

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

DATE: **October 13, 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 October 13, 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 September 8, 2022 Regular Board Meeting
- b) Adopt Minutes for September 28, 2022 Special Board Meeting

Agenda for October 13, 2022 Regular Board Meeting

- c) Receive District Financial Reports for July 2022
- d) Approve Purchase Order No. for Express Personnel Temporary Maintenance Worker
- e) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings
- f) Consider Accepting for Filing District Permit 2022-06: Mad River Slough Shellfish Nursery
- g) Maintenance Manager Contract

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

- a) **Consider Adopting 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: Adopt Amendment No. 4 to Ordinance No. 5 and consent to read by title only.

Summary: The proposed amendment was introduced to the Board of Commissioners on September 8, 2022 and 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. The salary increase will be effective 30 days after publication in the Times Standard.

11. New Business

- a) **Humboldt Bay Natural Shoreline Infrastructure Project**

Recommendation: Receive Report.

Summary: The County of Humboldt has initiated an innovative approach to protecting infrastructure against sea level rise within Humboldt Bay. County staff will provide an informational presentation to the Board.

- b) **Consider Adopting Resolution 2022-12 Establishing Findings Relative to and Approving Harbor District Permit 2022-04 with Conditions for the Humboldt Bay Trail South**

Recommendation: Staff recommends that the Board: Adopt Harbor District Resolution No. 2022-12 which includes:

- Establishing Findings Relative to the Permit Application for the Humboldt Bay Trail South
- Approving Permit 2022-04 with conditions for the Humboldt Bay Trail South Project

Summary: The proposed project is an approximately 4.2-mile paved path situated primarily along US Highway 101 and the railroad corridor from the Eureka Slough Area to the Bracut Industrial Park. The proposed trail segment would complete the Humboldt Bay Trail from Eureka to Arcata. The County of Humboldt previously applied for and was issued a Harbor District permit for the Humboldt Bay Trail South (Permit 2021-01) which expired in April 2022. Because the previous permit expired and the project has not yet been constructed, a new permit is being processed. The applicant has indicated that all components of the project are the same as under the original issuance and that the project description has not changed.

c) Consider Adopting Resolution 2022-13 Establishing Findings Relative to and Approving Harbor District Permit 2022-05 with Conditions for the City of Eureka Samoa Boat Launch Improvements

Recommendation: Staff recommends that the Board: Adopt Harbor District Resolution No. 2022-13 which includes:

- Establishing Findings Relative to the Permit Application for the City of Eureka Samoa Boat Launch Improvements
- Approving Permit 2022-05 with conditions for the City of Eureka Samoa Boat Launch Improvements Project

Summary: The proposed project is located off Waterfront Drive under the Samoa Bridge (Highway 255) in Eureka, CA. The proposed project involves the construction of an additional floating dock with new pilings on the western side of the existing Samoa boat ramp. The City of Eureka previously applied for and was issued a Harbor District permit for the Samoa Boat Launch Improvement Project (Permit 2021-02) which expired in May 2022. Because the previous permit expired and the project had not yet been constructed, a new permit is being processed. All components of the project are the same as under the original issuance.

d) Notification for the Removal and Relocation of Military Vessel 1091 Temporarily Stored on District Property APN 401-031-040

Recommendation: Staff recommends the Board review and approve a proposal that formally notifies the board of directors of the LSIL 1091 Museum Association of the need to remove Military Vessel 1091 from its current location on District property (APN 401-031-040), while also allowing for the potential relocation to another District property (APN 401-031-078).

Summary: Since December 2016, Military Vessel 1091 has been located at Redwood Marine Terminal I under Coastal Development Permit Waiver 1-17-0266-W, which allowed for temporary storage of the vessel through December 2018. District staff has

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notified the board of directors of the LSIL 1091 Museum Association that the vessel must be removed and is working collectively to conclude the disposition of the vessel.

e) Consider Appointing Bar Pilot Apprentice Interviewed by the Pilotage Advisory Subcommittee

Recommendation: Staff recommends the Board approve conditional appointment of Bar Pilot Apprentice Andrew Manning.

Summary: The Pilotage Advisory Subcommittee interviewed applicant Andrew Manning and recommends that the Board extend apprenticeship to Mr. Manning. If the Board approves the apprenticeship, the appointment would be conditional upon satisfactory completion of pre-employment physicals.

11. Future Agenda Items

12. Adjournment

DRAFT MINUTES
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT
September 8, 2022

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 5:00 P.M., Regular Session met at 6:00 P.M. both via video conference with a teleconference option.

CLOSED SESSION – 5:03 P.M.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: No one.

BUSINESS

- 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, 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.

REGULAR SESSION – 6:00 P.M.

ROLL CALL

PRESENT: DALE
KULLMANN
MARKS
NEWMAN

ABSENT: HIGGINS
QUORUM: YES

REPORT ON SPECIAL CLOSED SESSION: No reportable action.

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

PLEDGE OF ALLEGIENCE

CONSENT CALENDAR

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

COMMISSIONER KULLMANN MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-D.

COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- a) Executive Director's Report
 - I. Executive Director presented Executive Director's 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

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

- I. Executive Director presented the item with help from Natalie Arroyo, RCEA.
- 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 MARKS MOVED TO APPROVE A CONTRACT WITH REDWOOD COMMUNITY ACTION AGENCY IN THE AMOUNT OF \$438,978 FOR IMPLEMENTATION AND TASK MANAGEMENT FOR THE SAMOA PENINSULA BEAUTIFICATION PROJECT.
COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

b) Update on Woodley Island Marina Dredging Needs

- I. District Staff 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.
- V. Discussion item only, no formal action was taken.

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

- I. Executive Director 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 KULLMANN MOVED TO INTRODUCE BY TITLE ONLY AMENDMENT NO. 4 TO ORDINANCE NO. 5: AN ORDINANCE ESTABLISHING FEES FOR COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

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

- I. District staff 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 MARKS MOVED TO ADOPT RESOLUTION 2022-11 RESPONDING TO THE 2021-22 GRAND JURY REPORT “THE SEA ALSO RISES”.

COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

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

- I. District staff 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 MARKS MOVED TO ADOPT RESOLUTION 2022-08 THEREBY ADOPTING A PROPERTY ACQUISITION AND DISPOSITION PLAN FOR THE MULTIPURPOSE MARINE TERMINAL MASTER PLAN AND CEQA DETERMINATION.

COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

FUTURE AGENDA ITEMS

- a) Update on Pre-permitting project**
- b) Update on Intake Permit**

ADJOURNMENT – 7:28 P.M.

APPROVED BY:

Richard Marks
Secretary of the Board of Commissioners

RECORDED BY:

Mindy Hiley
Director of Administrative Services

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

September 28, 2022

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, Closed Session met at 5:00 P.M. via video conference with a teleconference option.

SPECIAL CLOSED SESSION – 5:00 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 on the closed session meeting agenda: No one.

BUSINESS

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.
- b) 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.
- c) 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.
- d) 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, 401-031-078 and 401-031-040 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Nonprofit Organization 1091, Royal McCarthy. Under negotiation: price and payment terms.

Draft Minutes for September 28, 2022 Special Board Meeting

- e) 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.
- f) 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.

REPORT ON CLOSED SESSION – No reportable action.

ADJOURNMENT – 7:45 P.M.

APPROVED BY:

Richard Marks
Secretary of the Board of Commissioners

RECORDED BY:

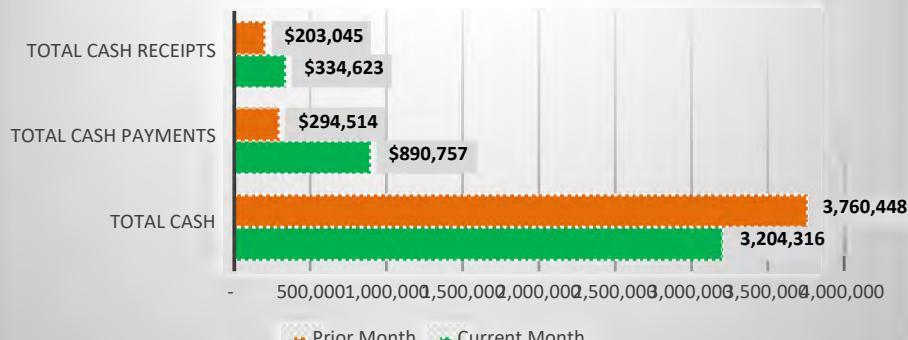
Mindy Hiley
Director of Administrative Services

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

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

	<u>7/31/22</u>	<u>6/30/22</u>
<u>Account Balances</u>		
Checking	\$ 50,566	\$ 420,377
Savings	33,440	54,030
Tariff	2,116,089	2,389,859
County Treasury	1,002,941	894,345
Cash on hand	1,280	1,837
Total Cash	3,204,316	3,760,448
Less: Restricted cash for Marina surcharges	(1,634,560)	(1,523,920)
Unrestricted Cash	1,569,756	2,236,528
<u>Change in Cash Balance</u>		
Balance, Beginning of Month	\$ 3,760,450	\$ 3,851,919
Monthly Deposits	334,623	203,045
Monthly Payments	(890,757)	(294,514)
Balance, End of Month	\$ 3,204,316	\$ 3,760,450
<u>Monthly Expenses Summary</u>		
Significant/Unusual Expenses:		
Workers' comp insurance annual payment	\$ 35,885	
Liability insurance annual payment	87,954	
BBVA bond and loan payment	235,160	
Tenera Environmental Inc.	36,143	\$ 25,415
Moffat & Nichol expenditure	274,767	69,560
Sub-total, Significance/Unusual Expenses	669,909	94,975
General operating expenses and other misc. expense	220,848	199,539
Total Cash Payments	\$ 890,757	\$ 294,514
Significant/Unusual Revenues:		
Property taxes and interest income	\$ 108,595	
Interest Payment on NMTC note receivable		\$ 40,187
Sub-total, Significant/Unusual Revenues	108,595	40,187
General revenues	226,028	162,858
Total Cash Receipts	\$ 334,623	\$ 203,045

Summary of Cash Activity

9:59 AM

10/07/22

Accrual Basis

Humboldt Bay Harbor, Recreation & Conservation District**Balance Sheet****As of July 31, 2022****Jul 31, 22****ASSETS****Current Assets****Checking/Savings**

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	15,170.02
10200.1 · Cash in PNC, Checking	35,395.84
10400 · CASH IN COUNTY - FUND 2720	967,421.63
10500 · CASH IN COUNTY - FUND 3872	35,518.88
10600.1 · Cash in bank, Tariff PNC	2,116,089.29
10700.1 · Cash in bank, Water PNC	33,439.94
10901 · UNEXPENDED MARINA SURCHARGES	1,634,559.96
10903 · RESTRICTED CASH	-1,634,559.96

Total Checking/Savings

3,204,315.60

Accounts Receivable**12000 · ACCTS RECEIVABLE**

1,280,693.00

Total Accounts Receivable

1,280,693.00

Other Current Assets

12100 · ALLOW FOR BAD DEBTS	-336,132.88
12200 · TAXES RECEIVABLE	106,515.00
12300 · INTEREST RECEIVABLE	25,713.00
12600 · Note Receivable - NMTC	5,849,375.00
12700 · PREPAID EXPENSES	130,476.68
12900 · Accounts Receivable FSM	-1,025.38

Total Other Current Assets

5,774,921.42

Total Current Assets

10,259,930.02

Fixed Assets**CAPITAL ASSETS, NET**

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	1,319,433.62
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	-18,513,994.17

Total CAPITAL ASSETS, NET

10,287,804.49

14800 · SHIPWRECK PROPERTY
14900 · DOG RANCH PROPERTY

50,088.05

7,507.70

Total Fixed Assets

10,345,400.24

Other Assets**18700 · Deferred Lease Asset**

3,438,104.00

19000 · Deferred Outflows of PERS

293,553.00

Total Other Assets

3,731,657.00

TOTAL ASSETS

24,336,987.26

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of July 31, 2022

Jul 31, 22

LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · ACCOUNTS PAYABLE	435,150.74
Total Accounts Payable	435,150.74
Credit Cards	
20112 · US Bank Visa	2,445.97
Total Credit Cards	2,445.97
Other Current Liabilities	
Payroll tax & Withholding Liab	
2100 · PAYROLL LIABILITIES	2,246.69
21300 · STATE UNEMPLOYMENT TAX	26.10
21600 · PERS CARE/MEDICAL INSURANCE	1,114.32
21700 · PERS RETIREMENT	-0.93
Total Payroll tax & Withholding Liab	3,386.18
20100 · LEASE PAYABLE TO HBDA	17,650.00
20200 · NOTES PAYABLE	327,959.14
20400 · ACCRUED WAGES PAYABLE	33,725.81
20500 · ACCRUED INTEREST	11,675.79
20600 · ACCRUED VACATION PAYABLE	43,583.71
20800 · DEPOSITS ON HAND	
20801 · KEY DEPOSITS ON HAND	16,700.00
20802 · PLUG DEPOSITS ON HAND	1,020.00
20803 · SLIP DEPOSITS ON HAND	57,987.49
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	3,500.00
Total 20800 · DEPOSITS ON HAND	224,483.32
24000 · Ground Lease Deferred Income	3,906,000.00
24002 · Groundlease Current Def Income	60,092.31
27201 · Deferred Inflows - OPEB	29,113.00
28000 · DEFERRED INCOME	159,055.45
28400 · DEFERREDINCOMECalTrans Spartina	1,308,499.38
28500 · OTHER DEFERRED CREDITS	723,523.92
Total Other Current Liabilities	6,848,748.01
Total Current Liabilities	7,286,344.72
Long Term Liabilities	
24001 · Gound Lease Amortization	-384,329.93
24003 · Groundlease Current Offset	-60,092.31
25500 · OPEB Liability	186,792.00
25700 · BOND PAYABLE 2014 REFINANCING	1,855,228.36
25800 · BBVA Loan Payable	1,009,728.58
25900 · LESS CURRENT PORTION	-327,959.14
27000 · Net Pension Liability	577,703.00
27200 · Deferred Inflows of PERS	590,149.00
27202 · Deferred Inflows - Leases	3,411,796.00
Total Long Term Liabilities	6,859,015.56
Total Liabilities	14,145,360.28
Equity	
30500 · INVESTMENT IN FIXED ASSETS	9,404,911.59
30900 · RESTRICTED FUND BALANCE	1,634,559.85
31200 · GENERAL FUND BALANCE	
31000 · FUND BALANCE - TIDELANDS TRUST	-1,861,554.20

9:59 AM

10/07/22

Accrual Basis

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of July 31, 2022

	Jul 31, 22
31200 · GENERAL FUND BALANCE - Other	<u>1,059,133.67</u>
Total 31200 · GENERAL FUND BALANCE	-802,420.53
Net Income	-45,423.93
Total Equity	10,191,626.98
TOTAL LIABILITIES & EQUITY	<u>24,336,987.26</u>

