-13	13	2361	4.01	650	650	1,300
AB 13	13	6222	4.44	1,436	1,436	2,871
B_E 13	13	4916	4.73	1,072	1,072	2,145
B_W 13	13	3986	4.91	853	853	1,706
BC 13	13	6783	4.54	1,496	1,496	2,992
BW 14	14	1343	4.04	-	348	348
BW-A 13	13	4464	3.22	1,451	1,451	2,902
C_E 10	10	800	1.80	1,939	485	970
C_E 12	12	701	2.68	600	300	600
C_W 13	13	2757	4.89	569	569	1,139
CD 10	10	1252	1.84	2,725	681	1,363
CD 12	12	462	1.32	803	401	803
CG_14	14	148	1.37	-	332	332
D_E 10	10	925	2.35	1,725	431	863
D_E 12	12	1029	3.55	588	294	588
D_W 10	10	759	2.25	1,357	339	679
D_W 12	12	903	4.29	422	211	422
DE 10	10	987	1.61	2,697	674	1,348
DE 12	12	595	1.55	769	384	769
E_E 10	10	1051	2.40	1,754	439	877
E_E 12	12	943	3.20	593	297	593
E_W 10	10	779	2.14	1,456	364	728
E_W 12	12	836	3.89	427	213	427
EF 10	10	1125	1.82	2,521	630	1,261
EF 12	12	680	1.77	774	387	774
F_E 10	10	1199	2.76	1,738	435	869
F_E 12	12	971	4.02	482	241	482
F_W 10	10	1134	3.29	1,379	345	690
F_W 12	12	865	4.99	348	174	348
FG 10	10	1307	2.06	2,575	644	1,288
FG 12	12	946	2.17	926	463	926
G_E 10	10	381	3.68	507	127	254
G_E 8	8	1942	3.70	3,148	525	1,049
G_W 10	10	1210	3.81	1,271	318	635
G_W 12	12	544	4.43	260	130	260
GH 10	10	619	3.42	732	183	366
GH 8	8	2565	3.53	4,365	728	1,455
H_E 10	10	336	2.81	520	130	260
H_E 8	8	1833	3.61	3,047	508	1,016
H_W 10	10	197	2.50	378	94	189
H_W 8	8	1452	3.74	2,330	388	777
HI 10	10	692	2.76	1,005	251	502
HI 8	8	2199	3.71	3,583	597	1,194
I 10	10	675	4.34	622	155	311
I 8	8	1010	3.21	2,641	440	880
I_E 10	10	474	3.53	544	136	272
I_E 8	8	1107	3.34	2,411	402	804
I_W 10	10	182	2.15	365	91	183
I_W 8	8	854	3.55	1,634	272	545
		<b>75076</b>		<b>66,440</b>	<b>23,467</b>	<b>46,254</b>
		<b>Total</b>		<b>141,516</b>	<b>98,543</b>	<b>121,330</b>

# SURVEY REVIEW

file:\\F:\\8. Dredge\\2022\\4-Initial Survey\\Updated Polygons

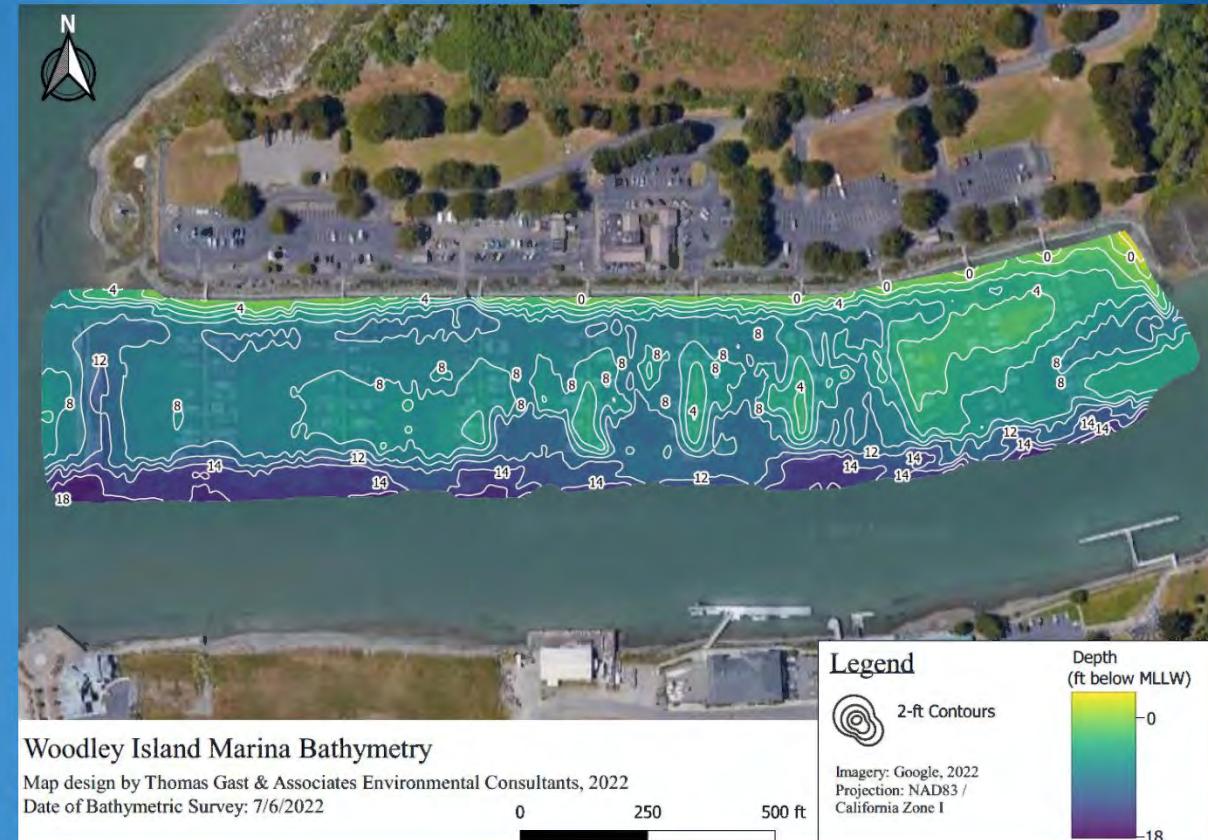
## Dredge Volume Estimates

- Based on tiered regions: 75,076 cy
- All Areas down to -14ft MLLW: 141,516 cy
- All Areas down to -15ft (over dredge) MLLW: 164,983 cy



# SURVEY - ADDITIONAL CONSIDERATIONS

- Dredge volumes under docks and between fingers are estimated.
- Dredge estimates do not currently include end-ties.
- Results expected mid-September.



# SCHEDULE

## file:\\F:\\8. Dredge\\2022\\3-Permitting\\

- October 2022 - Meeting with USACE and USEPA regarding HOODS dredge material disposal – Objective of Tier I Decision
- October - November 2022 – Potential need for Sediment Analysis
- November - December 2022 – Send Sediment Analysis Results to Agencies
- January – March 2023 – Request for Proposals
- April – May 2023 – Contractor Selection
- May – June 2023 – Contractor Deliverables (Dredge Operation Plan, etc.)
- July 15 – October 15, 2023 – Dredging and Reporting
- October 2023 – Close Out Documents (Post dredge survey, etc.)



# BUDGET

	Low	High
Dredge \$/CY	\$ 26	\$ 32
Dredge/Disposal @ 100,000 CY	\$ 2,600,000	\$ 3,200,000
Survey	\$ 15,000	\$ 30,000
Mobilization	\$ 600,000	\$ 900,000
<b>TOTAL</b>	<b>\$ 3,215,000</b>	<b>\$ 4,130,000</b>
	6/30/2022	6/30/2023
Dredge Fund Balance	1,046,526	1,261,526
Float Replacement Balance	551,077	586,077



## WOODLEY ISLAND MARINA

### DREDGE STRATEGY

1. **Dredging Goal:** Develop and implement a cost-efficient and predictable strategy to dredge Woodley Island Marina and beneficially use the dredged material as much as practical.
2. **Dredging Objective:** Dredge the least amount of material to allow the fleet to utilize the marina at low tide without draft restrictions.
3. **Dredge Depth:** The slip and fairway depths outlined in Attachment A will be utilized to dredge the Marina.
4. **Dredging Area Rotation:** The fairways will be dredged before the slips. The fairways will be dredged in the following rotation:

Priority	Fairways	Slips
1	D – E	D – E
2	E – F	E – F
3	G – H	G – H
4	C – D	H – I
5	B – C	I – End Tie
6	H – I	C – D
7	I – End Tie	B – C
8	A – B	A – B
9	End Tie – A	End Tie – A

If problem areas are found then adjustments will be made prior to dredging in any given year.

5. **Use the natural bay's flushing action to maintain marina depth as much as possible.**
  - A. Move the fleet to match natural contours. Don't dredge to match the fleet unless absolutely required. The slips closest to the Eureka Channel are naturally deeper than the slips closest to the shore. Previously, docks E – I near the Eureka Channel were only maintained at 10 feet. These areas are naturally scoured and should be managed at deeper depths. Dredging to 14 feet in areas where the fleet only needs 8 or 10 feet is a waste of time, money, and resources. Conversely Dredging to 10 feet in an area where the fleet needs 12 or 14 feet does not meet the needs of the fleet.
  - B. Annually take soundings to establish a model on how the Marina naturally scours and accretes. Adjust dredging to account for recurring problem areas; modify slip leases as required; and research/permit/implement engineering design alternatives to increase natural scour and reduce accretion rates. After approximately 4 to 5 years the District will begin to have enough data where we can begin to have a better understanding of the natural forces and refine our Marina dredging management strategy.

6. **Minimize tenant disruptions by dredging more frequently.** Dredging the entire Marina at one time may be more cost effective, however it is highly disruptive to the tenants. Other marinas have found that smaller focused 1 – 4-year dredging cycles instead of larger 8 – 10-year cycles provide consistently much more reliable fleet operations and is less disruptive to tenants.
7. **Never let maintenance dredging permits expire.** Getting a permit renewal is relatively simple, especially if you are following all the conditions of your permit and have a proven track record that you follow the rules. Having smaller more frequent events enables staff and contractors to have experience with dredging. Whereas 8 to 10-year dredging cycles generally results in a “new project feel” where the District has little practical experience with what it actually takes to dredge. When you have a 10-year permit plan to dredge in year 9 or 10 to prolong the benefits of the permit beyond the ten-year permit period. New regulations will inevitably come, and future dredging events will likely be more expensive.
8. **Dredging is a never-ending project.** The second you stop dredging; the Marina is starting to fill again. The District needs to have a plan in place for the next dredging event before we have finished the current dredging project. Performing consistent and more frequent dredging cycles will result in a better managed marina and a healthier fleet. Once we have successfully implemented the successful multi-year dredging program, we can then begin the process to plan, finance, and implement an overall marina maintenance program for the topside.

## COMMISSIONERS

1<sup>st</sup> Division  
 Aaron Newman  
 2<sup>nd</sup> Division  
 Greg Dale  
 3<sup>rd</sup> Division  
 Stephen Kullmann  
 4<sup>th</sup> Division  
 Richard Marks  
 5<sup>th</sup> Division  
 Patrick Higgins

**Humboldt Bay  
 Harbor, Recreation and Conservation District**  
 (707)443-0801  
 P.O. Box 1030  
 Eureka, California 95502-1030



**STAFF REPORT  
HARBOR DISTRICT MEETING  
 September 8, 2022**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Larry Oetker, Executive Director

**DATE:** August 26, 2022

**TITLE:** Consider Introducing Amendment No. 4 to Ordinance No. 5: An Amendment to the  
 Ordinance Establishing Fees for Commissioners of the Humboldt Bay Harbor, Recreation and  
 Conservation District

**STAFF RECOMMENDATION:** Staff Recommends that the Board: Introduce Amendment No. 4 to  
 Ordinance No. 5 and consent to read by title only.

**SUMMARY:** The proposed amendment would increase the monthly salaries of Commissioners  
 from \$400 per month each (\$500 per month for the President) to \$600 per month each for all  
 Commissioners. According to Section 6060 of the Harbors and Navigation Code, commissioner  
 salaries shall not exceed the sum of six hundred dollars (\$600) per month each.

**DISCUSSION:** The last time the Board of Commissioners received a salary increase was 1995.

**ATTACHMENTS:**

- A Draft Amendment No. 4 to Ordinance No. 5
- B Amendment No. 3 to Ordinance No. 5

## HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

### AMENDMENT NO. 4 TO ORDINANCE NO. 5

#### AN AMENDMENT TO THE ORDINACE ESTABLISHING FEES FOR COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

The Board of Commissioners of the Humboldt Bay, Harbor, Recreation, and Conservation District do ordain as follows:

Section 1. Ordinance No. 5, as amended, is hereby amended and restated as follows:

1. That pursuant to Section 6060, as amended, of the California Harbors and Navigation Code of the State of California, the Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District shall be paid a fee of Six Hundred Dollars (\$600.00) per month. That the effective date of Amendment No. 3 to Ordinance No. 11 shall be Thirty (30) days for the date of publication in the Times-Standard Newspaper, Eureka, California, a daily newspaper of general circulation printed and published in the Humboldt Bay Harbor, Recreation and Conservation District.

**INTRODUCED ON FIRST READING ON THIS 13<sup>TH</sup> DAY OF OCTOBER, 2022, BY THE BOARD OF  
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION  
DISTRICT BY THE FOLLOWING POLLED VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

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Greg Dale, President  
Board of Commissioners

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Richard Marks, Secretary  
Board of Commissioners

HUMBOLDT BAY HARBOR, RECREATION,  
AND CONSERVATION DISTRICT

AMENDMENT NO. 3 TO ORDINANCE NO. 5

AMENDMENT TO ORDINANCE ESTABLISHING FEES FOR  
COMMISSIONERS OF THE HUMBOLDT  
BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY AMEND ORDINANCE NO. 5 AS FOLLOWS:

1. That pursuant to Section 6060, as amended, of the California Harbors and Navigation Code of the State of California, the Commissioners, other than the President of the Board, of the Humboldt Bay Harbor, Recreation, and Conservation District shall be paid a fee of Four Hundred Dollars (\$400.00) each per month and the President of the Board shall receive a fee of Five Hundred Dollars (\$500.00) each per month. That the effective date of Amendment No. 3 to Ordinance No. 5 shall be Thirty (30) days from the date of publication in the Times-Standard Newspaper, Eureka, California, a daily newspaper of general circulation printed and published in the Humboldt Bay Harbor, Recreation, and Conservation District.

PASSED AND ADOPTED THIS 23RD DAY OF FEBRUARY, 1995, BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: COMMISSIONER DAVENPORT, COMMISSIONER CURLESS, COMMISSIONER HUNTER

NOES:

ABSTAIN: COMMISSIONER FREDERICK, COMMISSIONER OLLIVIER

*Roy L. Curless*  
ROY L. CURLESS, President  
Board of Commissioners

ATTEST:

*John Frederick*  
JOHN FREDERICK, Secretary  
Board of Commissioners

## COMMISSIONERS

1<sup>st</sup> Division  
Aaron Newman  
2<sup>nd</sup> Division  
Greg Dale  
3<sup>rd</sup> Division  
Stephen Kullmann  
4<sup>th</sup> Division  
Richard Marks  
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Patrick Higgins

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Eureka, California 95502-1030



**STAFF REPORT  
HARBOR DISTRICT MEETING  
September 8, 2022**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Rob Holmlund, Development Director

**DATE:** September 2, 2022

**TITLE:** Consider Adoption of Resolution No. 2022-11 Responding to the 2021-22 Grand Jury Report  
"The Sea Also Rises"

**STAFF RECOMMENDATION:** Adopt Resolution No. 2022-11.

**SUMMARY:** The Humboldt County Grand Jury issued a report on May 23<sup>rd</sup> regarding the potential impacts of sea level rise throughout the Humboldt Bay region and calls for a coordinated regional response to address anticipated impacts and hazards. The report requested a response from the Board of Commissioners of the Humboldt Bay Harbor District, as well as from the City of Arcata, City of Eureka, and County of Humboldt. A Resolution and response letter to the Grand Jury can be found in Attachment A.

**DISCUSSION:** Earlier this year, the Humboldt County Grand Jury issued a report titled "The Sea Also Rises" (Report) (see Attachment B). The Report is the result of an investigation of the topic of sea level rise around Humboldt Bay. In addition to requesting a response from the District, the City of Arcata, City of Eureka, and County of Humboldt are also each requested to respond. Accordingly, District staff coordinated with senior staff of these three other entities to compare notes and collaborate on our various responses. The staff report presented below draws from the staff reports of the City of Arcata and the City of Eureka.

The Grand Jury Report requests a response from the District regarding five of the Report's findings (Findings 3, 4, 5, 8, and 9) and two of its recommendations (Recommendations 1 and 2). With respect to the "Findings" of the Report, section 933.05 of the State Penal Code requires the District to state its agreement, partial agreement, or disagreement with each finding, including an explanation of the reasons for any disagreement. With respect to the "Recommendations" of the Report, the Board is directed to state whether the recommendation has been implemented, will be implemented (and when), will be researched (with details), or will not be implemented (and why).