10:00 AM

Humboldt Bay Harbor, Recreation & Conservation District
Profit & Loss
July 2022

 10/07/22
 Accrual Basis

	Jul 22	Jul 22
Ordinary Income/Expense		
Income		
Donations		
46519 · Donations - Lighthouse	8.00	8.00
Total Donations	8.00	8.00
Dredging Revenue		
41318 · Dredging Surcharge - T	17,772.07	17,772.07
Total Dredging Revenue	17,772.07	17,772.07
Fees		
40108 · PERMITS-T	350.00	350.00
41818 · Late Charges/Interest - T	775.00	775.00
41819 · Late Charges/Interest - NT	625.00	625.00
Total Fees	1,750.00	1,750.00
Float Replacement Account		
41418 · Float Replacement	7,234.38	7,234.38
Total Float Replacement Account	7,234.38	7,234.38
Harbor Surcharge		
40908 · Harbor Improvement Surcharge-T	5,468.00	5,468.00
Total Harbor Surcharge	5,468.00	5,468.00
Interest Revenue		
43108 · Interest Income - T	1,333.89	1,333.89
43109 · Interest Income - NT	27,978.00	27,978.00
Total Interest Revenue	29,311.89	29,311.89
Other Revenue		
45908 · Other Revenue - T	2.00	2.00
45909 · Other Revenue - NT	3,012.76	3,012.76
Total Other Revenue	3,014.76	3,014.76
Rent Income		
40218 · Slip Rents - T	46,874.82	46,874.82
40318.1 · Transient Rentals - T	3,506.75	3,506.75
40809 · Yard Rent - NT	1,021.20	1,021.20
41108 · Rents, Tidelands Leases - T	33,367.91	33,367.91
41309 · Storage - NT	3,603.77	3,603.77
41409 · Upland Rent - NT		
41409.2 · Redwood Terminal 2 - NMTC	5,007.69	5,007.69
41409 · Upland Rent - NT - Other	60,340.25	60,340.25
Total 41409 · Upland Rent - NT	65,347.94	65,347.94
Total Rent Income	153,722.39	153,722.39
Sales		
40119 · Concession Sales - NT	830.00	830.00
Total Sales	830.00	830.00
Tax Revenue		
43509 · Property Tax Revenues	106,515.00	106,515.00
Total Tax Revenue	106,515.00	106,515.00
Utility Surcharge		
40409 · Utility Surcharge - NT	5,204.14	5,204.14
40418 · Utility Surcharge, Marina Dock	4,442.83	4,442.83
Total Utility Surcharge	9,646.97	9,646.97
47019 · Returned Check Charges	35.00	35.00

10:00 AM

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

July 2022

10/07/22
Accrual Basis

	Jul 22	Jul 22
52708.1 · Discount	113.86	113.86
Total Income	335,422.32	335,422.32
Gross Profit	335,422.32	335,422.32
Expense		
Accounting/Auditing Services		
52500 · Accounting Fees - T	1,005.00	1,005.00
52508 · Accounting Fees - NT	1,167.50	1,167.50
Total Accounting/Auditing Services	2,172.50	2,172.50
Communications		
51400 · Communications - NT	3,689.68	3,689.68
51408 · Communications - T	2,101.00	2,101.00
Total Communications	5,790.68	5,790.68
Conference & Meetings		
51500 · Conferences & Meetings - NT	786.30	786.30
51508 · Conferences & Meetings - T	159.58	159.58
Total Conference & Meetings	945.88	945.88
Dredging Expense		
56708 · Dredging - GT	755.00	755.00
Total Dredging Expense	755.00	755.00
Engineering Services		
52400 · Engineering Fees - NT	1,861.59	1,861.59
52408 · Engineering Fees - T	2,212.50	2,212.50
Total Engineering Services	4,074.09	4,074.09
Fuel		
50400 · IMPUTED AUTO VALUE G/A	120.00	120.00
51200 · Automotive, Fuel- NT	1,908.81	1,908.81
51208 · Vessel Fuel	336.29	336.29
51218 · Automotive, Fuel - T	1,969.77	1,969.77
Total Fuel	4,334.87	4,334.87
Grant Expenses		
Harbor Grant Expenses		
54408.1 · Harbor Grant Exp	230,999.01	230,999.01
Total Harbor Grant Expenses	230,999.01	230,999.01
Total Grant Expenses	230,999.01	230,999.01
Insurance		
51800 · Insurance - NT	8,911.25	8,911.25
51808 · Insurance - T	1,128.07	1,128.07
Total Insurance	10,039.32	10,039.32
Interest Expense		
55108 · Interest Expense - T	4,579.00	4,579.00
55109 · Interest Expense - NT	8,355.74	8,355.74
Total Interest Expense	12,934.74	12,934.74
Legal Services		
52300 · Legal Fees - NT	2,148.37	2,148.37
52308 · Legal Fees - T	716.13	716.13
Total Legal Services	2,864.50	2,864.50
Maintenance - Equipment		
51209 · Automotive, Repairs - NT	1,091.56	1,091.56
52710 · Repairs & Maint, Equip - NT	175.36	175.36

10:00 AM

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

July 2022

10/07/22

Accrual Basis

	Jul 22	Jul 22
52718 · Repairs & Maint, Equip - T	5,277.44	5,277.44
Total Maintenance - Equipment	6,544.36	6,544.36
Maintenance - Facilities		
52708 · Repairs & Maint, Facilities - T	12,615.90	12,615.90
52719 · Repairs & Maint, Facilities - N	12,956.63	12,956.63
Total Maintenance - Facilities	25,572.53	25,572.53
Maintenance - IT		
57008 · Maintenance, IT Equip - T	349.50	349.50
57009 · Maintenance, IT Equip - NT	282.09	282.09
Total Maintenance - IT	631.59	631.59
Maintenance Supplies		
52010 · Maintenance Supplies - NT	1,400.04	1,400.04
Total Maintenance Supplies	1,400.04	1,400.04
Office Supplies		
51900 · Office Supplies - NT	3,043.19	3,043.19
51908 · Office Supplies - T	592.85	592.85
51918 · OFFICE EXPENSE M/T	20.24	20.24
Total Office Supplies	3,656.28	3,656.28
Other Professional/Outside Serv		
52109 · Outside Services, Other - NT	-321.88	-321.88
52110 · OUTSIDE SERVICES M/A	201.00	201.00
52118 · Outside Services, Other - T	-110,562.66	-110,562.66
Total Other Professional/Outside Serv	-110,683.54	-110,683.54
Personnel Expenses		
Commissioners Fees		
50200 · Commissioner's Salaries - NT	1,470.00	1,470.00
50208 · Commissioner's Salaries - T	630.00	630.00
Total Commissioners Fees	2,100.00	2,100.00
Contract Temporary Services		
50318 · Contract Temporary Services - T	5,188.02	5,188.02
Total Contract Temporary Services	5,188.02	5,188.02
Payroll Burden		
50500 · Payroll Benefits, Other - NT	34,147.36	34,147.36
50508 · Payroll Benefits, Other - T	10,799.82	10,799.82
6560 · Workers' Comp	3,488.59	3,488.59
Total Payroll Burden	48,435.77	48,435.77
Salaries/Wages		
50100 · Salaries & Wages - NT	75,918.25	75,918.25
Total Salaries/Wages	75,918.25	75,918.25
Total Personnel Expenses	131,642.04	131,642.04
Planning Services		
52208 · Planning Fees - T	-15,380.57	-15,380.57
Total Planning Services	-15,380.57	-15,380.57
Rent Expense		
54308 · Redwood Terminal 2 Lease Expens	15,520.18	15,520.18
Total Rent Expense	15,520.18	15,520.18
Small Tools		

10:00 AM

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

July 2022

10/07/22
Accrual Basis

	Jul 22	Jul 22
52800 · Small Tools - NT	630.01	630.01
Total Small Tools	630.01	630.01
Utilities		
52909 · Utilities - NT	20,461.71	20,461.71
52918 · Utilities - T	5,528.76	5,528.76
53000 · Water, Sewer, & Refuse - NT	16,655.45	16,655.45
53008 · Water, Sewer, & Refuse - T	3,710.08	3,710.08
Total Utilities	46,356.00	46,356.00
55700 · Float Replacement Expense - MT	46.74	46.74
Total Expense	380,846.25	380,846.25
Net Ordinary Income	-45,423.93	-45,423.93
Net Income	-45,423.93	-45,423.93

11:24 AM

10/06/22

Accrual Basis

Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

As of July 31, 2022

Type	Date	Num	Name	Memo	Amount
10200.1 · Cash in PNC, Checking					
Liability Check	07/06/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-1,863.20
Liability Check	07/06/2022	E-pay	Internal Revenue Service	94-2262845 QB ...	-4,880.56
Bill Pmt -Check	07/06/2022	Xfer	PNC Bank, N.A.	36603233	-154,803.34
Bill Pmt -Check	07/06/2022	Xfer	PNC Bank, N.A.	36603233	-80,356.74
Bill Pmt -Check	07/06/2022	ACH	Pacific Gas & Electric (8...	0074698259-4	-9,535.56
Liability Check	07/07/2022		QuickBooks Payroll Serv...	Created by Payro...	-23,784.91
Check	07/07/2022	1313	Buck, Stephen	Tenant Refund	-40.00
Check	07/07/2022	1314	Coates, Carl	Tenant Refund	-20.00
Check	07/07/2022	1315	Danielsen, Thomas H	Tenant Refund	-165.24
Bill Pmt -Check	07/07/2022		Employment Developme...	QuickBooks gen...	0.00
Liability Check	07/08/2022	ACH	PERS Unfunded Accrue...	2233447024	-5,278.65
Liability Check	07/08/2022	ACH	CalPERS 457 Program	450348	-1,700.00
Bill Pmt -Check	07/08/2022	ACH	CalPERS 457 Program	457Match 07/08/...	-325.00
Liability Check	07/08/2022	ACH	California State Disburse...	200000002142499	-461.53
Liability Check	07/08/2022	ACH	State Disbursement Unit	0230000067964	-233.53
Bill Pmt -Check	07/08/2022	ACH	PERS Unfunded Accrue...	2233447024	-2,907.00
Bill Pmt -Check	07/08/2022	1272	101Netlink	WIM	-250.00
Bill Pmt -Check	07/08/2022	1273	Advanced Security Syste...	WIM	-199.50
Bill Pmt -Check	07/08/2022	1274	Alliant Insurance Service...	License & Permit...	-1,000.00
Bill Pmt -Check	07/08/2022	1275	B & B Portable Toilets	RWD	-134.94
Bill Pmt -Check	07/08/2022	1276	Campton Electric Supply		-110.12
Bill Pmt -Check	07/08/2022	1277	Cox, Castle & Nicholson ...	Port Development	-3,420.00
Bill Pmt -Check	07/08/2022	1278	Englund Marine Supply		-1,888.20
Bill Pmt -Check	07/08/2022	1279	Eureka-Humboldt Fire Ex...	WIM, Docks D & F	-202.11
Bill Pmt -Check	07/08/2022	1280	Eureka Oxygen Company		-89.50
Bill Pmt -Check	07/08/2022	1281	Express Services, Inc.	28590512	-2,649.88
Bill Pmt -Check	07/08/2022	1282	Humboldt Bay Municipal ...	9002.001 RMT2	-1,040.04
Bill Pmt -Check	07/08/2022	1283	Humboldt Community Se...	3165	-513.08
Bill Pmt -Check	07/08/2022	1284	Humboldt Waste Manag...	WIM	-112.00
Bill Pmt -Check	07/08/2022	1285	Mission Uniform & Linen	299313	-270.98
Bill Pmt -Check	07/08/2022	1286	Mitchell Law Firm, LLP		-1,945.00
Bill Pmt -Check	07/08/2022	1287	Napa Auto Parts		-167.09
Bill Pmt -Check	07/08/2022	1288	Northern California Glove	3474	-168.91
Bill Pmt -Check	07/08/2022	1289	O&M Industries	VOID:	0.00
Bill Pmt -Check	07/08/2022	1290	Pacific Gas & Electric (3...	6598073494-4	-186.18
Bill Pmt -Check	07/08/2022	1291	Pacific Gas & Electric (N...	2072047	-418.80
Bill Pmt -Check	07/08/2022	1292	Picky Picky Picky Inc.	J. Marciano Tem...	-43.68
Bill Pmt -Check	07/08/2022	1293	Pierson Building Center	1297	-2,491.95
Bill Pmt -Check	07/08/2022	1294	Pintermedia LLC		-60.00
Bill Pmt -Check	07/08/2022	1295	Planwest Partners, Inc.		-3,621.75
Bill Pmt -Check	07/08/2022	1296	PPG Architectural Finishes		-375.09
Bill Pmt -Check	07/08/2022	1297	Reincke Marine Fabricati...	PO #1809 Barfly ...	-3,500.00
Bill Pmt -Check	07/08/2022	1298	Restif Cleaning Service	PO #1807	-585.00
Bill Pmt -Check	07/08/2022	1299	SDRMA	Property/Liability ...	-87,954.34
Bill Pmt -Check	07/08/2022	1300	Security Lock & Alarm	RMT2 ReKey	-20.00
Bill Pmt -Check	07/08/2022	1301	Shelter Cove Fishing Pre...	SC Janitorial July...	-2,083.33
Bill Pmt -Check	07/08/2022	1302	SHN Consulting Enginee...		-3,491.25
Bill Pmt -Check	07/08/2022	1303	Southwest Answering Se...	5/20-6/16/2022 ...	-216.00
Bill Pmt -Check	07/08/2022	1304	Standard Insurance Com...	ST 908447 0001	-227.80
Bill Pmt -Check	07/08/2022	1305	StewTel, Inc.		-327.30
Bill Pmt -Check	07/08/2022	1306	Tony Gosselin & Sons	1996 Dodge	-237.83
Bill Pmt -Check	07/08/2022	1307	Valley Pacific Petroleum ...	114137	-60.46
Bill Pmt -Check	07/08/2022	1308	Wahlund Construction Inc.	35-21	-1,738.99
Bill Pmt -Check	07/08/2022	1309	World Oil Enviromental S...	15055	-7,115.00
Bill Pmt -Check	07/08/2022	1310	SDRMA	Worker's Compe...	-35,884.95
Bill Pmt -Check	07/08/2022	1311	Western Chainsaw	WIM	-15.01
Bill Pmt -Check	07/08/2022	1312	SDRMA	2020-2021 Ocea...	-178.70
Bill Pmt -Check	07/08/2022	1316	O&M Industries		-1,248.00
Bill Pmt -Check	07/08/2022	1317	ACWA JPIA	215	-25,778.31
Check	07/08/2022	1318	US Bank Corporate Pay...		-2,177.12
Liability Check	07/11/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-426.31
Bill Pmt -Check	07/12/2022	ACH	PERS Unfunded Accrue...	2233447024	-8,327.67
Bill Pmt -Check	07/15/2022	1319	Alber's Tractor & Ag Work	Mowing: Ash Du...	-1,960.00
Bill Pmt -Check	07/15/2022	1320	Enterprise-Record, Merc...		-156.58
Bill Pmt -Check	07/15/2022	1321	Express Services, Inc.	28590512	-1,583.42
Bill Pmt -Check	07/15/2022	1322	Recology Eel River	061097997	-429.64
Bill Pmt -Check	07/15/2022	1323	Recology Humboldt Cou...	061218064	-695.72
Bill Pmt -Check	07/15/2022	1324	Recology Humboldt Cou...	A0060000265	-2,325.64

Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

As of July 31, 2022

10/06/22

Accrual Basis

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	07/15/2022	1325	Verizon Wireless		-357.54
Bill Pmt -Check	07/15/2022	1326	Verizon Wireless		-108.56
Liability Check	07/19/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-2,036.59
Liability Check	07/19/2022	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,529.24
Liability Check	07/21/2022		QuickBooks Payroll Serv...	Created by Payroll...	-26,298.99
Bill Pmt -Check	07/22/2022	1327	Moffatt & Nichol	Project 212991/0...	-274,767.42
Bill Pmt -Check	07/22/2022	1328	Advanced Security Syste...	RMT2	-144.59
Bill Pmt -Check	07/22/2022	1329	ICF Jones & Stokes, Inc.		-10,221.75
Bill Pmt -Check	07/22/2022	1330	Lost Coast Merchant Ser...	Payphone Servic...	-270.00
Bill Pmt -Check	07/22/2022	1331	Planwest Partners, Inc.		-3,076.00
Bill Pmt -Check	07/22/2022	1332	RMI Outdoors	Frankenstein	-89.59
Bill Pmt -Check	07/22/2022	1333	Security Lock & Alarm	WIM	-40.97
Bill Pmt -Check	07/22/2022	1334	Shelter Cove Resort Imp...	SC	-327.62
Bill Pmt -Check	07/22/2022	1335	SHN Consulting Enginee...		-4,829.09
Bill Pmt -Check	07/22/2022	1336	Tenera Environmental Inc.	20236001	-36,142.75
Bill Pmt -Check	07/22/2022	1337	Valley Pacific Petroleum ...	114137	-1,521.61
Check	07/22/2022	1338	Mather, Gary	F23 Tenant Refu...	-364.00
Liability Check	07/22/2022	ACH	PERS Unfunded Accrue...	2233447024	-5,302.56
Liability Check	07/22/2022	ACH	CalPERS 457 Program	450348	-1,760.75
Liability Check	07/22/2022	1340	Operating Engineers Loc...	94-2262845	-348.88
Liability Check	07/22/2022	1341	Franchise Tax Board	██████████	-100.00
Bill Pmt -Check	07/22/2022	ACH	CalPERS 457 Program	457Match 07/22/...	-325.00
Liability Check	07/22/2022	ACH	California State Disburse...	2000000002142499	-461.53
Liability Check	07/22/2022	ACH	State Disbursement Unit	0230000067964	-233.53
Bill Pmt -Check	07/22/2022	1342	Alber's Tractor & Ag Work	Mowing: RMT1 P...	-1,088.00
Bill Pmt -Check	07/22/2022	1344	Coastal Business Syste...	WIM Copier Lease	-485.21
Bill Pmt -Check	07/22/2022	1345	Coldwell Banker Comme...	RMT2 - Mountain...	-395.18
Bill Pmt -Check	07/22/2022	1346	David L. Moonie & Co., L...		-2,640.00
Bill Pmt -Check	07/22/2022	1347	Express Services, Inc.	28590512	-1,114.13
Bill Pmt -Check	07/22/2022	1348	Humboldt Community Se...	3165	-538.83
Bill Pmt -Check	07/22/2022	1349	Pacific Gas & Electric (1...	Acct #06704919...	-1,961.55
Bill Pmt -Check	07/22/2022	1350	Saucedo, Doug.	Windshield Repl...	-354.05
Bill Pmt -Check	07/22/2022	1351	Staples Credit Plan	6035 5178 1247 ...	-703.06
Bill Pmt -Check	07/22/2022	1352	Turner, Chris.		-500.00
Bill Pmt -Check	07/22/2022	1343	CAPA	Membership Due...	-2,728.12
Bill Pmt -Check	07/23/2022		AT&T Phone	QuickBooks gen...	0.00
Bill Pmt -Check	07/28/2022	ACH	AT&T Phone	707 443-0800 07...	-1,095.13
Check	07/29/2022			Service Charge	-240.74
Total 10200.1 · Cash in PNC, Checking					-884,960.99
TOTAL					-884,960.99



Humboldt Bay Harbor, Recreation &
Conservation District
PO Box 1030
Eureka, CA 95502

Purchase Order

Date	P.O. No.
10/13/2022	1856

Vendor	Ship To
Express Employment Professionals 14 W. Wabash Avenue Eureka, CA 95501	Humboldt Bay Harbor, Recreation and Conservation District PO Box 1030 Eureka, CA 95502

Description	Qty	Rate	Class	Amount
Employment Services for Custodian/ Groundskeeper (HMWI) to cover for absence of R. Juchtzer	600	\$27.38/hr	WIM	\$16,428
Approved By:				Total \$16,428.00

COMMISSIONERS

1st Division
 Aaron Newman
 2nd Division
 Greg Dale
 3rd Division
 Stephen Kullmann
 4th Division
 Richard Marks
 5th 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**
October 13, 2022

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: September 29, 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**

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 **14th day of October 2021** by the following polled vote:

AYES: Dale, Higgins, Kullmann, Marks

NOES: Ø

ABSENT: Ø

ABSTAIN: Ø

ATTEST:



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 **14th 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 **14th day of October 2021**.



Patrick Higgins, Secretary
Board of Commissioners

COMMISSIONERS
1st Division
Aaron Newman
2nd Division
Greg Dale
3rd Division
Stephen Kullmann
4th Division
Richard Marks
5th 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
October 13, 2022**

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: October 5, 2022

TITLE: Consider Accepting for Filing District Permit 2022-06: Mad River Slough Shellfish Nursery

STAFF RECOMMENDATION: Staff recommends that the Board: Accept Permit Application 2022-06 for filing.

SUMMARY: Kimberly and William Rich applied for a Harbor District permit to restart a previous operational shellfish nursery in Mad River Slough, Humboldt Bay (see Attachment 1). The proposed project is located off Lanphere Road in Arcata, CA. The project involves restarting the operation of a shellfish nursery utilizing a combination of existing upland seed setting facilities and upwelling tanks and a new floating upwelling system ("FLUPSY") and water intake rafts. Consistent with District Ordinances and the Harbors and Navigation Code, this is a procedural step to accept a permit application to conduct physical improvements within the waters of Humboldt Bay. If the Board chooses to accept the filing of this permit, staff will follow standard procedures to review and evaluate the project. Following that analysis, the project will come before the Board with a staff recommendation for or against approval.

DISCUSSION: The proposed project involves restarting operation of a shellfish nursery utilizing existing and newly constructed mariculture equipment. The existing equipment includes an upland shellfish larvae setting



Figure 1. Location of proposed Mad River Slough Shellfish Nursery in Humboldt Bay, CA.

facility and upwelling tanks. The newly constructed equipment will include a floating upwelling system ("FLUPSY") and water intake rafts, both being anchored in Mad River Slough. The water intake raft would use pipes to transfer bay water to the existing upland larvae setting facility and upwelling tanks. The bay water would then be discharged to an existing "ditch."

The shellfish nursery was operated at the project site by various previous landowners; it is not currently operational. This nursery was used seasonally (approximately March-November) to produce Kumamoto oyster (*Crassostrea sikamea*), Pacific oyster (*C. gigas*) and Manila clam (*Tapes philippinarum*) seed. The Humboldt Bay Harbor District is the California Environmental Quality Act (CEQA) Lead Agency and an Initial Study is being prepared. The applicant is also pursuing permits from other regulatory agencies.



Figure 2. Location of proposed Mad River Slough Shellfish Nursery (Imagery: Google Earth, May 2019).

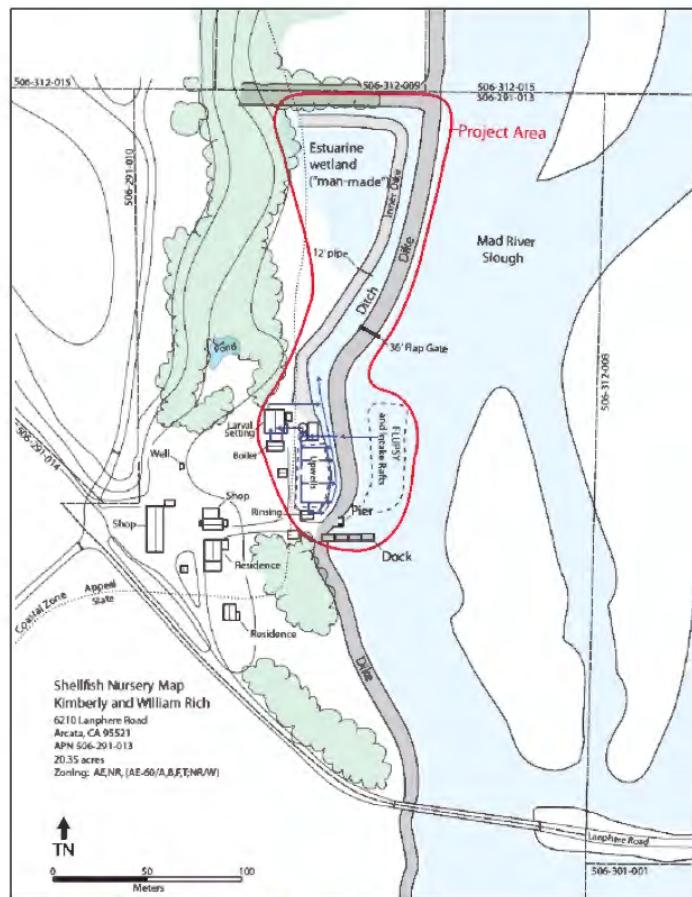


Figure 3. Proposed Mad River Slough Shellfish Nursery site layout.

Attachments:

- Attachment 1: MRS Shellfish Nursery - HBHD Permit Application



HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

P.O. BOX 1030
Eureka, California 95502
(707) 443-0801
(707) 443-0800 fax

Date Filed _____

General Information	For Commission Use
1.) Name & Address of Developer, Project Sponsor and Legal Owner Kimberly and William Rich PO Box 184 Bayside, CA 95524	A. Application No. <u>2022-06</u> Application Type: Franchise <input type="checkbox"/> Permit <input checked="" type="checkbox"/> Lease <input type="checkbox"/>
2.) Address of Project and Assessor's block, lot and Parcel Number 6210 Lanphere Road Arcata, CA 95521, 506-291-013	B. Date Received by Harbor District <u>08/30/2022</u>
3.) Name, Address and Telephone No. of Person to be contacted concerning this Project Kimberly Rich PO Box 184 Bayside, CA 95524 707-834-7777, krich1072@gmail.com	C. Date Accepted for filing by BOC D. Date of Public Notice E. Date of Acceptance EIR or Negative Declaration F. Date of Public Notice G. Date of Public Hearings H. Date of Approval Disapproval _____ Conditional _____ Approval _____
4.) Attach list of names and addresses of all adjoining property owners Attachment A	I. Expiration Date
5.) List and Describe any other related Permits & Other Public Approvals required for this Project, including those required by City, Regional, State & Federal Agencies. Attachment A	Describe in detail the proposed project: Comments _____
6.) Existing Zoning District Attachment A	
7.) Proposed Use of Site (Title of Project for which this form is filed) Mad River Slough Shellfish Nursery	

Describe in detail the proposed project:

See Attachment B

Answer all questions completely on a separate sheet of paper. If the question does not apply to your project, so indicate by marking N.A. If you have questions, please contact the Harbor District Office.

Project Description

8. Site Size **N/A**
9. Square Footage **N/A**
10. Number of floors of construction **N/A**
11. Amount of off-street parking provided **10 parking spots**
12. Attach plans **Attachment B**
13. Proposed scheduling **Attachment B**
14. Associated projects **None**
15. Anticipated incremental development **None**
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. **N/A**
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities **N/A**
18. If industrial, indicate type, estimated employment per shift, and loading facilities. **One full time and three seasonal employees.**
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project. **N/A**
20. If the project involves a variance, conditional use or recognizing application, state this and indicate clearly why the application is required. **N/A**

Are the following items applicable to the project or its effects? Answer yes or no. Discuss all items answered yes.

21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours. **Yes. Return of raft structures to Humboldt Bay at this location.**
22. Change in scenic views or vistas from existing residential areas or public lands or roads. **Yes. View of returned raft structures from Lanphere Road.**
23. Change in pattern, scale or character of general area of project. **No.**
24. Significant amounts of solid waste or litter. **No.**
25. Change in dust, ash, smoke, fumes or odors in vicinity. **No.**
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. **Yes. However, previous water intake and discharge from Humboldt Bay has been occurring at the site since 1978.**

27. Substantial change in existing noise or vibration levels in the vicinity.
 - A. During Construction **No.**
 - B. During Project Utilization **No.**
28. Site on filled land or on slope of 10% or more. **No.**
29. Use of disposal or potentially hazardous materials, such as toxic substances, flammable or explosives. **No.**
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.) **No.**
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.). **No.**
32. Relationship to larger project or series of projects **No.**

ENVIRONMENTAL SETTING:

33. Describe the project site as it exists before the project including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted. **Attachment A.**
34. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.) intensity of land use (one-family, apartment houses, shops, department stores, etc.) and the scale of development (height, frontage, set-back, rear yard, etc.) Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted. **Attachment A.**

-----Questions 35; 36 and 39 MUST BE ANSWERED!-----

35. How will the proposed use or activity promote the public health, safety, comfort, and convenience? **The use will create jobs and economic activity. It will also provide shellfish seed to support other businesses and sustainably produce food (protein).**
36. How is the requested grant, permit, franchise, lease, right, or privilege required by the public convenience and necessity? **For food production and economic activity.**
37. Financial statement:
 - A. Estimated cost of the project. **\$20,000**
 - B. How will the project be financed. **By owner.**

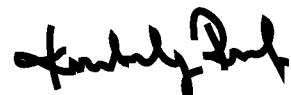
38. Describe fully directions necessary to arrive at project site. **Take Hwy 101 Exit 716B (Guintoli Rd). Continue west to Janes Rd. Turn right on Upper Bay Rd and continue to Lanphere Road (6210 Lanphere Rd).**

39. Will the Applicant agree that as a condition of the permit being issued to Applicant, to indemnify and hold harmless the Humboldt Bay, Harbor Recreation and Conservation District from any and all claims, demands, or liabilities for attorneys' fees obtained from or against demands for attorney's fees, costs of suit, and costs of administrative records made against District by any and all third parties as a result of third party environmental actions against District arising out of the subject matter of this application and permit, including, but not limited to, attorney's fees, costs of suit, and costs of administrative records obtained by or awarded to third parties pursuant to the California Code of Civil Procedure Section 1021.5 or any other applicable local, state, or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal, or arbitration of claims for attorneys' fees and costs of administrative records in connection with the subject matter of this application and permit? **Yes**

NOTE

The District hereby advises the Applicant that, under California Public Resources Code Section 21089, the District when a lead agency under the Environmental Quality Act of 1970, as amended, pertaining to an Environmental Impact Report (EIR) or a Negative Declaration may charge and collect from the Applicant a reasonable fee in order to recover the estimated costs incurred by the District in preparing an Environmental Impact Report (EIR) or Negative Declaration for the project and the procedures necessary to comply with the provisions of the public resources code on the Applicants project. In the event your project contains an analysis of issues pertaining to the Environmental Quality Act of 1970, as amended, for which District staff is not competent to independently review, or District requires the same in preparation of an Environmental Impact Report (EIR) or Negative Declaration for the project, the District may retain a reviewing consultant to evaluate the content of the Administrative-Draft EIR and Final EIR or Negative Declaration with respect to these issues. The cost of such reviewing consultant services shall be borne by the Applicant.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.



Dated: August 29, 2022

Kimberly Rich

Attachment A

Responses to Select Harbor District Permit Application Questions

4. Adjoining Property Owners

Clifford and Janet Demello
6440 Lanphere Rd. #2
Arcata, CA 95521

Victor Guynup
5888 Old Railroad Grade Rd.
McKinleyville, CA 95519

State of California
PO Box 3700
Eureka, CA 95502

US Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Richard Hunt
495 Hunts Dr.
McKinleyville, CA 95519

5. Required Permits

Agency	Approval Type
North Coast Regional Water Quality Control Board	Clean Water Act Section 401 Certification National Pollutant Discharge Elimination System Permit
US Army Corps of Engineers	Clean Water Act Section 10 Nationwide Permit
California Coastal Commission	Coastal Development Permit
Humboldt Bay Harbor District	District Permit California Environmental Quality Act Mitigated Negative Declaration

6. Zoning

County of Humboldt, Coastal Zone, Agriculture Exclusive/Natural Resources

33. Project Site

The project includes a portion of Mad River Slough where the FLUPSYs and pump rafts will be located, an upland area where existing seed setting facilities and upwelling tanks will be used and a tidal “ditch” where water will be discharged from the facility (see Attachment B). Mad River Slough is a tidal slough of Humboldt Bay without any major freshwater inputs (e.g., rivers). The slough potentially has special status fish species present including tidewater goby and Southern Oregon/Northern California coho salmon. Pacific Eelgrass is not present at the site. Diverse bird species use the area including kestrels, harriers, kites, osprey and waterfowl such as Pacific black brant. The upland area is developed for aquaculture uses. The ditch has tidal influence and is connected to Mad River Slough by a culvert with a tide gate and to an adjacent brackish pond by a culvert. No cultural resources are known from the site, and soil will not be disturbed. There is an existing dock at the site. The viewshed in the area is a combination of natural and working landscape (e.g., boating, aquaculture activity).