Staff has prepared a Resolution and a letter to the Grand Jury (Attachment A) responding to the Report Findings and Recommendations as requested. If approved by the Board, the District's

response will be submitted to the Presiding Judge of the Superior Court, as well as the Civil Grand Jury Foreperson. The content below summarizes the letter to the Grand Jury.

Finding 3 states that the four entities (Arcata, Eureka, County, and Harbor District) will need to agree to cost sharing for staff salaries and operational overhead in order to undertake efforts to adapt to sea level rise and to mitigate the impacts of sea level rise. District staff recommends disagreeing with this Finding, as is outlined in the attached letter to the Grand Jury. Collaboration does not require the cost sharing of salaries or operational overhead. Any such cost sharing would be unnecessarily complex and would not guarantee the advancement of sea level rise adaptation/mitigation planning. As stated in Finding 4 below, the costs associated with the SLR mitigation will be significant and the District cannot commit to funding a program or project without fully analyzing the projected financial impact that the action will have on the District. In addition, budget decisions should not be made in this way.

Finding 4 states that “the costs associated with SLR mitigation efforts will be significant and will require the diligent pursuit of Federal, State, and Public funding sources.” Staff recommends agreeing with this Finding, as is outlined in the attached letter to the Grand Jury. The District has been actively pursuing such funding for the past several years and plans to continue to do so into the future.

Finding 5 states that “...there is an urgency to start developing and implementing solutions” to sea level rise based on the results of past studies. Staff recommends agreeing with this Finding, as is outlined in the attached letter to the Grand Jury. The District has been actively developing and implementing solutions for the past several years and plans to continue to do so into the future.

Finding 8 states that sea level rise has the potential to transfer contamination from former industrial sites into the Bay, wetlands, and creeks. Staff recommends agreeing with this Finding, as is outlined in the attached letter to the Grand Jury. The District has been a primary leader in the region in efforts to clean up contaminated sites and plans to continue to do so into the future.

Finding 9 states that levees and other related infrastructure will be overtopped by 2050 if no action is taken by the year 2050, which would lead to the repeated flooding of existing infrastructure, wetlands, and low-lying communities. Staff recommends agreeing with this Finding, as is outlined in the attached letter to the Grand Jury. However, as the letter explains, this topic is complex and requires acknowledgement of vulnerabilities that exist with or without sea level rise. In addition, the assumption is based on the unrealistic assumption that no action has been taken or will be taken in the future to address these issues.

Recommendation 1 of the Report calls on the District Board to vote to affirm a commitment to adapting to and mitigating the adverse effects of sea level rise, and to direct staff to make this commitment a priority in their planning efforts. Staff recommends adopting a Resolution to affirm the City’s commitment.

Recommendation 2 of the Report calls on the District Board to work with elected officials from the Humboldt County Board of Supervisors, Arcata City Council, and the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District to form a Humboldt Bay Sea Level Rise Steering Committee, composed of senior members from each entity who have decision-making authority, by December 1, 2022. Staff recommends committing to City participation in the Steering Committee as part of the aforementioned Resolution.

**ATTACHMENTS:**

- A. Resolution 2022-11 Responding to Grand Jury Report with Attached Letter**
- B. 2021-22 Humboldt Civil Grand Jury Report "The Sea Also Rises"**

***HUMBOLDT BAY HARBOR, RECREATION,  
AND CONSERVATION DISTRICT***

---

**RESOLUTION NO. 2022-11**

**A RESOLUTION RESPONDING TO THE HUMBOLDT COUNTY CIVIL GRAND JURY REPORT “THE SEA ALSO RISES”**

**WHEREAS**, the Humboldt Bay Harbor, Recreation and Conservation District was created in 1973 to oversee planned development of the harbors and ports within Humboldt Bay, as well as to protect the Bay’s natural resources; and

**WHEREAS**, coastal flooding and erosion hazards have been a concern to the District since its initial creation; and

**WHEREAS**, many of the levees and flood control structures around Humboldt Bay are aging, in need of maintenance, and subject to failure; and

**WHEREAS**, sea levels are rising and are modeled to continue to rise into the future, which is expected to increase the future rates, magnitudes, and likelihoods of coastal hazards beyond what has been experienced before; and

**WHEREAS**, sea level rise will exacerbate coastal flooding and erosion around Humboldt Bay, which will impact public and private investments, infrastructure, and activities; and

**WHEREAS**, long-term sea level rise projections and vulnerabilities are significant, but there is time to plan, fund and implement adaptation strategies in response to these evolving hazards; and

**WHEREAS**, the District has consistently sought funding and partnerships to analyze and prepare for sea level rise, including mitigation and adaptation efforts; and

**WHEREAS**, climate impacts do not respect boarders, so effective response to sea level rises require a coordinated effort among private and public landowners and asset managers, staff, elected officials, regional stakeholders, and state and federal agencies; and

**WHEREAS**, the District has consistently coordinated with organizations and agencies throughout the region to analyze and prepare for sea level rise; and

**WHEREAS**, the Humboldt County Civil Grand Jury investigated the issue of sea level rise around Humboldt Bay, published their findings in the 2021-2022 Grand Jury Report: “The Sea Also Rises,” and submitted the report to the Harbor District, requesting a response to several of the report findings and recommendations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT THAT:**

1. The Board of Commissioners affirms the Humboldt Bay Harbor District's commitment to adapting to and mitigating the adverse effects of sea level rise and directs staff to continue to make this commitment a priority in planning efforts.
2. The Board of Commissioners commits to District staff participation in a future multi-agency Steering Committee to discuss and provide direction regarding regional coordination on sea level rise adaptation and mitigation in the Humboldt Bay region.
3. The responses to the Grand Jury Report, "The Sea Also Rises", attached in Exhibit 1, are hereby adopted by the Board of Commissioners.
4. The Board of Commissioners directs Staff to transmit the attached response to the Grand Jury Report "The Sea Also Rises" to the Presiding Judge of Humboldt County Superior Court.

**PASSED, APPROVED AND ADOPTED** by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 8<sup>th</sup> day of September 2022, by the following polled vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

**Greg Dale, President  
Board of Commissioners**

---

**Richard Marks, Secretary  
Board of Commissioners**

**CERTIFICATE OF SECRETARY**

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. **2022-11** entitled,

**A RESOLUTION RESPONDING TO THE HUMBOLDT COUNTY CIVIL GRAND JURY REPORT “THE SEA ALSO RISES”**

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the **8<sup>th</sup> day of September 2022**; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this **8<sup>th</sup> day of September 2022**.

---

**Richard Marks, Secretary  
Board of Commissioners**

## Exhibit 1 to Resolution 2022-11

Honorable Joyce D. Hinrichs  
Presiding Judge  
Humboldt County Superior Court  
825 Fifth Street  
Arcata, California 95501

Re: The Board of Commissioners of the Humboldt Bay, Recreation, and Conservation District's Response to the 2021-2022 Grand Jury Report: The Sea Also Rises

Dear Judge Hinrichs:

On behalf of the Board of Commissioners of the Humboldt Bay, Recreation and Conservation District, I am submitting the following response to the Humboldt Civil Grand Jury Report titled "The Sea Also Rises," emailed to the District on May 23, 2022. This letter was presented to and approved by the Board of Commissioners at its regular meeting on September 8, 2022. As requested by the Civil Grand Jury pursuant to Penal Code sections 933 and 933.05, this response indicates whether the District agrees, partially agrees, or disagrees with the Report Findings 3 through 5 and 8 through 9, and responds to Report Recommendations 1 and 2.

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

**Response to Finding 3** – The Board of Commissioners of the Humboldt Bay, Recreation and Conservation District (Board) disagrees with this finding. The Board cannot commit to cost sharing and/or allocation of staff time for a regional planning group. The Board agrees immediate and ongoing commitment to adaptation and mitigation is essential to addressing the threats posed by sea level rise. The Board also agrees regional collaboration is essential to effective planning and implementation of adaptation and mitigation measures. It is for these reasons that the District has been actively participating in several regional and local efforts related to this topic. However, decisions on the region's approach(es) to collaboration on the issue of sea level rise should be made collectively by regional stakeholders. Given the existing regulatory complexity around Humboldt Bay and the diverse array of local, state, federal and tribal stakeholders involved, it should not be assumed creating a new regional governmental entity will be the most effective, efficient, or just approach to regional collaboration.

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

**Response to Finding 4** – The Board agrees with this finding. The District has been, and will continue to diligently pursue funding sources for sea level rise adaptation work. For example, as far back as 2012, the District approved the submittal of a grant from the California Coastal Conservancy to Prepare a Feasibility Study for the Beneficial Reuse of Dredged Materials for Tidal Marsh Restoration and Sea Level Rise Adaptation in Humboldt Bay. Acknowledging the threat of sea level rise to contaminated sites, the District worked to secure funding from a variety of local,

state, and federal sources for the clean-up of the Redwood Marine Terminal II site on the Samoa Peninsula. The District consistently advocates for state and federal granting agencies to ensure grants are earmarked and available and targeted at all project stages so the District can successfully navigate from project development to construction. The District also calls on State and Federal permitting agencies to simplify environmental regulatory processes for restoration and climate resilience projects.

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

**Response to Finding 5** – The District agrees with this finding and contributed to many of the relevant studies. The District is already implementing adaptation solutions, while working towards a comprehensive, phased approach to sea level rise adaptation throughout the Bay's shoreline, with short-, mid-, and long-term adaptation triggers for vulnerable areas and assets based on observed sea level rise thresholds. The District has been actively planning for sea level rise since at least 2011. In that time, the District has held many public meetings on the topic, secured multiple grants, and implemented substantial contaminated site cleanup. The District is currently investing substantial effort into advancing the offshore wind industry, which will not only help our nation transition away from carbon-based energy, but will also bring much needed funded to Humboldt Bay that can be used to adapt to and mitigate for the impacts of sea level rise.

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

**Response to Finding 8** – The Board agrees with this finding. The District understands the threat of mobilization of soil and groundwater contamination as a result of sea level rise. The District has secured substantial grants from the U.S. Environmental Protection Agency (EPA) to clean up the Redwood Marine Terminal II industrial site. The District has also recently secured additional EPA funds to study the potential of contamination at the RMT I site. The District has also secured a Technical Assistance grant from the EPA to evaluate former mill sites to ensure dioxins and other contaminants are identified and cleaned up as necessary.

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

**Response to Finding 9** – The Board agrees with this finding. However, it is important to note that many areas around Humboldt Bay are already vulnerable to significant flood damage at current water levels, segments of bay barrier have already overtopped, and additional segments will be vulnerable with different amounts of sea level rise, with uncertainty around when sea levels will be reached and overtopping will occur. Many of the levees and flood control structures around Humboldt Bay are aging, in need of maintenance, and subject to failure. These facilities are vulnerable to flooding even without the threat of sea level rise. Therefore, even if sea level rise was not a reality, our region would still need to invest in the aging flood-related infrastructure around Humboldt Bay. As a result, the District is already taking actions to address our regional infrastructure and to adapt to sea level rise. The District is working to time the implementation

of future actions based on observed sea level rise thresholds. It is also important to note low-lying areas around Humboldt Bay are not only going to be affected by overtopping of bay barriers by tidewaters, but also by rising and potentially emergent groundwater, and by reduced stormwater drainage capacity, especially when rainfall events coincide with high ocean water levels. As a result, sea level rise adaptation will be more complex and varied than solely relying on elevation and fortification of tidal barriers.

The Board supports adaptation responses with multiple benefits, such as the use of living shorelines and the beneficial reuse of dredge spoils to allow habitats to migrate/adjust to rising sea levels, and the use of public access trails as shoreline protection. The Board also believes the District's work to support the offshore wind industry is a critical component of the region's efforts to reduce climate change and sea level rise.

Given the amount of work necessary between now and 2050, prioritization of adaptation measures will be critical. The District will strive for thoughtful consideration of the distribution of environmental risks and adaptation benefits in setting priorities, and the meaningful participation of all groups in the decision-making process.

**Recommendation 1** – The Grand Jury recommends the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District meet and vote to affirm a commitment to adapting to and mitigating the adverse effects of Sea Level Rise, and direct their staffs to make this commitment a priority in their planning efforts.

Response to Recommendation 1 – Combating climate change and preparing for sea level rise have consistently been goals of the District since at least 2011. To formalize this commitment, the Board adopts the Resolution presented above to affirm the District's commitment to adapting to and mitigating the adverse effects of sea level rise and directing staff to make this commitment a priority in their planning efforts.

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

Response to Recommendation 2 – The Board implements this recommendation by adopting the Resolution presented above committing to District participation in a Steering Committee to discuss and provide direction regarding regional coordination on sea level rise adaptation and mitigation in the Humboldt Bay region. However, the Board questions whether the Steering Committee should include additional members beyond City, County, and Harbor District representatives. Ultimately, to be effective, regional collaboration must bring together all relevant partners and stakeholders. For instance, regional coordination on adapting the vulnerable lands surrounding the Highway 101 corridor will not be effective without Caltrans at the table.

Although the Board commits to District participation in a Steering Committee, the Board does not agree with associated Recommendations 3 and 4 calling on the Steering Committee to direct the implementation of a regional sea level rise coordination entity/organization based on the conclusions and recommendations in the Humboldt Bay Sea Level Rise Regional Planning

Feasibility Study (Study). The Study is incomplete at this time and has not been shared with the Board or the general public. It should not be a foregone conclusion the Steering Committee will agree with the Study's conclusions and follow its recommendations, including any recommendation for a new regional government entity. The purpose of the Steering Committee should be to use the Study and other input to make independent recommendations on regional collaboration, as part of a larger, ongoing, community discussion about climate change mitigation and resilience.

Thank you for taking on the complex and urgent issue of sea level rise adaptation around Humboldt Bay. Please contact me or Development Director Rob Holmlund if we can be of further assistance.

Sincerely,

Larry Oetker  
Executive Director  
Cc: Board of Commissioners of the Humboldt Bay, Recreation, and Conservation District

## The Sea Also Rises

### Background

*“Recent estimates of sea-level-rise . . . indicate Humboldt Bay has the highest sea-level-rise rate . . . in California, greater than both global and regional sea-level-rise rates, due to land subsidence in and around the bay. This suggests that global sea-level-rise will impact the Humboldt Bay area faster than other parts of the U.S. West Coast.”<sup>1</sup>*

The above quote from *California’s 4th Climate Change Assessment* was made possible by the impressive and commendable work of local scientists, engineers, environmental consultants, and professional public planners. These “coastal professionals” have published several studies and reports relating to the timing and adverse effects of sea-level-rise (SLR) to the infrastructure and communities surrounding Humboldt Bay. What’s most impressive is this library of documents dates back a decade and is a testament to the forethought and proactive planning undertaken by this group of concerned coastal professionals.

Their efforts have not gone unnoticed. Through public workshops and presentations over the years, more and more community members have taken an interest in the subject of SLR. Last year alone it was the subject of the third day of the Humboldt Bay Symposium. A non-random public survey conducted in 2021 by the County Planning Department found 62% of respondents feel they are moderately to extremely well informed about SLR around Humboldt Bay. In addition, Cal Poly Humboldt (formerly Humboldt State University) has established the Sea Level Rise Initiative (SLRI) to develop a depository for current and future SLR research.

All this activity came to the attention of the Humboldt County Civil Grand Jury (Grand Jury). Upon investigating the topic of SLR around Humboldt Bay the Grand Jury became convinced that, although slow, SLR must be planned for and mitigation efforts developed now to protect communities and infrastructure. This was made abundantly clear when, during a presentation by a CalTrans official, it was noted that from conception to completion the Willits bypass project spanned forty years.

The Grand Jury is aware that other areas of Humboldt County will also experience the effects of SLR. However, we limited our investigation to the adverse effects SLR poses to the communities

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<sup>1</sup>*California’s Fourth Climate Change Assessment: North Coast Region Report, 2018: p.27*  
[www.ClimateAssessment.ca.gov](http://www.ClimateAssessment.ca.gov)

and infrastructure surrounding Humboldt Bay. After all, this is the well-researched area and the most threatened shoreline on the West Coast.

## Summary

For more than a decade local coastal professionals have studied the future impact of sea level rise (SLR) around Humboldt Bay. Their work, documented in several reports available since 2015, indicate that a two-foot increase in Humboldt Bay's shoreline will be possible by 2050 and a three-foot rise may occur as early as 2070. During the past several years these researchers conducted numerous workshops and presentations to inform the public about the threat of SLR to the communities, infrastructure, and environment surrounding the bay.

These outreach efforts have been successful. The public interest in SLR inspired the Humboldt County Civil Grand Jury to investigate why SLR is happening, how damaging its effects will be, and what must be done to adapt to it.

Globally, SLR results from the melting of glaciers in Greenland and Antarctica and the expansion of ocean volume due to increasing water temperatures. In addition, land subsidence around Humboldt Bay increases the impact of rising seas. Humboldt Bay has a sinking land mass problem resulting in relative sea level rise greater than anywhere else on the West Coast.