Existing dock at the FLUPSY and pump raft site.



Existing structures that will be used for seed setting and growth.



Brackish ditch that will be used for water discharge.

34. Surrounding Area

The surrounding area is similar to the site as described in item 33 above. There are low density residences nearby, but not in line of site to the project. Other nearby uses include agricultural endeavors and the Humboldt Bay National Wildlife Refuge.



View from Lanphere Road bridge.



Lanphere Road bridge in background and project site in foreground.

Attachment B

Mad River Slough Shellfish Nursery Project Description

Mad River Slough Shellfish Nursery

Project Description

August 19, 2022

Kimberly and William Rich are proposing to restart operation of a shellfish nursery in Mad River Slough, Humboldt Bay, California (Figures 1 and 2), with obtainment of new permits and utilization of best management practices. This nursery has been used seasonally (approximately March-November) to produce Kumamoto oyster (*Crassostrea sikamea*), Pacific oyster (*C. gigas*) and Manila clam (*Tapes philippinarum*) seed. These species are already cultured in Humboldt Bay. The shellfish nursery was operated at the project site by various previous landowners (Pidgeon Point, Kuiper Mariculture, Inc. and Taylor Mariculture) beginning in 1978. It is not currently operational. Following is a description of the proposed project.



Figure 1. Location of proposed Mad River Slough Shellfish Nursery in Humboldt Bay, CA.



Figure 2. Location of proposed Mad River Slough Shellfish Nursery (Imagery: Google Earth, May 2019).

Proposed Project

The proposed project (Figure 3) would utilize a combination of existing and newly constructed mariculture equipment. Existing equipment includes a shellfish larvae setting facility and upwelling tanks. New floating upwelling system ("FLUPSY") and water intake rafts would be anchored in Mad River Slough. The water intake raft would provide bay water through pipes to the existing upland larvae setting facility and upwelling tanks. Bay water would be discharged to an existing "ditch". Each component of the project is further described below.

Floating Upwelling System and Pump Raft

The FLUPSY would be a raft with a series of bins containing shellfish seed suspended into the water. An electric paddle wheel would move water through the bins to create “upwelling” that is beneficial to growth of shellfish seed. On a regular basis, the bins would be hoisted with a davit out of the water and cleaned.

The pump raft would have a hollow center within which a screened water intake would be submerged. The screen would be designed to avoid or minimize entrainment and impingement of aquatic species. On a regular basis, the water intake and screen would be lifted and cleaned. A maximum of 960 gallons per minute (gpm) would be drawn from Mad River Slough and pumped to the existing upland larvae setting facility and upwelling tanks.

The proposed water intakes have potential to entrain juvenile salmonids (not fry) or tidewater goby. The intake screen will be designed to protect juvenile salmonids and tidewater goby from entrainment and impingement by including the following design features¹:

- Positioned mid-water column because tidewater goby are bottom dwelling.
- Approach velocity shall not exceed 0.33 feet per second.
- Screen mesh shall not exceed 1/8 inch.

The total surface area of the FLUPSY and pump raft would not exceed 5,000 sf. They would be fixed using existing anchorage.

Discharge

The site was designed to discharge water from the larvae setting facility and upwelling tanks to a ditch that is connected to an estuarine wetland by a culvert. The ditch is connected to Mad River Slough by a culvert with a tide gate. Historically, discharge from facility operations has resulted in estuarine conditions in the ditch and wetland. Discharge from the proposed facility would maintain estuarine conditions within the ditch and wetland. The discharge rate would not exceed 960 gpm.

Habitat Restoration

The project may include brackish wetland restoration or enhancement at the site to mitigate for impacts to the bay's bio-productivity. Details of the habitat restoration/enhancement will be developed in coordination with Harbor District and other agency staff during development of the California Environmental Quality Act document.

¹ National Marine Fisheries Service, Southwest Region. 1997. Fish Screening Criteria for Anadromous Salmonids.

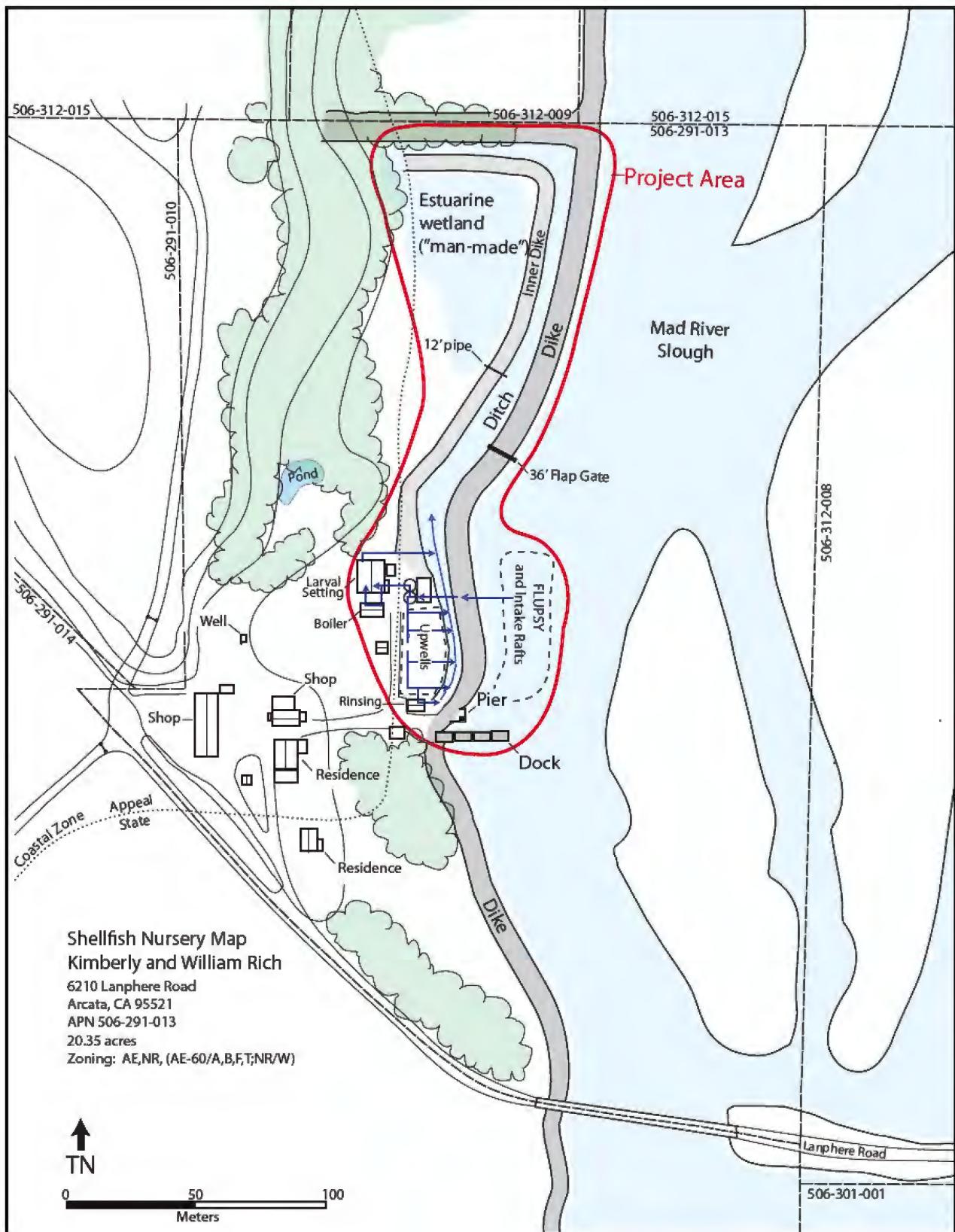


Figure 3. Proposed Mad River Slough Shellfish Nursery site layout.

Timing

It is anticipated that permitting and CEQA documentation could be completed within the next six-nine months.

EMPLOYMENT AGREEMENT
With
Robert Provolt

THIS AGREEMENT is between the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, a public entity, located in Humboldt County, California, herein referred to as "District", and Robert Provolt herein referred to as "Employee".

The parties recite that:

- A. District is a public entity with legal duties, powers, and obligations set forth in Sections 1 through 83 of Appendix 2 of the Harbors and Navigation Code of the State of California.
- B. Employee is willing to be employed by District, and District is willing to employ Employee in the unclassified, at-will position of Maintenance Manager on the terms and conditions hereinafter set forth.
- C. The position of Maintenance Manager is an unclassified service employee as defined in Section 73 of Appendix 2 of the Harbors and Navigation Code. Said position is an "At Will" position terminable at the will of either the employer or the employee.

FOR THE REASONS SET FORTH ABOVE, AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES HERETO, DISTRICT AND EMPLOYEE COVENANT AND AGREE AS FOLLOWS:

1. Pursuant to this Agreement, Employee is employed as Maintenance Manager for the Humboldt Bay Harbor, Recreation and Conservation District effective October 16, 2022, and Employee hereby accepts and agrees to such employment.
2. Employee shall perform and complete the services and tasks set forth in and according to the time frame set forth in Exhibit "A", attached hereto and incorporated by reference.
3. Employee shall at all times faithfully, industriously, and to the best of his ability, experience, and talent perform all duties that may be required pursuant to the expressed and implicit terms as set forth by the Executive Director of the District. Such duties shall be rendered in Humboldt County, California and at such other place or places as District shall in good faith require or the interest, and needs or requests of District shall require or make advisable.
4. Employee shall serve in the position of Maintenance Manager at the will and pleasure of the Executive Director of District. The Executive Director of the District or Employee may terminate this Agreement and terminate Employee's employment with or without cause at any time. In the event Employee desires to terminate employment with the District as Maintenance Manager, it is expected that Employee shall give to District a minimum of thirty (30) days

written notice of said intention to terminate. Employee shall be compensated for accrued benefits to the date of termination in accordance with the provisions of the Personnel Policy.

5. District shall pay Employee and Employee agrees to accept from District, \$66,295 /year in full payment of Employee's services for his position as Maintenance Manager hereunder, compensation to be set by the Board of Commissioners and as adjusted from time to time. If prior to six months as Maintenance Manager the employee's work is not satisfactory, or the employee chooses, he shall be returned to his former position as HMW III.

In addition to the foregoing, Employee shall receive five days of Management Leave plus all the employee benefits for full-time employees as now established by the District's personnel policy, or different employee benefits as may be modified or established by the District in the future. However, nothing in this section or any other part of this Agreement shall be interpreted as preventing or precluding the District from rescinding, amending or otherwise modifying the existing Personnel Policy or from adopting additional personnel policies or procedures concerning the employment, including but not limited to modifications of the benefits of employment.

6. Employee's salary, job duties, and performance shall be reviewed in October of each year by the Executive Director of the District. The annual performance review may be used to adjust Employee's salary based upon the salary schedule for Mid Management, Management, and Appointed Classifications, which has been approved by the Board of Commissioners. However, nothing in this section shall be construed as a promise or commitment by the District to increase compensation or concerning the amount of any such increase.
7. The effective date of appointment of Employee as Maintenance Manager shall be October 16, 2022, and unless renewed, will terminate on September 30, 2025. In the event the Employee is terminated without cause or the Employee's contract is not renewed, Employee will be given the opportunity to retire.
8. Employee shall devote his full time, attention, knowledge, and skill solely and exclusively as Maintenance Manager, solely and exclusively to the business and interest of the District. The position is considered to be an exempt position within the meaning of the California Labor Code for the purposes of wage and hour provisions. Employee's workweek is not necessarily limited to 40 hours per week. Employee may be expected to work in excess of 40 hours per week if required to perform his duties as Maintenance Manager at the regular monthly salary with no provision for overtime pay.
9. Employee is an unclassified employee as Maintenance Manager. The position of Maintenance Manager is not entitled to participate as a member of the International Longshoremen's and Warehousemen's Union AFL/CIO Local 14, Unit A, pursuant to the Union Contract with District, and Maintenance Manager is not included as a member of the bargaining unit represented by the Union.

10. Employee shall abide by all applicable provisions of District's Personnel Policy as amended and with all other District policies and procedures currently in force or as may be implemented during the term of employment.
11. This written Agreement contains the sole and entire agreement between the parties. It supersedes any and all other agreements between the parties. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this Agreement or any representations including the execution and delivery hereof except such representations as are specifically set forth herein, and each party acknowledges that he/she or it has relied on his/her or its own judgment in entering into this Agreement. The parties further acknowledge that any statements or representations that may have heretofore been made by either of them to the other are void and of no effect and that neither of them has relied thereon in connection with his or its dealings with the other.
12. No waiver of modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.
13. This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of California. In any action, special proceeding, or other proceedings that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of California shall be applicable and shall govern to the exclusion of the law of any other form. Any legal proceedings or actions arising out of this agreement shall be venued in Humboldt County, California.

Executed at Humboldt County, California, on the date first written below.

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Larry Oetker, Executive Director

Date

EMPLOYEE

Robert Provolt

Date

EXHIBIT A

MAINTENANCE MANAGER

Job Description (8-25-21)

DEFINITION OF DUTIES:

Under the direct or general supervision of the Director of Facilities and Operations, performs a variety of professional and complex activities as they relate to the maintenance of the Harbor District's land and water facilities, vessels, vehicles, and equipment. The Maintenance Manager directly manages the District's maintenance staff and works with commercial fisherman, recreational boaters, the aquaculture and maritime industry, and others tenants and customers to ensure that District facilities meet their needs. The Maintenance Manager is a full-time, permanent, unclassified, mid management position.

EXAMPLES OF DUTIES: duties may include, but are not limited to the following:

- Manages and trains maintenance staff on current laws, regulations, procedures, and best management practices and establishes a team workplace environment.
- Coordinate all preventive and recurring facilities maintenance including buildings, infrastructure, lands, and docks, both off and on water.
- Set work schedules for all Harbor Maintenance Workers and related activities
- Establish and implement maintenance schedules for all District owned facilities, vessels, vehicles, and equipment.
- Provide oversight of diagnosis, trouble shooting and repair of electrical, mechanical, HVAC, plumbing, waste management, docks, piers, grounds and building repairs.
- Perform site and field inspections with contractors and maintenance staff.
- Coordinates the activities of SWAT, CA Conservation Corps, and other contractors.
- Interact and communicates with Senior Management, vendors, contractors, and consultants.
- Coordinate materials orders to ensure that facilities are supplied, and jobs are implemented within budget and on time.

Update and maintain; and proactively train and direct safety procedures outlined in the District's Injury & Illness Prevention Plan.

- Answer tenant calls and respond promptly to their needs or concerns.
- Assist in the preparation of maintenance budgets and job costs.
- Participate in maintenance staff's annual performance appraisals
- Attends meetings in the office, field, and out of the Humboldt Bay and Shelter Cove area.
- Determines property improvement needs and assists the Director of Facilities and Operations with the preparation of construction specifications, project management, and implementation.
- Conducts work progress inspections; prepares requests for payments to contractors as needed.
- Assists in emergency response as directed.
- Performs other duties as assigned.