With three feet of SLR around Humboldt Bay, the unincorporated communities of King Salmon and Field's Landing will experience significant monthly flooding. Fairhaven/Finntown will see its septic tank systems fail. In addition, three feet of SLR will affect:

- The only access road to King Salmon
- PG&E's Humboldt Bay Generating Station and the interim spent nuclear fuel site
- Highway 101 as it traverses South Bay, Elk River Slough, and Arcata Bay
- Highway 255 on the Mad River Bottoms
- Approximately 12 miles of railroad and the current and future sections of the Humboldt Bay Trail within the Humboldt Bay Area Plan (HBAP) planning area
- Approximately 9.6 miles of municipal water transmission lines
- The Truesdale pump station, seven wastewater lift stations, and 10.5 miles of sewer lines
- 30 electrical transmission towers and 113 transmission poles
- Sections of the South and North Jetties (867 ft. and 1,214 ft. respectively)
- Three of the 10 bulk cargo/commercial docks
- Several contaminated sites, including former pulp mills (Simpson in Fairhaven, Sierra Pacific in Manila) and former Southern Pacific Railyard (Arcata)
- 52 Wiyot cultural sites

The above list shows the scope of the problem SLR presents. Coastal professionals who have studied SLR recognize that the many entities responsible for addressing this issue must collaborate on implementing solutions. This was confirmed in a recently conducted survey of 107 coastal professionals in which 95% agreed that collaboration was essential. For example, reinforcing a shoreline dike in one section of the bay is not a solution if a neighboring dike crumbles from poor maintenance, allowing bay water to inundate the area these dikes are designed to protect.

In September 2022, the conclusion of a study conducted by the County's Planning Department is expected to recommend the collaborative approach that should be pursued to address SLR around Humboldt Bay. It may be as simple as an informal working group or as formal as a newly created regional agency. Whatever recommendation is forthcoming, the Grand Jury recommends it should be established as soon as possible due to timing and cost factors.

All projects planned along California's coast require permits from regulatory agencies. Depending on the project, multiple permits are often required. These take time (often years) and are a common complaint among planners and project engineers. In addition, SLR mitigation and adaptation projects are extremely costly. Therefore, the Grand Jury recognizes that our locally elected state officials should be asked to help expedite our SLR plans and assist the County in securing funding from all available sources: state, national, and non-profit foundations.

The Grand Jury believes SLR planning needs to be a priority among all elected officials in the County. The County of Humboldt; the cities of Arcata and Eureka; and the Humboldt Bay Harbor, Recreation, and Conservation District should formally state their immediate and continuous support for, and commitment to, SLR mitigation and adaptation efforts.

## **Glossary**

### **Terms:**

**Adaptation:** Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which minimizes harm or takes advantage of beneficial opportunities.

**Coastal professionals:** Individuals in careers related to coastal and ocean issues: scientists, educators, engineers, environmental consultants, professional public planners, and public employees in state agencies that are responsible for the protection of California's environment.

**Hydrologic Unit:** a surface drainage area or a groundwater basin or a combination of both.

**Inundation:** Inundation as used in this report is a form of tidal flooding. Intertidal areas are those lands above the lowest tide and below the highest tide elevations that periodically experience tidal inundation. Areas that are below the lowest tide elevation are submerged lands, and thus are permanently inundated.

**King Tide:** The highest predicted high tide of the year at a coastal location. It occurs when the orbits and alignment of the Earth, moon, and sun combine to produce the greatest tidal effects of the year.

**Mean sea level:** The average relative sea level over a period, such as a month or a year, long enough to average out transients such as waves and tides.

**Relative sea level:** Combination of regional sea level measured by a tide gauge and the vertical land motion of the land measured with GPS.

**Sea level:** The height of the ocean relative to land; tides, wind, atmospheric pressure changes, heating, cooling, and other factors cause sea level changes.

**Storm surge:** A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a hurricane also includes the rise in water level due to atmospheric pressure reduction as well as that due to wind stress.

**Subsidence:** Sinking or down-warping of a part of the earth's surface; can result from seismic activity, changes in loadings on the earth's surface, fluid extraction, or soil settlement.

**Teetonic:** Of or relating to the structure of the earth's crust and the large-scale processes that take place within it.

**Thermal Expansion:** The process whereby water increases in volume due to an increase in temperature

**Tidelands:** Lands which are located between the lines of mean high tide and mean low tide.

**Vulnerability:** The extent to which a species, habitat, ecosystem, or human system is susceptible to harm from sea level rise impacts. More specifically, the degree to which a system is exposed to, susceptible to, and unable to cope with, the adverse effects of sea level rise, and tidal extremes.

## **Acronyms:**

**CCC:** California Coastal Commission

**CDP:** Coastal Development Permit

**HBAP:** Humboldt Bay Area Plan

**IPCC:** Intergovernmental Panel on Climate Change

**LCP:** Local Coastal Plan/Local Coastal Program

**NOAA:** National Oceanic and Atmospheric Administration

**OPC:** Ocean Protection Council

**SLR:** Sea Level Rise

## Methodology

The Grand Jury conducted interviews with individuals knowledgeable on the subject of SLR in Humboldt Bay. They included professional public planners from Humboldt County, Arcata, and Eureka; officials from Humboldt County, the Humboldt Bay Harbor, Recreation and Conservation District, The Coastal Commission, The Coastal Conservancy; environmental consultants; scientists; a tribal representative; the director of a local non-profit organization; and a state legislative analyst.

The Grand Jury also read SLR related reports and powerpoint presentations published by and for the County since 2015 as well as news reports on the current status of worldwide climate change.

## Discussion

Climate change due to global warming has already caused severe wildfires, droughts and storms. SLR is less obvious today but will be just as destructive in the years to come. (See the appendix for a discussion of the latest climate change predictions.)

The National Oceanic and Atmospheric Administration (NOAA) earlier this year claimed “*by 2050, moderate (typically damaging) flooding is expected to occur ten times as often as it does today . . .*”<sup>2</sup> And, climate scientists in all disciplines agree that the question is **not** if sea level will increase to a certain height, but when. Therefore, it is useful to begin our discussion with the science behind SLR.

### The Science of SLR

Sea levels are rising worldwide. This is due to increasing global temperature. The rise in global temperature contributes to rising sea levels in two different ways: 1) the melting of glaciers and ice on land which adds more water to the oceans; and 2) the thermal expansion of water due to an increase in water temperature.

The movement of tectonic plates can increase, decrease or have no impact on the way SLR is experienced in a given area. If the area being measured is on a tectonic plate that is being uplifted, i.e. Crescent City, relative sea level rise will be reduced. In areas where the tectonic plate is subducting, i.e. Humboldt Bay, relative sea level rise will be increased due to subsidence, i.e. the lowering of the ground level. Subsidence may also occur by the land sinking due to the

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<sup>2</sup> “2022 Sea Level Rise Technical Report”. *National Ocean Service*.

compaction of soil caused by the weight of buildings and other development, as well as by mineral and water extraction.

Most people think of SLR as a problem when barriers get overtopped. They often overlook inundation that occurs when water seeps through the barriers. Few realize that even with well-maintained barriers, sea water will permeate through the barriers and intrude into the ground water on the other side. This process is known as salt water intrusion and must be considered when protecting our threatened areas.

### SLR Projections for Humboldt Bay: 2000-2100

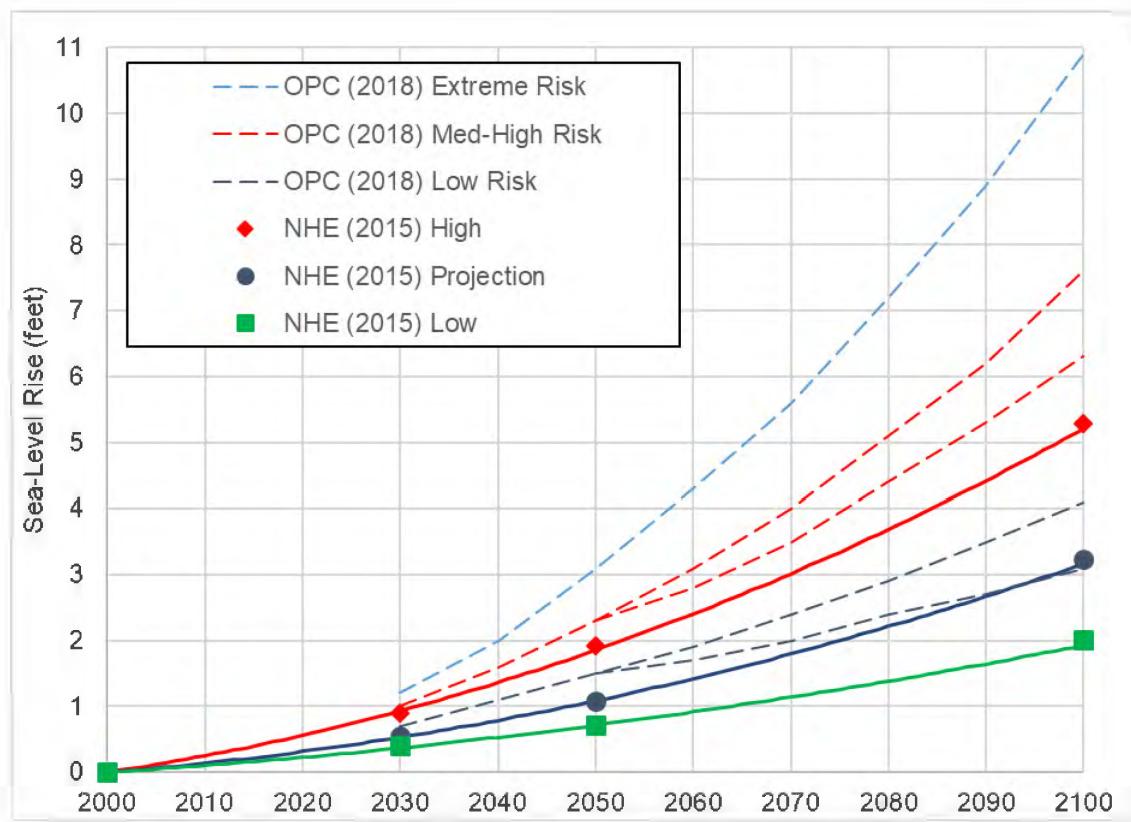


Figure 1 (above) is a combination of data developed by Northern Hydrology and Engineering in 2014 based on the science available at that time and prediction data from the Ocean Protection Council in 2018 (note, SLR is measured in feet).

## Vulnerabilities<sup>3</sup>

The expected impacts of SLR throughout Humboldt Bay include such things as shoreline breaching and overtopping, backwater effects in tributaries draining into the bay, reduced efficiency of shoreline water control structures, rising groundwater levels, and saltwater intrusion.

Seventy-five percent of Humboldt Bay's shoreline (77 miles) is artificial. 41 of those miles are earthen dikes and 11 miles are railroad beds. These were constructed between 1890 and 1915. Of those 41 miles of earthen dikes, only 11.7 miles are fortified. Salt marsh plains (natural shoreline infrastructure) can reduce wave energy and therefore offer protection to shoreline structures such as dikes. There are 18.1 miles of natural shoreline with attached salt marsh plains which represents 44.5% of the diked shoreline.

When breached, the 25.7 miles of highly vulnerable shoreline structures will expand the tidal inundation footprint of Humboldt Bay by 52% or nearly 9,000 acres. Breaching of dikes has already begun partially due to lack of, or deferred, maintenance. King Tides have also been a contributor. In addition to the dikes, there are 62 tide gates whose effectiveness can be compromised by rising sea levels. Areas impacted the most will include the Eureka Slough (7.13 miles), South Bay (5.1 miles), Mad River Slough (4.4 miles) and Arcata Bay and its railroad shoreline (4.0 miles).



Dike overtopped during a King Tide inundating lands on South Bay<sup>4</sup>

<sup>3</sup> Data in this section comes from: *Humboldt Bay Area Plan: Sea Level Rise Vulnerability Assessment*, 2018

<sup>4</sup> Photo by Aldaron Laird

There are approximately 11.4 miles (28%) of the 41 miles of diked shoreline that are vulnerable to being breached with 2.0 feet of SLR. That would increase to 23.4 miles (57%) with 3.0 feet of SLR.

Humboldt Bay's landmass is subsiding at a rate of 0.14 inches per year<sup>5</sup> at the North Spit and sea level is rising due to glacial melting and the thermal expansion of water. The Grand Jury believes immediate action must be taken. The longer we wait, the greater the adverse effects of SLR.

Three shoreline communities are presently being impacted by the increases in SLR. They are the unincorporated areas of King Salmon, Fields Landing and Fairhaven/Finntown. High tides and especially King Tides are impacting King Salmon and Fields Landing, causing flooding and damage. Fairhaven/Finntown are not yet impacted by tidal actions, but because they do not have a wastewater treatment plant and instead rely on septic and leach field systems, they are finding those systems become nonfunctional at very high tides. Property values within these communities are suffering because of these impacts.

Other areas impacted by a three-foot rise in sea level were listed in the summary section above. Due to the number and importance of these items, the list is repeated here:

- The only access road to King Salmon
- PG&E's Humboldt Bay Generating Station and the interim spent nuclear fuel site
- Highway 101 as it traverses South Bay, Elk River Slough, and Arcata Bay
- Highway 255 on the Mad River Bottoms
- Approximately 12 miles of railroad and the current and future sections of the Humboldt Bay Trail within the Humboldt Bay Area Plan (HBAP) planning area
- Approximately 9.6 miles of municipal water transmission lines
- The Truesdale pump station, seven wastewater lift stations, and 10.5 miles of sewer lines
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- Sections of the South and North Jetties (867 ft. and 1,214 ft. respectively)
- Three of the 10 bulk cargo/commercial docks
- Several contaminated sites, including former pulp mills (Simpson in Fairhaven, Sierra Pacific in Manilla) and former Southern Pacific Railyard (Arcata)
- 52 Wiyot cultural sites

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<sup>5</sup> Patton et. al 2017



Figure 2 Predicted inundation of Humboldt Bay with three feet of SLR.

## Getting Organized

There is considerable public interest in SLR. In the past two years there have been over 24 articles in local media. Staff planners at Humboldt County, Arcata, and Eureka have worked to educate the public about this issue. The Humboldt County Planning Department alone has helped fund numerous studies and held informational meetings to educate the public and all involved stakeholders. Between 2018 and 2022, the Planning Department has helped sponsor at least 22 public workshops. In June and July 2021, in cooperation with the California Coastal Commission (CCC) and Cal Poly Humboldt, the Planning Department sought feedback from people living in areas vulnerable to SLR. They conducted a non-random survey of over 500 county residents on their opinions and concerns about SLR. Almost half the participants believed SLR was now impacting Humboldt Bay and their lives.

In 2018, Cal Poly Humboldt established the Sea Level Rise Initiative<sup>6</sup> as a collaboration between the University and interested parties representing a broad spectrum of public and private groups

<sup>6</sup>[www.digitalcommons.humboldt.edu/hsusri](http://www.digitalcommons.humboldt.edu/hsusri)

including tribes, academics, professionals, local government agencies, and community and nonprofit groups. Undergraduate and graduate students participate through research and reports. Along with the University library, the Initiative acts as a collection for interdisciplinary research, SLR studies, and theses.

The SLR Initiative also helps organize the Humboldt Bay Symposium, a public 2-3 day workshop held every two years, where the general public can learn about the latest developments on a variety of current issues related to the Humboldt Bay ecosystem from a collaboration of local parties. The 2021 Symposium titled “Sustainable Blue Economy” devoted its entire third day to the issue of SLR.

The Osher Lifelong Learning Institute (OLLI) at Cal Poly Humboldt has held a series of classes on SLR led by Aldaron Laird and Jerry Rhode. They were so popular that OLLI created a Special Sea Level Rise Interest Group that meets monthly.

Humboldt County is fortunate to have a variety of nonprofit organizations also involved with the issue of SLR. These organizations all have dedicated staff and volunteers to bring public awareness to this subject. Included in this group are Humboldt Baykeeper, Northcoast Environmental Center, Friends of the Dunes, Friends of the Arcata Marsh, and the Surfrider Foundation.

In February 2020, the Humboldt County Planning Department received a grant for \$100,000 from the CCC for the *Humboldt Bay Sea Level Rise Regional Planning Feasibility Study*. This study will be completed by September 30, 2022. According to the grant proposal, the goal of this project is “... to develop options for SLR adaptation planning in the Humboldt Bay region that will foster a cooperative and coordinated regional approach to the identification, funding and implementation of various SLR adaption (protection, accommodation, and retreat) policies, strategies, and measures, with resulting regulatory and financial benefits.”<sup>7</sup> The study includes creating an inventory of all critical assets affected by one meter or more of SLR, a survey of the affected stakeholders, and a study of all the “...federal, state, and local governmental jurisdictions with regulatory authority over the development or public trust responsibilities for natural resources.”<sup>8</sup> Among coastal professionals surveyed during the Regional Feasibility Study, 70% have an overall perception SLR is already impacting the Humboldt Bay region.

Six tidally influenced drainage areas or hydrologic units divide Humboldt Bay’s 102 miles of shoreline, and these units do not correspond to jurisdictional boundaries. Each hydraulic unit has an interlocking variety of local regulatory agencies and ownership, both public and private,

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<sup>7</sup> Humboldt County Planning Department grant application to the California Coastal Commission awarded on 11/13/2019.