REQUIREMENTS:

- Must possess a valid California Driver License.
- Must be proficient in the use of general office equipment, computer programs such as Microsoft Word, Excel, Outlook and internet applications.
- Must possess customer service skills with knowledge in customer service management, methods, and techniques, and treat all individuals with courtesy, dignity, and respect.
- Ability to communicate well both verbally and in writing with internal and external staff, consultants, agencies, customers, and the public.
- Possess strong organizational and problem-solving skills.
- Possess a valid California Boater Card within six months of employment.
- Possess valid basic First Aid and CPR certification within six months of employment.
- Obtain a Transportation Worker Identification Credential within six months of employment.
- Ability and skills required to tie-up and handle boats.
- Must be willing to work nights, weekends, standby, on-call, and overtime as necessary.
- Pass a pre-employment physical and random drug testing.
- HAZWOPER 40-Hour Certification

ABILITY TO:

- Work with the public, employees, consultants, peers and Senior Management.
- Communicate clearly and concisely, both orally and in writing.
- Complete construction and maintenance related math calculations.
- Operate small tools and heavy equipment.
- Follow both written and oral directions.
- Interpret schematic drawings and blueprints.
- Read, write, and communicate technical information.
- Work outside in cold and wet conditions, during hours of daylight and darkness
- Possess strength and stamina to lift and carry objects weighing up to 70 lbs., pull or drag 100 lbs.

EDUCATION AND EXPERIENCE:

- Three (3) years of increasingly responsible experience in supervising facility maintenance, or
- Five (5) years technical experience - vehicle, marine, & equipment maintenance, or
- 5 years trade experience - plumbing, mechanical, electrical, and carpentry.

NOT REQUIRED, BUT DESIREABLE QUALIFICATIONS:

- Possess a valid US Coast Guard Operator of Uninspected Passenger Vessel (six – pack or charter boat captain's license).

COMMISSIONERS

1st Division
Aaron Newman
2nd Division
Greg Dale
3rd Division
Stephen Kullmann
4th Division
Richard Marks
5th 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
October 13, 2022**

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: September 19, 2022

TITLE: Consider Adopting 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: Adopt Amendment No. 4 to Ordinance No. 5 and consent to read by title only.

SUMMARY: The proposed amendment was introduced to the Board of Commissioners on September 8, 2022 and 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. The salary increase will be effective 30 days after publication in the Times Standard.

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 Amendment No. 4 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 13TH 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:

Greg Dale, President
Board of Commissioners

Richard Marks, Secretary
Board of Commissioners

COMMISSIONERS

1st Division
Aaron Newman
2nd Division
Greg Dale
3rd Division
Stephen Kullmann
4th Division
Richard Marks
5th 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 SPECIAL MEETING
October 13, 2022**

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: October 5, 2022

TITLE: Receive Presentation from Humboldt County Public Works Regarding "Humboldt Bay Natural Shoreline Infrastructure Project"

STAFF RECOMMENDATION: Receive report.

SUMMARY: The County of Humboldt has initiated an innovative approach to protecting infrastructure against sea level rise within Humboldt Bay. County staff will provide an informational presentation to the Board.

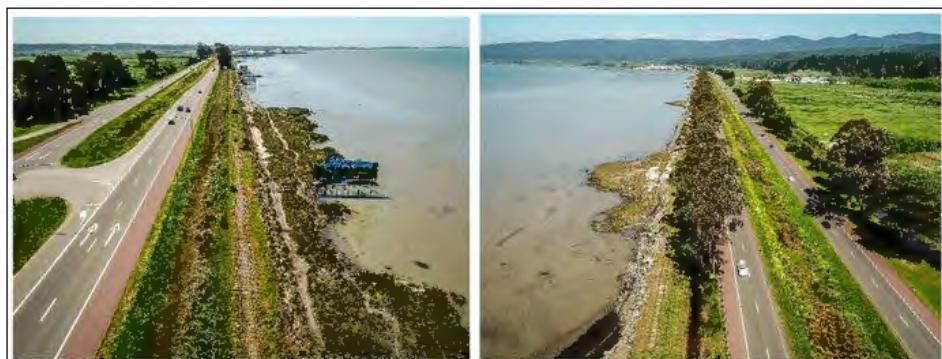
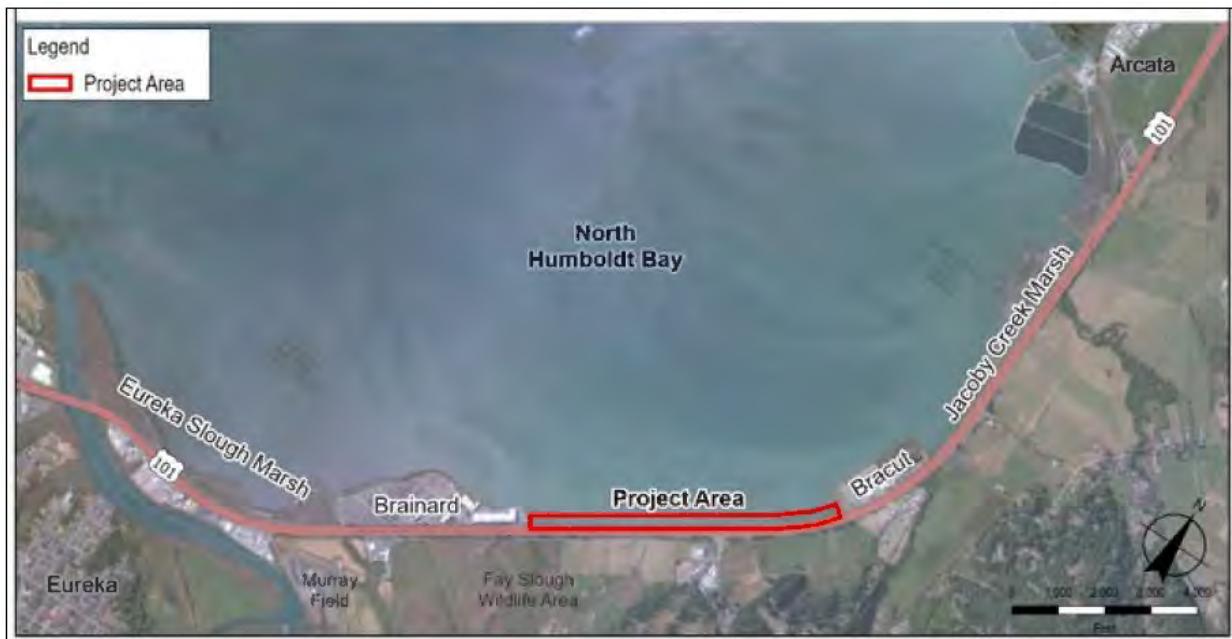
DISCUSSION: On 9/8/22, the Harbor District Board adopted Resolution No. 2022-11, which committed the District to working with the County of Humboldt to analyze and prepare for the potential impacts of sea level rise. For the past several months, the District has been actively supporting a relevant County project. On 9/2/22, the Public Works Department of the County of Humboldt released the report "[Natural Shoreline Infrastructure in Humboldt Bay for Intertidal Coastal Marsh Restoration and Transportation Corridor Protection: 50% Design Report](#)," which was prepared by the consulting firm GHD. The report evaluates the feasibility of a project to develop natural shoreline infrastructure, also known as nature-based adaptation strategies, along a vulnerable segment of Humboldt Bay shoreline adjacent to the Highway 101 transportation corridor between Eureka and Arcata. Transportation infrastructure, utilities, businesses, low-income residential areas, and wildlife areas are protected by this shoreline segment and a recently completed adaptation plan (Humboldt County 2021) identified the substantial risks to critical resources from continued shoreline erosion and coastal flooding.

The California Natural Resources Agency defines natural shoreline infrastructure (NSI) as "using natural ecological systems or processes to reduce vulnerability to climate change related hazards while increasing the long-term adaptive capacity of coastal areas by perpetuating or restoring ecosystem services" (Newkirk, 2018). The California Coastal Commission defines nature-based adaptation strategies (NBAS) as a resilient approach to climate adaptation that "incorporate ecological principles into shore protection strategies to support multiple benefits,

including hazard adaptation and mitigation, natural resource resilience and enhancement, and recreation and scenic resource preservation (Vu, 2021). The Federal Highway Administration (2018) encourages nature-based solutions to prevent coastal highway flood damage and/or disruption by implementing approaches that mimic characteristics of natural features and protect or improve the build environment while maximizing the habitat value associated with the natural system. Similar terms include green infrastructure and living shorelines. For the purpose of this report the term NSI will be used to represent this broad suite of terms and definitions.

The overall goals of the study are to:

- Integrate the natural flood risk reduction properties of salt marsh into the shoreline management strategy for the Eureka-Arcata Highway 101 transportation corridor.
- Perform site characterization and prepare preliminary designs for a project utilizing tidal benches or similar NSI techniques.
- Lay the groundwork for an innovative approach to restore and perpetuate intertidal coastal marsh, increase community resilience to flooding and demonstrate the use of natural ecological systems for sea level rise adaptation.



COMMISSIONERS
 1st Division
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 Eureka, California 95502-1030



**STAFF REPORT
HARBOR DISTRICT MEETING
 October 13, 2022**

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: October 5, 2022

TITLE: Consider Adopting Resolution 2022-12 Establishing Findings Relative to and Approving Harbor District Permit 2022-04 with Conditions for the Humboldt Bay Trail South

STAFF RECOMMENDATION: Staff recommends that the Board: Adopt Harbor District Resolution No. 2022-12 which includes:

- Establishing Findings Relative to the Permit Application for the Humboldt Bay Trail South
- Approving Permit 2022-04 with conditions for the Humboldt Bay Trail South Project

SUMMARY: The proposed project is an approximately 4.2-mile paved path situated primarily along US Highway 101 and the railroad corridor from the Eureka Slough Area to the Bracut Industrial Park. The proposed trail segment would complete the Humboldt Bay Trail from Eureka to Arcata. The County of Humboldt previously applied for and was issued a Harbor District permit for the Humboldt Bay Trail South (Permit 2021-01) which expired in April 2022. Because the previous permit expired and the project has not yet been constructed, a new permit is being processed. The applicant has indicated that all components of the project are the same as under the original issuance and that the project description has not changed.

BACKGROUND: The Humboldt Bay Trail is a network of Class I multi-use trails (also known as shared-use paths) providing non-motorized access for transportation and recreational use throughout the Humboldt Bay region. The Humboldt Bay Trail will connect communities with multi-modal transportation facilities and connect people to the bay by enabling people of all ages and abilities to access and experience the bay's resources directly. In addition to serving the region's transportation needs, the Humboldt Bay Trail will achieve a critical link in the California Coastal Trail and enhance recreational use and enjoyment around the bay.

The Humboldt Bay Trail is being developed as a collaborative effort between the Humboldt County Association of Governments (HCAOG), Humboldt County (County), City of Arcata, City of Eureka, California Department of Transportation (Caltrans), California State Coastal

Conservancy, Redwood Community Action Agency (RCAA), and other partners. The City of Arcata completed the Humboldt Bay Trail North segment which extends south along the Highway 101 and railroad corridor to a terminus located near Bayside Cutoff and Bracut Industrial Park. The City of Eureka completed Phases B and C of the Eureka Waterfront Trail which extends a segment along the west side of Eureka Slough. Humboldt County is leading the Humboldt Bay Trail South project (the “project”) from the Eureka Slough area to the Bracut Industrial Park to provide the interconnecting link between the two trail projects recently completed by the cities of Arcata and Eureka.

DISCUSSION: The proposed project is an approximately 4.2-mile paved path situated primarily along the Highway 101 and the railroad corridor with the exception of a proposed levee trail segment around the California Redwood Company (CRC) mill site. This project will result in a continuous non-motorized trail from central Arcata to the southern end of Eureka, for a total length of nearly 13 miles. Completion of the link between the two largest cities in Humboldt County will provide a major step toward regional trail connectivity around Humboldt Bay. Additional background information is provided in the Project Description Report (September 2020).

The Humboldt Bay Trail South Project is intended to provide non-motorized (primarily pedestrian and bike) transportation and recreational access connecting the City of Eureka’s Waterfront Trail to the City of Arcata’s Humboldt Bay Trail North via a Class I multi-use trail. The project would connect to the existing Eureka Waterfront Trail, starting just south of NCRA’s Eureka Slough Bridge in Eureka, and continuing along the NCRA railroad transportation corridor north towards Brainard Slough. In addition to the proposed trail improvements between Eureka and Brainard Slough, the project includes sections of cable barrier that are proposed to be installed at specified locations between the existing Humboldt Bay Trail North Project and U.S. Highway 101.

The project is being designed to achieve the standards of a Class I Bikeway in accordance with the Caltrans Highway Design Manual (2017). In addition, the project will be designed to conform to other applicable standards, including the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, Fourth Edition (2012); California Manual of Uniform Traffic Control Devices (CA MUTCD) (2014); the 2010 Americans with Disabilities Act (ADA) Standards for Accessibility Design; Chapter 11B of the 2016 California Building Code; General Order No. 26-D from the California Public Utilities Commission; and the NCRA Trail Guidelines (2009).

The County of Humboldt submitted an application for the 4.25-mile multi-use trail segment along the Highway 101 safety corridor. The District-issued Permit 2021-01 was approved with adoption of Resolution No. 2021-04 on April 8, 2021 and expired in April of 2022. Because the previous permit expired and the project has not yet been constructed, a new permit is being processed. All components of the project are the same as under the original issuance. Construction is anticipated to begin in 2023 with completion by Dec. 2024.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The County of Humboldt prepared and adopted an Initial Study and Mitigated Negative Declaration (MND) (SCH #2018022036) for the project. Mitigation measures were developed for affected

environmental factors, reducing potential impacts to less than significant. Therefore, the Initial Study and Mitigated Negative Declaration determine that the project's impacts will be less than significant with mitigation incorporated. The IS/MND was made available for the public's review and comment via a Notice of Intent, with a comment period from February 16 to March 19, 2018. The IS/MND was adopted by the Humboldt County Board of Supervisors on July 31, 2018. The Harbor District as a CEQA Responsible Agency for this project concurred with the analysis and conclusions and adopted the IS/MND on April 8, 2021 (Resolution No. 2021-04). The project has not changed from the project description approved in the above MND and none of the conditions described in CEQA Guidelines 15162 have occurred, as such no additional CEQA review shall be required.