<sup>8</sup> *ibid*

making cooperation difficult. But SLR adaptation and planning must consider each hydraulic unit as a whole. Treating only one area of a hydrologic unit can cause unintended damage in another section of the same unit. The eroding forest area south of Fairhaven on the North Spit is an example of erosion caused by reflective waves bouncing off the sea wall across from the entrance of the harbor.

A vast majority of our local coastal professionals agree that coordination of SLR planning and adaptation is needed. The County's Regional Feasibility Study will discuss the various ways agencies and jurisdictions can work together to implement a regional strategy. There are many regional options available. Special Districts or Joint Powers Agencies can be created. With the approval of the California State Legislature, San Mateo County created the San Mateo County Flood and Sea Level Rise Resiliency District with county-wide taxing authority to generate funds for SLR adaptation and mitigation. Another example is the San Francisco Bay Conservation and Development Commission (BCDC), a precursor to the California Coastal Act of 1976.

Partnership agreements may be written with Memorandums of Understanding and Public Works Asset Base Plans. An existing agency, like the Humboldt Bay, Harbor, Recreation and Conservation District, can be reconfigured to head coordinated efforts on SLR. All of these options would allow for planning and regional implementation of projects across jurisdictional boundaries. With a regional agency and approach, Local Coastal Plans (LCP) must be updated to include cooperating and complementary approaches.

## **Obstacles**

Coastal professionals interviewed by the Grand Jury noted two major hurdles confronting attempts to combat the adverse effects of SLR: Permitting and Funding.

### **Permitting:**

All regulatory agencies are authorized to decide what projects can or cannot be permitted in areas under their jurisdiction. Depending on the specific project, the number of permits required can be daunting and the application process complicated, expensive, and time consuming. For example, SLR mitigation projects proposed for Humboldt Bay could need permits from multiple regulatory agencies, such as:

Humboldt County Planning Department  
Arcata Planning Department

Eureka Planning Department  
Humboldt Bay Harbor, Recreation and Conservation District  
California Department of Fish and Wildlife  
U.S. Army Corps of Engineers  
California Coastal Commission  
US Fish & Wildlife Service  
State Lands Commission  
Regional Water Quality Control Boards

Of all the potential permits needed, the most difficult one to obtain is the Coastal Development Permit (CDP) issued by the CCC. The CCC is responsible for enforcing the provisions of the California Coastal Act of 1976. It has direct authority over 75% of Humboldt Bay's shoreline and can overrule permit decisions it ceded to local jurisdictions when approving their LCPs. Although the planners the Grand Jury interviewed generally find the regional CCC's local staff cooperative and helpful, the CCC as a whole is often criticized for contradictory rules; changing or adding application requirements mid-stream; returning applications to applicants multiple times for further documentation; and, after months (or years) working to satisfy the CCC's requirements, see the application denied. Therefore, a consensus exists that our local CCC staff must be active participants in the regional SLR mitigation agency created. Their input, support, and timely advice will be crucial for speeding up permit approvals.

#### Funding:

Most of the research to date concerning the timing and adverse effects of SLR in Humboldt Bay was funded by grants from the CCC and the Coastal Conservancy. Once a regional SLR mitigation agency is established, the political entities involved must finance its ongoing operations. Cost sharing formulas will need to be developed like those currently in place to financially support Humboldt County's Local Area Formation Commission (LAFCO).

These ongoing costs are only the tip of the iceberg. SLR mitigation projects will be extremely costly and far exceed the capacity of local agencies to self-finance. For example, it has been estimated the cost to repair or enlarge shoreline dikes could average \$2 million per mile. There are 41 miles of shoreline dikes around Humboldt Bay. Also, according to a CalTrans official, the recently completed Willits bypass project alone cost \$300 million.

No California coastal area can be expected to finance SLR mitigation projects without dependable sources of funding. Concerted efforts are necessary to seek out Federal, State, and non-profit foundation grants and funding. The challenge is to ensure our county gets its fair share of the funds distributed through such programs. Humboldt County will be competing with much

larger counties and regions (i.e. the San Francisco Bay area) that are sure to request a large percentage of the monies available.

The opportunities for Humboldt County to successfully compete for SLR mitigation funds are three-fold. First, Humboldt Bay has the most vulnerable SLR coastline on the West Coast and should have top priority when funds are allocated. Second, State Senator Mike McGuire is the Senate Pro-Tem leader with considerable influence. He also sits on the Senate's budget subcommittee that will allocate climate change mitigation funds so his active support for funding SLR mitigation efforts around Humboldt Bay should produce positive results. And third, a regional voice speaks louder than multiple local voices.

For these three reasons the Grand Jury was encouraged when interviewing a senior legislative analyst who is optimistic that Humboldt County is well positioned in the competition for SLR mitigation funding. For example, consider the wording in recently passed legislation.

The California Sea Level Rise Mitigation and Adaptation Act of 2021 requires the Ocean Protection Council (OPC) to create a California sea level rise state and regional support collaborative whose mandate is to determine how to allocate up to \$100 million annually to support SLR planning efforts statewide. Part of section 30973(a) in the act describes the priority the collaborative must use when allocating funds:

*“...priority shall be given to those local and regional governments that have agreed most effectively and urgently to plan for and implement actions to address sea level rise.”*

Due to the decade of work documenting SLR adverse effects on the communities, infrastructure, and environment surrounding Humboldt Bay, the county is far ahead of most California coastal areas in identifying and planning SLR mitigation actions. We must establish a regional agency to speak in a unified voice when seeking SLR mitigation funding.

## **Findings**

F1. There is significant public interest in when and how Sea Level Rise (SLR) will impact life around Humboldt Bay.

F2. The Grand Jury agrees with the coastal professionals who deal with SLR mitigation and adaptation planning who are nearly unanimous (95%) in the belief that all entities must collaborate to successfully find solutions to the adverse effects SLR poses to the infrastructure and communities surrounding Humboldt Bay.

F3. Any SLR adaptation and mitigation regional planning group will incur ongoing costs in salaries, benefits, and overhead that will require the political entities surrounding Humboldt Bay to agree to cost sharing.

F4. The costs associated with SLR mitigation efforts will be significant and will require the diligent pursuit of Federal, State, and Public funding sources.

F5. The decade of studies that defined the areas and physical assets vulnerable to SLR around Humboldt Bay by mid-century clearly indicate there is an urgency to start developing and implementing solutions.

F6. All SLR collaboration efforts will benefit by including the permitting agencies who have the final decision on whether projects may proceed.

F7. Successful SLR mitigation efforts will benefit from the full support of our local California State Senator and Assembly Member.

F8. Former industrial and other contaminated sites around the Bay are susceptible to SLR. As such, SLR could push the contamination into wetlands, creeks, and even Humboldt Bay itself, making it harder to mitigate and clean up.

F9. Research studies of SLR impacts around Humboldt Bay indicate that if no action is taken by 2050, monthly maximum high tides will overtop bay barriers and flood existing infrastructure, wetlands and low lying communities.

## **Recommendations:**

R1. The Grand Jury recommends the Board of Supervisors, the City Councils of both Arcata and Eureka, and the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (Harbor District) each meet and vote to affirm a commitment to adapting to and mitigating the adverse effects of Sea Level Rise, and direct their staffs to make this commitment a priority in their planning efforts. These individual meetings and commitments should occur by September 30, 2022. (F1, F5, F9)

R2. The Grand Jury recommends the Board of Supervisors along with elected officials from Arcata, Eureka, and the Harbor District form a Humboldt Bay SLR Steering Committee composed of senior members from each entity who have decision-making authority. This committee should be formed no later than December 1, 2022. (F5)

R3. The Grand Jury recommends the Humboldt Bay SLR Steering Committee direct the implementation of a regional SLR coordination entity based on the conclusions and recommendations in the *Humboldt Bay Sea Level Rise Regional Planning Feasibility Study*. The recommended approach shall be selected no later than July 1, 2023. (F2)

R4. Once the Humboldt Bay SLR Steering Committee determines the best regional approach to implement, the Civil Grand Jury recommends the regional organization chosen be formed by July 1, 2024 and include the following stated goals:

- a) seek input from all major stakeholders including, but not limited to, local and county agencies, agriculture, fishermen, aquaculture, Tribal groups, owners and occupants of threatened land, regulatory agencies, environmental groups, academia, SLR consultants, PG&E, and CalTrans; (F1, F6)
- b) research and aggressively seek sources of SLR mitigation funding by State, Federal, and Public programs; (F4)
- c) share the operating costs (salaries and office expenses) associated with its efforts; (F3)
- d) triage the order in which mitigation/adaptation actions can be implemented; (F5, F8)
- e) analyze the low-lying communities of King Salmon, Fields Landing and Fairhaven/Finntown and develop a planned retreat process for these threatened areas or find ways to successfully save them; (F5, F9)
- f) solicit definitive input from regulatory agencies with jurisdiction over threatened areas so that implementation of mitigation/adaptation actions are not delayed by the permitting process; (F6, F7)
- g) hold semi-annual public presentations (also available on Zoom) of the organization's activities; (F1) and
- h) start mitigation projects on or before July 1, 2025. (F5)

## **Required Responses**

Pursuant to Penal Code sections 933 and 933.05, The Humboldt County Civil Grand Jury requests responses from the following bodies within 90 days:

- Humboldt County Board of Supervisors (**F3, F4, F5, F8, F9, R1, R2**)
- The Arcata City Council (**F3, F4, F5, F8, F9, R1, R2**)
- The Eureka City Council (**F3, F4, F5, F8, F9, R1, R2**)
- The Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (**F3, F4, F5, F8, F9, R1, R2**)

## **Invited Responses**

- State Senator Mike McGuire
- State Assembly Representative Jim Wood
- Melissa Kraemer, North Coast Regional Director, California Coastal Commission:

## **Appendix**

The California Coastal Commission's SLR guidance document published in 2015 recommended that all coastal communities use the high greenhouse gas emission projections when updating their LCPs. This report has done so when presenting the adverse impacts of SLR around Humboldt Bay.