ATTACHMENTS:

- A. Resolution No. 2022-12 Establishing Findings Relative to and Approving Harbor District Permit 2022-04 with Conditions for the Humboldt Bay Trail South
- A-1. Harbor District Permit 2022-04 for the Humboldt Bay Trail South Project

Documents incorporated here by reference are on file with the Harbor district and available online (<http://humboldtbay.org/public-notices>):

- Application - Humboldt County Department of Public Works Humboldt Bay Trail South
- California Environmental Quality Act - Initial Study/Mitigated Negative Declaration for the Humboldt Bay Trail South (2018)

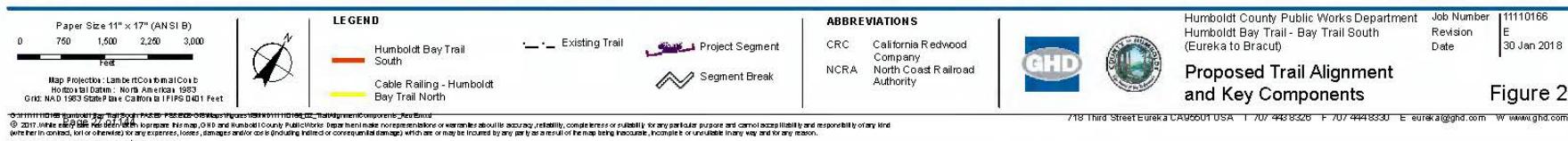
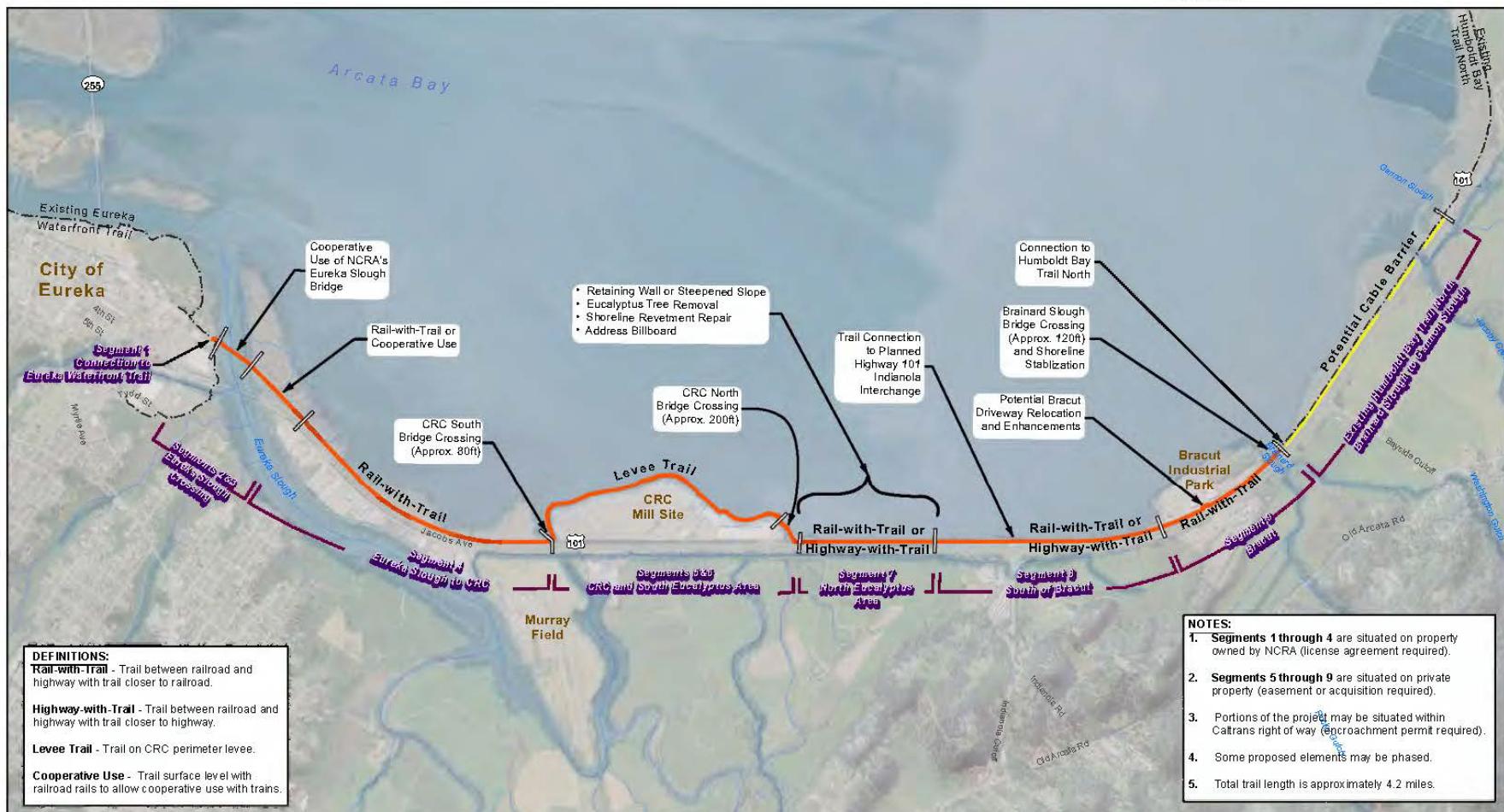


Figure 2

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

RESOLUTION NO. 2022-12

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT
PERMIT 2022-04 WITH CONDITIONS FOR THE HUMBOLDT BAY TRAIL SOUTH**

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, the Humboldt County Department of Public Works applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Humboldt Bay Trail South Project “Project”; and

WHEREAS, the California Environmental Quality Act of 1970, as amended (CEQA) requires that in the approval of a project for which a mitigated negative declaration (MND) has been prepared (SCH#2018022036) the decision making body shall review said MND and make findings regarding the significant effects on the environment identified in the MND; and

WHEREAS, the Project was subject of an Initial Study and Mitigated Negative Declaration prepared by Humboldt County as the lead agency under CEQA and that MND was adopted by Humboldt County; and

WHEREAS, the Board of Commissioners certified on the 8th day of April 2021 in Resolution No 2021-04 that, acting as a responsible agency for the Project under CEQA, it considered the information contained in such MND and concurred in the analysis and conclusions set forth in said documents; and

WHEREAS, the project has not changed from the project description approved in the above MND and none of the conditions described in CEQA Guidelines 15162 have occurred, as such no subsequent CEQA review shall be required; and

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the impact of the Humboldt Bay Trail South Project upon the air, land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

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 of Commissioners (1) continues to concur with the analysis and conclusions set forth in the formerly adopted MND along with other information in the record and (2) continues to find that the MND prepared for the Project was completed in compliance with CEQA and in a manner that is consistent with state guidelines implementing CEQA and (3) continues to find that the MND represents the independent judgment and analysis of the Humboldt Bay Harbor District as a responsible agency for the Project.

SECTION 2. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found, after considering the impact of the proposed use upon the air, water, land, environment, and ecology of the lands under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, that:

- a) The proposed uses are necessary to promote public safety, health, comfort, and convenience of the public;
- b) The proposed uses are required by the public convenience and necessity;
- c) The proposed uses will not have any substantial adverse environmental or ecological effect;
- d) The proposed use is consistent with the Humboldt Bay Management Plan;
- e) The permit, right, or privilege is reasonably required by public convenience to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree; and
- f) The proposed use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.

SECTION 3. That the Board of Commissioners does hereby issue Permit 2022-04 conditionally approving the Humboldt Bay Trail South (Attachment A-1).

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 13th day of October 2022 by the following polled vote:

AYES:

NOES:

ABSENT:

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. **2022-12** entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2022-04 WITH CONDITIONS FOR THE HUMBOLDT BAY TRAIL SOUTH

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 **13th day of October 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 13th day of October 2022.

**Richard Marks, Secretary
Board of Commissioners**

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

PERMIT

Permit No. 2022-04

601 Startare Drive
Woodley Island Marina
P.O. Box 1030
Eureka, CA 95502-1030

Permittee:

Humboldt County Public Works

Contact: Hank Seemann

1106 Second St, Eureka, CA 95501

hseemann@co.humboldt.ca.us; (707) 445-7741

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 2022-04, filed by Humboldt County Department of Public Works, hereinafter referred to as "**Permittee**", and the **Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD)** as responsible agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination adopting the Mitigated Negative Declaration (SCH# 2018022036) and the Board of Commissioners of the **District** having on October 13, 2022, passed Resolution No. 2022-12 establishing findings relative to the Application by **Permittee** for the Humboldt Bay South Trail Project as provided for in this Permit, the **Permittee** is hereby authorized to perform the work as more particularly described in the Application filed with the **District** and the mitigated negative declaration referred to above.

You are hereby authorized to conduct that activity described in the Permit Application (as amended) of **Permittee** consisting of:

Humboldt County is leading the Humboldt Bay Trail South project (the "project") from the Eureka Slough area to the Bracut Industrial Park to provide the interconnecting link between the two trail projects recently completed by the cities of Arcata and Eureka. The proposed project is an approximately 4.2-mile paved path situated primarily along the Highway 101 and railroad corridor more particularly described in the Application filed by **Permittee**.

The project is located along the NCRA and Caltrans U.S. Highway 101 corridor between Eureka and Brainard Slough, with Humboldt Bay to the north. The project is generally located on the west/north side of U.S. Highway 101 and on the south/east side of the NCRA railroad corridor along the northeast shoreline of Humboldt Bay. Project improvements are located within the boundaries of the City of Eureka, and unincorporated Humboldt County.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. If the **Permittee** materially changes the activity plan and scope, it will be necessary to request a permit revision.
2. That all work authorized by this Permit shall further be subject to the approval of the following public agencies as applicable:
 - A. United States Army Corps of Engineers
 - B. North Coast Regional Water Quality Control Board
 - C. California Coastal Commission
 - D. California Department of Fish and Wildlife

and **Permittee** shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

3. That the mitigation measures described in the Mitigated Negative Declaration for the Humboldt Bay South Project are made conditions of this permit by reference.
4. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on **October 13, 2023**. If **Permittee** cannot complete the work within the time granted by this Permit, an application for extension must be filed prior to the Permit termination date. Up to four (4) one year extensions may be granted, for a total permit term of up to five years.
5. Any in-water work requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the project site. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain spilled materials.
6. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.
7. If archeological or cultural features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the **Permittee** has contacted the Wiyot Tribe's Cultural Department, and the significance of the resource has been evaluated, to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the **Permittee** prior to

resumption of construction activities. If human remains are exposed by project related activity, the **Permittee** shall comply with California State Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, §5097.98.

8. That there shall be no unreasonable interference with navigation by the work herein authorized.
9. That no attempt shall be made by the **Permittee** to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
10. That the **District**, its Commissioners, or any officer or employee of the **District** shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the **District** for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
11. That neither the **District**, nor its Board of Commissioners, nor any officer of the **District** shall be liable to any extent for any such injury or damage to any person or property or for the death of any person arising out of or connected with the work authorized by this Permit.
12. That the Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District** of a violation by the **Permittee** of any condition of this Permit.
13. That the **Permittee** shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State of California Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.
14. That as a condition to the issuance of this Permit, **Permittee** agrees to indemnify and hold harmless **District** from and against any and all liability, loss, or damage **District** may suffer from claims and demands for attorneys' fees, costs of suit, and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit, including, but not limited to attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in

the compromise, attempted compromise, trial appeal or arbitration of claims for attorneys' fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.

15. That this Permit is valid as of October 13, 2022 and is made subject to the **Permittee** approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

EXECUTED on this 13rd day of October 2022, by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District**.

GREG DALE, Chair
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

Humboldt County Public Works, **Permittee**, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. **Permittee** shall indemnify and hold harmless the **District**, its Board of Commissioners, officers and employees from any and all claims of any nature arising from the performance of and work of improvement contained in the Application for injury, death or damage to any person or property.

Humboldt County Public Works, **Permittee**, in the above Permit, agrees to indemnify and hold harmless **District**, its Board of Commissioners, officers and employees from and against any and all liability, loss or damage **District** may suffer from claims and demands from attorneys' fees; costs of suit and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorney's fees, costs of suit and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Dated: _____

Humboldt County Public Works

COMMISSIONERS

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

Humboldt Bay
Harbor, Recreation and Conservation District
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Eureka, California 95502-1030



STAFF REPORT
HARBOR DISTRICT MEETING
October 13, 2022

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: October 5, 2022

TITLE: Consider Adopting Resolution 2022-13 Establishing Findings Relative to and Approving Harbor District Permit 2022-05 with Conditions for the City of Eureka Samoa Boat Launch Improvements

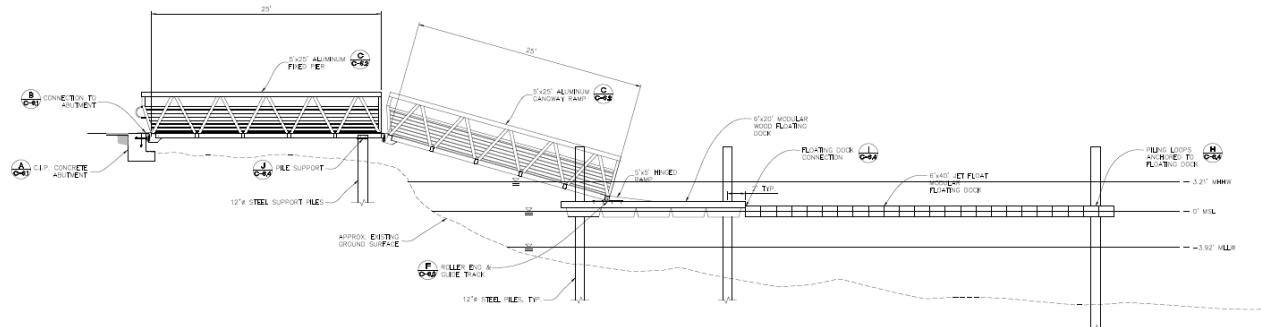
STAFF RECOMMENDATION: Staff recommends that the Board: Adopt Harbor District Resolution No. 2022-13 which includes:

- Establishing Findings Relative to the Permit Application for the City of Eureka Samoa Boat Launch Improvements
- Approving Permit 2022-05 with conditions for the City of Eureka Samoa Boat Launch Improvements Project

SUMMARY: The proposed project is located off Waterfront Drive under the Samoa Bridge (Highway 255) in Eureka, CA. The proposed project involves the construction of an additional floating dock with new pilings on the western side of the existing Samoa boat ramp. The City of Eureka previously applied for and was issued a Harbor District permit for the Samoa Boat Launch Improvement Project (Permit 2021-02) which expired in May 2022. Because the previous permit expired and the project had not yet been constructed, a new permit is being processed. All components of the project are the same as under the original issuance.

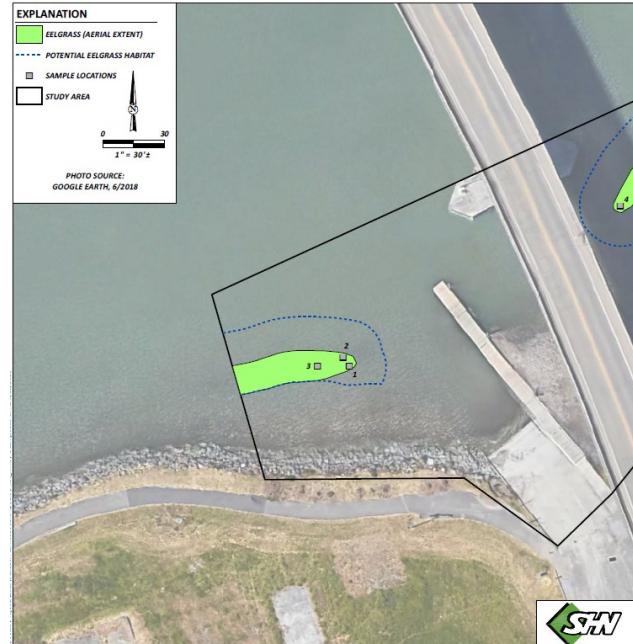
BACKGROUND: The proposed project is located off Waterfront Drive under the Samoa Bridge (Highway 255) in Eureka, CA. The site is bounded to the north by Humboldt Bay and to the south by Waterfront Drive. An existing public boat ramp, public parking lot, and public restroom are currently located in the project area. The boat launch improvement portion of the project ("Samoa Boat Launch Improvement Project") that is within the Harbor District's regulatory jurisdiction will occur within the Eureka Channel of Humboldt Bay at the location of the existing boat launch facility. This portion of the project involves the construction of an additional floating dock with new pilings on the western side of the existing Samoa boat ramp.

DISCUSSION: The project proposes to install a new approximately 8-foot by 60-foot low freeboard floating dock with three new 12-inch diameter steel piles to anchor the new floating dock and two 12-inch diameter steel piles to support the new approximately 50-foot pier/gangway ramp.



Eelgrass (*Zostera marina*) occurs within the vicinity of the proposed project. It appears that the project as proposed will not directly impact adjacent eelgrass populations and measures are in place to avoid direct and potential indirect impacts. As described in the eelgrass survey report prepared for the project, pre- and post-construction eelgrass surveys will be conducted to determine if unforeseen project-related impacts occur. If eelgrass impacts occur, then an eelgrass mitigation plan would be prepared and provided to the Harbor District and appropriate regulatory agencies for approval (Permit 2022-05 Condition #4). Compensatory eelgrass mitigation would occur consistent with the 2014 NOAA Fisheries California Eelgrass Mitigation Policy guidelines.

The City of Eureka submitted a permit application for the proposed project that involves the construction of an additional floating dock with new pilings on the western side of the existing Samoa boat launch. The District-issued Permit 2021-02 was approved with adoption of Resolution No. 2021-07 on May 13, 2021 and expired in May of 2022. Because the previous permit expired and the project has not yet been constructed, a new permit is being processed. All components of the project are the same as under the original application. Construction is anticipated to begin in 2023, pending funding.



CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Eureka prepared and adopted an Initial Study and Mitigated Negative Declaration (MND) (SCH #2019029149) for the project. In addition to the proposed project, the MND assesses other proposed public, recreational, and commercial uses on upland areas adjacent to the proposed dock facilities. Mitigation measures were developed for affected environmental factors, reducing potential impacts to less than significant. Therefore, the Initial Study and Mitigated Negative Declaration determined that the project's impacts will be less than significant with mitigation incorporated. The proposed IS/MND was made available for the public's review and comment via a

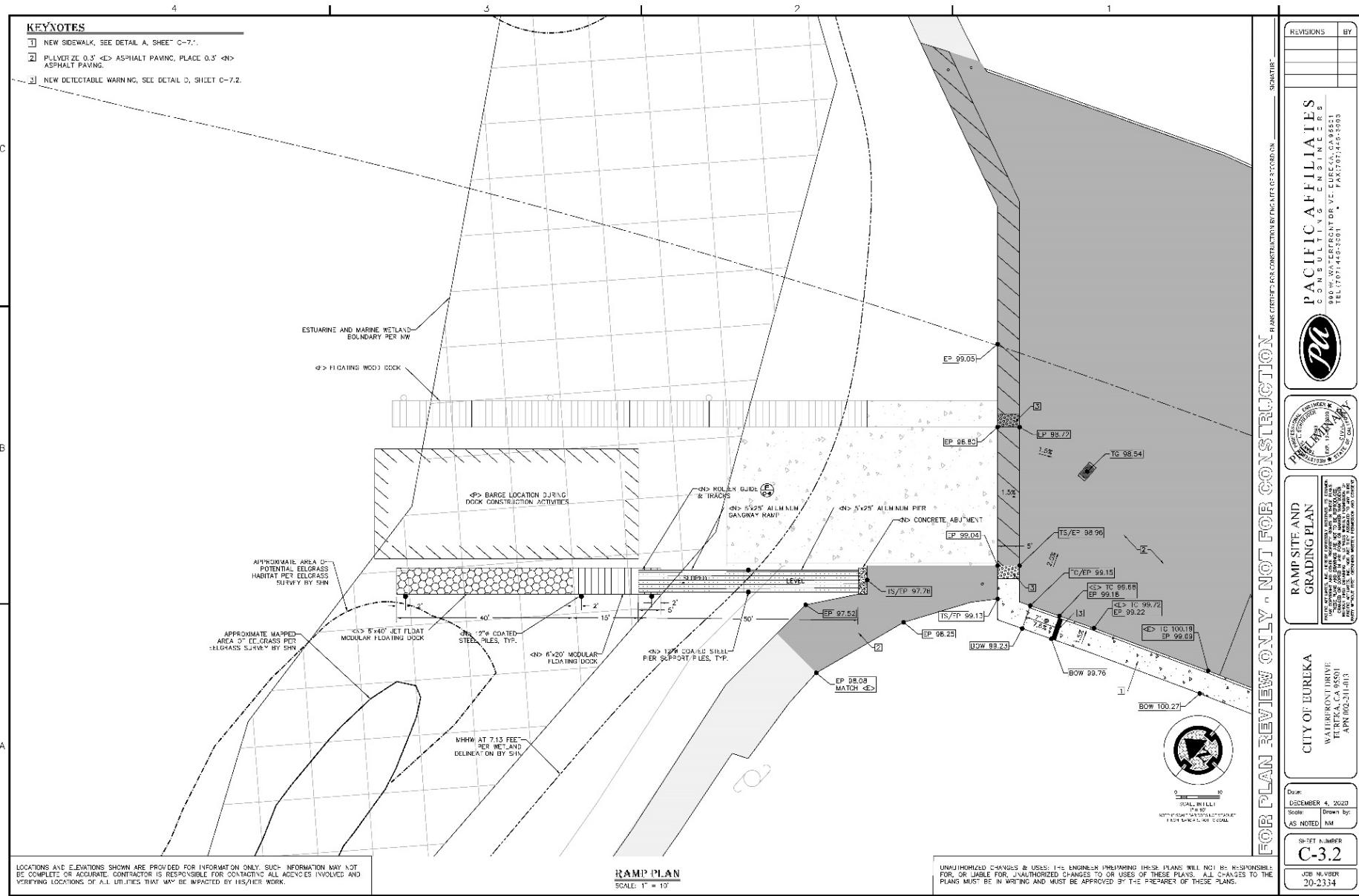
Notice of Intent, with a comment period from February 28 to March 29, 2019. The IS/MND was adopted by the Eureka City Council on September 20, 2019. The Harbor District as a CEQA Responsible Agency for this project concurred with the analysis and conclusions and adopted the IS/MND on April 8, 2021 (Resolution No. 2021-04). The project has not changed from the project description approved in the above MND and none of the conditions described in CEQA Guidelines 15162 have occurred, as such no additional CEQA review shall be required.

ATTACHMENTS:

- A. Resolution No. 2022-13 Establishing Findings Relative to and Approving Harbor District Permit 2022-05 with Conditions for the City of Eureka Samoa Boat Launch Improvement Project
- A-1. Harbor District Permit 2022-05 for the City of Eureka Samoa Boat Launch Improvement Project

Documents incorporated here by reference are on file with the Harbor district and available online (<http://humboldtbay.org/public-notices>):

- Application – City of Eureka, Samoa Boat Launch Improvements
- Samoa Boat Launch Project Eelgrass Survey Report (SHN, 2020)
- California Environmental Quality Act - Initial Study/Mitigated Negative Declaration for Waterfront Development Project
- Project Design Plans (60%)



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

RESOLUTION NO. 2022-13

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT
PERMIT 2022-05 WITH CONDITIONS FOR THE CITY OF EUREKA SAMOA BOAT LAUNCH
IMPROVEMENTS**

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, the City of Eureka applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Samoa Boat Launch Improvement Project "Project"; and

WHEREAS, the California Environmental Quality Act of 1970, as amended (CEQA) requires that in the approval of a project for which a mitigated negative declaration (MND) has been prepared (SCH#2019029149) the decision making body shall review said MND and make findings regarding the significant effects on the environment identified in the MND; and

WHEREAS, the Project was subject of an Initial Study and Mitigated Negative Declaration prepared by the City of Eureka as the lead agency under CEQA and that MND was adopted by the City; and

WHEREAS, the Board of Commissioners certified on the 13th day of May 2021 in Resolution No 2021-07 that, acting as a responsible agency for the Project under CEQA, it considered the information contained in such MND and concurred in the analysis and conclusions set forth in said documents; and

WHEREAS, the project has not changed from the project description approved in the above MND and none of the conditions described in CEQA Guidelines 15162 have occurred, as such no subsequent CEQA review shall be required; and

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the impact of the Humboldt Bay Trail South Project upon the air, land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

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 of Commissioners (1) continues to concur with the analysis and conclusions set forth in the formerly adopted MND along with other information in the record and (2) continues to find that the MND prepared for the Project was completed in compliance with CEQA and in a manner that is consistent with state guidelines implementing CEQA and (3) continues to find that the MND represents the independent judgment and analysis of the Humboldt Bay Harbor District as a responsible agency for the Project.

SECTION 2. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found, after considering the impact of the proposed use upon the air, water, land, environment, and ecology of the lands under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, that:

- a) The proposed uses are necessary to promote public safety, health, comfort, and convenience of the public;
- b) The proposed uses are required by the public convenience and necessity;
- c) The proposed uses will not have any substantial adverse environmental or ecological effect;
- d) The proposed use is consistent with the Humboldt Bay Management Plan;
- e) The permit, right, or privilege is reasonably required by public convenience to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree; and
- f) The proposed use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.

SECTION 3. That the Board of Commissioners does hereby issue Permit 2022-05 conditionally approving the City of Eureka Samoa Boat Launch Improvements (Attachment A-1).

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 13th day of October 2022 by the following polled vote:

AYES:

NOES:

ABSENT:

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. **2022-13** entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2022-05 WITH CONDITIONS FOR THE CITY OF EUREKA BOAT LAUNCH IMPROVEMENTS

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 **13th day of October 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 13th day of October 2022.

**Richard Marks, Secretary
Board of Commissioners**

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

PERMIT

Permit No. 2022-05

601 Startare Drive
Woodley Island Marina
P.O. Box 1030
Eureka, CA 95502-1030

Permittee:

City of Eureka

Contact: Miles Slattery

531 K St. Eureka, CA 95501

mslattery@ci.eureka.ca.gov (707) 441-4184

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 2022-05, filed by the City of Eureka, hereinafter referred to as "**Permittee**", and the **Humboldt Bay Harbor, Recreation and Conservation District (HBHRC)** as responsible agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination adopting the Mitigated Negative Declaration (SCH# 2019029149) and the Board of Commissioners of the **District** having on October 13, 2022, passed Resolution No. 2022-13 establishing findings relative to the Application by **Permittee** for the Samoa Boat Launch Improvements as provided for in this Permit, the **Permittee** is hereby authorized to perform the work as more particularly described in the Application filed with the **District** and the mitigated negative declaration referred to above.

You are hereby authorized to conduct that activity described in the Permit Application of **Permittee** consisting of:

The proposed project is located off Waterfront Drive under the Samoa Bridge (Highway 255) in Eureka, CA. This project involves the construction of an additional floating dock with new pilings on the western side of the existing Samoa boat ramp. The project proposes to install a new approximately 8-foot by 60-foot low freeboard floating dock with three new 12-inch diameter steel piles to anchor the new floating dock and two 12-inch diameter steel piles to support the new approximately 50-foot pier/gangway ramp.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. If the **Permittee** materially changes the activity plan and scope, it will be necessary to request a permit revision.
2. That all work authorized by this Permit shall further be subject to the approval of the following public agencies as applicable:

- A. United States Army Corps of Engineers
- B. North Coast Regional Water Quality Control Board
- C. California Coastal Commission
- D. California Department of Fish and Wildlife

and **Permittee** shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

3. That the mitigation measures described in the Project's Mitigated Negative Declaration are made conditions of this permit by reference and the permittee and any and all contractors completing work for the project must follow the District's Piling Removal and Installation Best Management Practices (Exhibit 1).
4. To ensure the protection of eelgrass within the project vicinity, the City shall retain a qualified biologist to conduct a pre-construction eelgrass density and distribution survey in accordance with the California Eelgrass Mitigation Policy (CEMP) (NOAA, 2014) as early as possible during the eelgrass survey season (May through September in northern California), but no more than 60 days prior to construction. The City shall provide the Harbor District with a map of eelgrass density and distribution in relation to the proposed work area no more than 30 days after the pre-construction eelgrass survey occurs. If the pre-construction eelgrass survey identifies potential unforeseen impacts to eelgrass, the City shall consult with the District and other permitting agencies to evaluate the likelihood of project-related impacts and adjust project implementation if warranted.

The City shall perform a post-construction eelgrass survey within 30 days after project completion to determine if eelgrass was impacted. If project completion occurs after the eelgrass active growth season (September 30), the post-construction eelgrass survey would occur the following year during the same month as the pre-construction eelgrass survey. The City shall provide the post-construction eelgrass survey results to the Harbor District within 30 days of survey completion.

If the project results in adverse effects on eelgrass, based on pre- and post-construction surveys, the City shall provide the Harbor District with an eelgrass mitigation plan for approval by the Harbor District Executive Director. As required by Mitigation Measure No. IV-3, eelgrass impacted or destroyed as a result of construction activities will be mitigated for by planting new eel grass in accordance with CEMP.

5. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on **October 13, 2023**. If **Permittee** cannot complete the work within the time granted by this Permit, an application for extension must be filed prior to the Permit termination date. Up

to four (4) one year extensions may be granted, for a total permit term of up to five years.

6. Any in-water work requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the project site. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain spilled materials.
7. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.
8. If archeological or cultural features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the **Permittee** has contacted the Wiyot Tribe's Cultural Department, and the significance of the resource has been evaluated, to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the **Permittee** prior to resumption of construction activities. If human remains are exposed by project related activity, the **Permittee** shall comply with California State Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, §5097.98.
9. That there shall be no unreasonable interference with navigation by the work herein authorized.
10. That no attempt shall be made by the **Permittee** to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
11. That the **District**, its Commissioners, or any officer or employee of the **District** shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the **District** for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
12. That neither the **District**, nor its Board of Commissioners, nor any officer of the **District** shall be liable to any extent for any such injury or damage to any

person or property or for the death of any person arising out of or connected with the work authorized by this Permit.

13. That the Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District** of a violation by the **Permittee** of any condition of this Permit.
14. That the **Permittee** shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State of California Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.
15. That as a condition to the issuance of this Permit, **Permittee** agrees to indemnify and hold harmless **District** from and against any and all liability, loss, or damage **District** may suffer from claims and demands for attorneys' fees, costs of suit, and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit, including, but not limited to attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial appeal or arbitration of claims for attorneys' fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.
16. That this Permit is valid as of October 13, 2022 and is made subject to the **Permittee** approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

EXECUTED on this 13th day of October 2022, by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District**.

GREG DALE, Chair
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

City of Eureka, **Permittee**, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. **Permittee** shall indemnify and hold harmless the **District**, its Board of Commissioners, officers and employees from any and all

claims of any nature arising from the performance of and work of improvement contained in the Application for injury, death or damage to any person or property.

City of Eureka, **Permittee**, in the above Permit, agrees to indemnify and hold harmless **District**, its Board of Commissioners, officers and employees from and against any and all liability, loss or damage **District** may suffer from claims and demands from attorneys' fees; costs of suit and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorney's fees, costs of suit and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Dated: _____

City of Eureka



Exhibit 1

Piling Removal and Installation Best Management Practices

The following Best Management Practices shall be followed. The Harbor District shall update these BMP's based on the specific site conditions and industry standards:

1. The following methods may be utilized for piling removal or installation:
 - a) Vibratory Hammer: A vibratory hammer with timber clamp.
 - b) Impact Hammer: If an impact hammer is proposed, the Department of Fish and Wildlife's Interim Criteria for Injury to Fish from Pile Driving Activities shall be incorporated into Project plans. According to the Interim Criteria, the sound pressure levels should not exceed 206 dB peak and 187 dB accumulated sound exposure level (SEL) for all listed fish except those that are less than 2 grams. For fish less than 2 grams, the criteria for accumulated SEL should not exceed 183 dB.
 - If sound pressure levels exceed those in the Interim Criteria, The applicant shall contact the CA Department of Fish and Wildlife to determine if an application for an Incidental Take Permit and a sound attenuation monitoring plan is required.
 - A wood cushion block shall be utilized during impact hammering to reduce noise impacts.
 - c) Water Jet: If a water jet is proposed the water intake shall be screened to meet the Department of Fish and Wildlife water intake screen criteria. The Project shall monitor turbidity within 500 feet of the project site to ensure that the turbidity is not greater than 20% above background turbidity levels. If the turbidity levels exceed 20% over background levels, water jet operations shall cease and adaptive measures shall be implemented to ensure that the turbidity standard is not exceeded.
2. Avoid staging the barge or other equipment over eelgrass habitat. If eelgrass is within 100 feet of the site, the District's Eel Grass Avoidance and Minimization Measures and Best Management Practices shall be followed.
3. Equipment:
 - a) An excavator, crane, or other similar piece of equipment carrying a vibratory hammer and timber clamp shall be used to remove the piles.
 - b) The excavator or crane operators shall be experienced with vibratory pile removal.
 - c) Bio-degradable hydraulic fluid shall be utilized.
 - d) All equipment will be checked before use in order to minimize risk of petroleum product releasing to the bay.
 - e) A spill response kit, including oil absorbent pads shall be on-site to collect any petroleum product that is accidentally released.
 - f) The barge, tug and all watercraft shall be of sufficient size, as determined by the Humboldt Bay Harbor Master, to be capable of safely handling the equipment. The Harbor Master, at his/her discretion may "retag" any watercraft determined

be unsafe or unseaworthy.

g) Contractor shall maintain Workman's Compensation, Jones Act, and/or Maritime insurance as may be required for the work performed.