The question in 2022 is whether or not the projections developed almost a decade ago are still valid. (As the graph on page six indicates, SLR high projections have increased between 2015 and 2018.) The 2015 Paris Accord based future SLR projections on the assumption nations would decrease their greenhouse gas emissions to limit global warming to no more than 2.0 degrees celsius (3.6°F) by 2100 and set a goal of limiting warming to only 1.5°C (2.7°F) by the

end of the century. Unfortunately, recent data suggests these goals are rapidly becoming unachievable.

In November 2021, the United Nations' Environment Program based in Nairobi issued its latest Emissions Gap Report which measures the difference between planned carbon cuts and what is actually needed to avoid devastating warming. It noted that current plans will reduce global greenhouse gas emissions by 3.2 billion tons by 2030, but emissions need to shrink another 14.3 billion tons to limit temperature rises to 2°C, and 30.9 billion tons to keep warming to 1.5°C. It said, *“plans to cut greenhouse gas emissions are nowhere near deep enough to prevent the planet from warming a catastrophic 2.7°C by the end of the century.”*<sup>9</sup>

Then in April of this year the Intergovernmental Panel on Climate Change (IPCC) issued an alarming report on the shortfall between promised emissions cuts versus the actual reduction nations have so far achieved.<sup>10</sup> The report states *“projected global emissions from (national pledges) place limiting global warming to 1.5°C (2.7°F) (by 2100) beyond reach and make it harder after 2030 to limit warming by 2°C (3.6°F).”*<sup>11</sup>

The report authors also claim with “high confidence” that without greater efforts by countries and corporations to cut greenhouse gas emissions the planet will, on average, be 2.4°C to 3.5°C (4.3°F to 6.3°F) warmer by 2100.

Those temperatures are alarming. Melting glaciers in Greenland and Antarctica contribute to SLR and global temperatures now are causing concern. News reports earlier this year informed us that Antarctica's ice shelves are melting. The Thwaites ice shelf, the size of Florida, in western Antarctica could disintegrate within ten years. This past March, in eastern Antarctica, which scientists thought was less affected by global warming, the Conger ice shelf, which is the size of New York City, disintegrated within days. Failing ice shelves such as these are important because they act as “bottle-stoppers” holding back the immense land-based glaciers behind them.

Lack of aggressive actions to limit greenhouse gas emissions isn't the only problem that will contribute to more frequent flooding by the middle of the next decade. Even now we are witnessing “bomb cyclones”, extreme weather events like the massive storm that hit the Pacific Northwest last year resulting in major flooding.<sup>12</sup> And if this isn't enough, the earth has a “moon wobble” problem.

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<sup>9</sup> *The Week* magazine, 11/5/2021: p.9

<sup>10</sup> *Climate Change 2022: Mitigation of Climate Change*, IPCC, 4/4/2022

<sup>11</sup> *ibid*

<sup>12</sup> <https://www.climatesignals.org/climate-signals/intense-cyclone-hurricane-typhoon-frequency-increase#more>

News reports in 2021 informed us that the moon wobbles back and forth on an 18-year cycle. At one side of the cycle the moon's gravitational pull on oceans is stronger than the other side. We are presently in the trough of the cycle where tides are mildly affected. By 2030 we will begin witnessing the peak of the cycle when tides will be larger and stronger resulting in more flooding along the earth's coastlines.<sup>13</sup>

The April IPCC report tried to assure readers that all is not lost. It states, "*on technological and cost considerations alone, mitigation of emissions to limit warming to 1.5°C (2.7°F) is feasible . . .*" However, the report goes on to say that to achieve this goal worldwide coal usage must be slashed 95%, oil consumption by 60%, and natural gas consumption by 45% by 2050. (An unlikely scenario based on the tepid effort, to date, to reduce greenhouse gasses.)

Jim Skea, co-chair of the IPCC working group, noted "there is increased evidence of climate action" referring to technologies and policies that do exist to enable sharp reductions in emissions – if the political will exists to implement them.

As examples of these promising technologies, the IPCC report mentions the increased adoption of alternative energy sources as their costs continue to decline. The report noted that between 2010-2019 the cost of both solar energy and lithium-ion batteries declined 85% and wind energy by 55% making them cheaper options than conventional energy sources in many cases.

Also noted were efforts to decrease the amount of methane gas released into the atmosphere. Methane, although less of a greenhouse gas contributor by volume than carbon dioxide, creates 30 times the greenhouse effect as carbon dioxide. Capping the release of methane from dormant oil wells and the extraction and transportation of natural gas (referred to as "fugitive emissions") would have a noticeable impact on decreasing global warming.

Other mitigation measures are being discussed with differing opinions on their feasibility and advisability. These include such things as developing methods to extract carbon dioxide from the atmosphere, planting or replanting forests to absorb CO<sub>2</sub> as it is produced, and turning more acreage into the production of biofuels (vegetable matter) to burn rather than fossil fuels.

Co-chair Skea spoke for the IPCC when he said: "*It's now or never, if we want to limit global warming to 1.5°C. Without immediate and deep emission reductions across all sectors, it will be impossible.*"<sup>14</sup>

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<sup>13</sup>[www.npr.org/2021/07/14/1015800103/a-study-predicts-record-flooding-in-the-2030s-and-its-partly-because-of-the-moon](http://www.npr.org/2021/07/14/1015800103/a-study-predicts-record-flooding-in-the-2030s-and-its-partly-because-of-the-moon)

<sup>14</sup> "It's now or never: UN climate reports' 4 urgent takeaways", *National Geographic*, 4/4/2022.  
<http://www.nationalgeographic.com>

Optimists and pessimists alike will have to wait for the answer to the question of how disruptive climate change will be and how it will affect SLR in the short term and throughout this century. Meanwhile, the Grand Jury believes we should adhere to the adage: “hope for the best, but prepare for the worst”.

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**STAFF REPORT  
HARBOR DISTRICT MEETING  
 September 8, 2022**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Rob Holmlund, Development Director

**DATE:** September 2, 2022

**TITLE: Consider Adoption of Resolution No. 2022-08 Adopting A Property Acquisition and Disposition Plan for the Multipurpose Marine Terminal Master Plan and CEQA Determination**

**STAFF RECOMMENDATION:** Staff recommends that the Board Adopt Resolution No. 2022-08.

**SUMMARY:** As outlined in Exhibit 1 of the attached Resolution (see Attachment 1), the District is planning to acquire and dispose of properties in order to implement the “Multipurpose Marine Terminal Master Plan.”

**DISCUSSION:** In early 2021, the District developed the “Multipurpose Marine Terminal Master Plan” (Master Plan) (see Attachment 2). In order to implement the Master Plan, the District may need to purchase some properties, lease some properties from other owners, lease District-controlled properties to other parties, acquire a range of easements and rights-of-way, and engage in other forms of property ownership and exchange. In other words, the planned acquisitions and dispositions may take the form of fee title, lease, easement, license, and/or other forms of ownership. To comply with the Surplus Land Act and to ensure full disclosure for the public, the District has developed a “Property Acquisition and Disposition Plan” (Disposition Plan) (see Exhibit 1 of Attachment 1) outlining the strategy to acquire and/or dispose of properties within the Master Plan area. Acquiring and then disposing of the lands as presented in the Disposition Plan will promote commerce and coastal industrial development, thereby furthering the District’s Trust purposes as outlined the Humboldt Bay Harbor, Recreation, and Conservation District Act of 1970.

**ATTACHMENTS:**

- A. **Resolution 2022-08 (to be provided in a Supplemental)**
- B. **Multipurpose Marine Terminal Master Plan**