4. Pile removal:

- a) Pile removal and/or Installation may be conducted either from shore, pier/dock and/or from a barge.
- b) Piles shall be removed at a tide of sufficient elevation to float the barge and tug boat adjacent to the piles being removed without scarring the mudflats and/or Bay subsurface.
- c) Grounding of the barge shall not be permitted.
- d) The crane operator shall "break" the soil/pile bond prior to pulling in order to limit pile breakage and sediment adhesion.
- e) Piles shall be removed slowly to limit sediment disturbance.
- f) Piles shall not be hosed off, scraped, or otherwise cleaned once they are removed from the sediment.
- g) If piles cannot be fully removed, the broken piles shall be cut one foot below the mudline.

5. Work surface on barge deck, pier, or shore shall include a containment area for removed piles and any sediment removed during pulling to prevent materials/sediment from re-entering the water. Uncontaminated water run-off can return to the waterway after it passes through a waddle, haybale, or other sediment filter.

- a) The containment area shall be constructed of durable plastic sheeting.
- b) Upon completion of the project, the plastic containment, and sediment filter shall be removed and disposed in accordance with applicable federal and state regulations.

6. Upon removal, the pile shall be moved expeditiously from the water into the containment area.

- a) The pile shall not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile.
- b) The piles shall not be reused in Humboldt Bay and shall be disposed of in accordance with applicable federal and state regulations.
- c) Holes left in the sediment by the pilings shall not be filled as they are expected to naturally fill.

7. Debris Capture in Water

- a) A floating surface boom shall be installed to capture floating surface debris.
- b) The boom shall be located at a sufficient distance from the work area to ensure capture of all work materials.
- c) Debris shall be collected, placed in the containment area, and disposed of along with the disposal of the pilings and containment material.
- d) Debris contained within boom shall be removed at the end of each work day or immediately if waters are rough and there is a chance that debris may escape the boom.

COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Richard Marks

5th 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
October 13, 2022**

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: October 7, 2022

TITLE: **Notification for the Removal and Relocation of Military Vessel 1091 Temporarily Stored on District Property APN 401-031-040**

STAFF RECOMMENDATION: Staff recommends the Board review and approve a proposal that formally notifies the board of directors of the LSIL 1091 Museum Association of the need to remove Military Vessel 1091 from its current location on District property (APN 401-031-040), while also allowing for the potential relocation to another District property (APN 401-031-078).

SUMMARY: Since December 2016, Military Vessel 1091 has been located at Redwood Marine Terminal I under Coastal Development Permit Waiver 1-17-0266-W, which allowed for temporary storage of the vessel through December 2018. District staff has notified the board of directors of the LSIL 1091 Museum Association that the vessel must be removed and is working collectively to conclude the disposition of the vessel.

DISCUSSION: The District recognizes the historical significance of Military Vessel 1091, and the Museum Association's commitment to its restoration. District staff has been meeting with the board of directors of the LSIL 1091 Museum Association to find a potential relocation site or another suitable arrangement which may honor and memorialize the vessel and its contribution to history. The attached proposal is an outline of a potential relocation option and the steps to be taken to secure the site. The outline clearly states that it does not guarantee any outcome and if the benchmark is missed, the vessel must be demolished and/or moved to a non-District owned site within 120 days.

Attachments:

- A. Draft memo for the continued license to use real property of the District

[INSERT LETTERHEAD]

October __, 2022

Via Certified Mail

[INSERT ADDRESSEE INFORMATION]

RE: Continued License to Use of Real Property as a site for the USS LCI-1091 1091 Vessel (“1091”)

Dear _____:

I write on behalf of the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (“District”) in regard to your organization’s continued non-exclusive use of the District’s real property (APN 401-031-040-000) on the Samoa Peninsula as a site for the 1091. As you know, the District has allowed your valued organization to use the District’s property as a temporary site for the 1091 since December 2016, without any expectation of compensation. However, as explained during our recent meeting and discussed publicly for a year or more, the District is in the planning stage of a major port project on its property on the Samoa Peninsula, including the property where the 1091 is located. In addition, the Coastal Development Permit Waiver 1-17-0266-W allowed the temporary storage of the 158 foot unseaworthy vessel only through December 2018

Accordingly, the District requires that the 1091 be removed from the District’s property in due time. As explained below, the District is committed to assisting your organization in its efforts to re-locate the 1091, including making other District property available as a new site, as the District recognizes the historic significance of the vessel and your organization’s commitment to promoting Humboldt Bay.

Our proposal is outlined below:

1. **Removal of the 1091.** This letter shall serve as formal notice that the 1091 must be removed from the District’s property (APN 401-031-040-000) on or before December 31, 2023. Your organization shall procure all necessary permits and insurance to perform the work, which shall be done in accordance with all applicable laws and regulations.
2. **New Site.** Subject to the conditions contained below, the District will make an alternative site license available for the 1091 on the District’s other property located along the south side of Cook House Road (APN: 401-031-078-000). This is subject to the following requirements:
 - a. On or before December 1, 2022, your organization shall provide to the District, for its review and preliminary approval, a site plan showing that the proposed location for the 1091 along the south side of Cook House Road on APN: 401-031-078-000, along with all proposed setbacks, topography, and ancillary improvements (such as parking, restrooms, and other appropriate facilities). The site plan shall be prepared by an appropriate professional.

- b. On or before February 15, 2023, the District and your organization shall have entered into and executed a site license agreement for the use of the alternative site, including reasonable provisions for insurance, indemnification, and maintenance of the site, among other standard provisions.
- c. On or before March 1, 2023, your organization shall have submitted to the County Planning Department a complete application for a Coastal Development Permit to relocate the 1091 and construct the necessary improvements. Prior to submitting the application, your organization shall submit a copy of the application to the District for its review and approval. The District will cooperate with your organization in submitting the approved permit application.
- d. On or before October 1, 2023, the County shall have issued a final Coastal Development Permit and Building Permit for the relocation of the 1091 and development of associated improvements.
- e. Upon issuance of the CDP permit, your organization shall complete the relocation of the vessel on or before December 31, 2023.

In the event your organization is unable to meet any of the above-referenced benchmarks for the orderly and timely relocation of the 1091, the District and organization agree to work together to take all necessary action so that the 1091 is either demolished and/or removed from the site (or otherwise relocated to a non-District owned site) within 120 days of the missed benchmark.

We intend by this proposal to facilitate the orderly relocation of the 1091, and we believe the above benchmarks are reasonable considering the regulatory process and the District's need to make its property available for the port project, which will provide significant benefit to Humboldt Bay.

Please contact me to discuss this letter at your earliest convenience.

Respectfully,

Larry Oetker
Executive Director

CC: Board of Commissioners
Ryan Plotz, District Counsel

COMMISSIONERS

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

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Harbor, Recreation and Conservation District**
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Eureka, California 95502-1030



**STAFF REPORT
HARBOR DISTRICT SPECIAL MEETING
October 13, 2022**

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: October 5, 2022

TITLE: Consider Appointing Bar Pilot Apprentice Interviewed by the Pilotage Advisory Subcommittee

STAFF RECOMMENDATION: Staff recommends the Board approve conditional appointment of Bar Pilot Apprentice Andrew Manning.

SUMMARY: The Pilotage Advisory Subcommittee interviewed applicant Andrew Manning and recommends that the Board extend apprenticeship to Mr. Manning. If the Board approves the apprenticeship, the appointment would be conditional upon satisfactory completion of pre-employment physicals.

DISCUSSION: The State of California through the Harbors and Navigation Code, delegated to the HBHRCD authority to provide for, supervise and license bar pilots operating out of Humboldt Bay. District Ordinance NO. 16 outlines the District's regulations regarding Pilots. Section 2.1b requires that Pilots be members of the Humboldt Bar Pilots Association. In June 2019, the Bar Pilots entered into an agreement titled: Humboldt Bar Pilots Association Restated Partnership Agreement.

According to the American Pilots Association, the typical licensed pilot in the U.S. is the most highly trained mariner in the world. Pilots have either extensive deep sea or tug experience before they enter pilots training and apprenticeship programs. Once a pilot receives a license, he or she undergoes regular continuing training, including training in bridge resource management for pilots, emergency ship handling, and new navigation technology, as well as other types of instruction and practice on full mission bridge simulators and manned models. Humboldt Bay is fortunate to have two Pilots with the experience, skill and temperament of Captain Powell and Captain Petrusha.

A Pilotage Advisory Subcommittee was appointed at a Regular Meeting of the Board of Commissioners on December 9, 2021 and tasked with recruitment of Bar Pilots for Humboldt Bay. On October 5, 2022, an interview was conducted with applicant Andrew Manning. The subcommittee recommends that the Board extend apprenticeship to Mr. Manning. If the Board approves the apprenticeship, the appointment would be conditional upon satisfactory completion of pre-employment physicals. The Subcommittee will continue to advertise the position and bring additional qualified applicants to the Board upon recommendation of the subcommittee.

ATTACHMENTS:

- A** Letter of Interest and Resume for Andrew Manning
- B** Ordinance 16

Andrew J. Manning

August 1st, 2022

Humboldt Bay Harbor, Recreation, and Conservation District
601 Startare Drive
Eureka, CA 95501-0765

Dear Members of the Pilotage Advisory Committee,

Thank you for this once-in-a-lifetime opportunity to apply for a position in the Humboldt Bay Pilot Apprenticeship Program. I cannot begin to describe how humbled I am by the chance to serve the growing industries and communities of Humboldt County through this unique endeavor. After many years of looking lost to the coast, it is uplifting to see the underutilized port begin to take on its new role as part of California's renewable energy economy; and our nation's commitment to a cleaner future. By drawing from my inclusive culture as a native-born Californian, and fourth generation Chinese-Irish American, I can combine my expertise as a well-rounded professional mariner to serve that which surrounds me. I believe that I can be a lifelong asset, advocate, and steward for the commercial, recreational, and environmental use and overall conservation of Humboldt Bay.

A majority of my experience stems from inland work involving bar pilots and harbor pilots. While attending the California Maritime Academy, I had the privilege of riding along with multiple pilots associations on each coast of the United States. These internships provided me with the perspective of handling large vessels calmly and deliberately while maintaining clear communication, often in stressful circumstances. Being able to observe a variety of mentors has set the precedence in how to exercise good judgment and to have not only the skill, but the attitude of a professional pilot. Upon graduation, I became a ship assist tug operator and have gained experience working with pilots on a daily basis in a multitude of Texas ports including: Houston, Galveston, Texas City, and Freeport. We have a rigorous training program and operate constantly year-round; to where I personally assist over 500 ships a year. I am qualified on nearly a dozen different classes of tugs and sail master on vessels that range from 1979 built, single-screw 3,000 horsepower ship assist tugs; to the most modern, 2019 built, azimuth stern drive 6,800 horsepower escort tugs certified for A1 Towing Service and Class 1 Firefighting. Unlike many major West Coast ports, I have also had the privilege to extensively operate conventional style vessels, similar to the twin-screw tugs used to assist ships in Humboldt Bay. In addition to operating the tugs in close quarters environments, this unique perspective has also allowed me to observe how pilots handle ships with the varied limitations that come along with suboptimal tug options. This outlook, in addition to my time on the bridge of ocean-going vessels throughout my time as a cadet, have provided me with a well-rounded idea of what it takes to be a prudent pilot and the necessities that are required to complete the job safely, always.

My time in Texas has also provided me with the ability to become a local municipal firefighter on my days off. With my maritime background, I eagerly stepped into the role of voluntarily operating and maintaining the fire boats in our jurisdiction before putting myself through the fire academy at Texas A&M University; and later, an Emergency Medical Technician school. Personally, I always strive to be the best person I can be, both on and off the job. Even in my personal life, I constantly set short and long-term goals to achieve in a realistic manner. I enjoy working with colleagues who seek to perfect their craft and I encourage others to find passion in their careers, as well as their daily lives. I look forward to constantly dedicating myself to improving who I am while continuing to excel, learn, and succeed with those who surround me personally and professionally. Being a public servant goes far beyond the scope of just doing a job or moving a ship from Point A to Point B. For me, it is about community involvement, public relations, and a genuine care of the well-being of each and every individual, as well as the environment. I care about the port of Humboldt as a whole. Together, I plan to work intuitively with the Harbor District in creating a collaborative effort to manage the unique and diverse needs of the environment we serve. I truly believe that this can be the great beginning of a lifelong career and partnership. I am a clean slate with the strong foundations of a skilled and professional mariner who is ready to constantly absorb and develop his abilities into becoming the best public servant possible. I appreciate your time and look forward to speaking with you more about becoming the next Humboldt Bay Pilot Apprentice.

Very Respectfully,

Andrew Manning

Andrew J. Manning

Objective:

To diligently protect the pristine environments of Humboldt County by faithfully training and serving as a Humboldt Bay Pilot

Education & Certifications:

Texas EMS Academy	Emergency Medical Technician (EMT)	November 22, 2020
<ul style="list-style-type: none">• National Registry of Emergency Medical Technicians (NREMT) Certified EMT with Current AHA CPR–BLS		

Texas A&M University	Firefighter / EMR	December 18, 2018
<ul style="list-style-type: none">• IFSAC Certified Firefighter 1&2 with HAZMAT Operations & Awareness, and a Commission Held by the TCFP• National Registry and Texas Department of State Health Services Certified Emergency Medical Responder (EMR)		

California Maritime Academy, CSU	B.S. Marine Transportation	April 22, 2017
<ul style="list-style-type: none">• Magna Cum Laude (Cumulative GPA 3.728) – President's List (4x), Dean's List (4x), Top 5 GPA in Major• United States Coast Guard 3rd Mate of Self-Propelled Vessels of Unlimited Tonnage upon Oceans<ul style="list-style-type: none">◦ Renewed Tankerman PIC of Dangerous Liquid Cargos and STCW• United States Coast Guard Master of Self-Propelled Vessels of less than 1600 GRT<ul style="list-style-type: none">◦ Endorsements – National Master of Towing Vessels upon Oceans with Radar (Unlimited), Vessel Security Officer, Proficiency in Fast Rescue Boats, and Advanced Marine Firefighting◦ USCG Authorized Designated Examiner for Inland / Great Lakes & Near Coastal / Oceans Routes		

Work Experience:

G&H Towing Company	Master / Tugboat Operator	June 2017 – Present
<ul style="list-style-type: none">• Lead crew by example while safely navigating and commanding single-screw, twin-screw, and azimuth stern drive tugs• Manage harbor tugs of 100 to 300 gross registered tons (GRT) in close quarters and constantly changing circumstances		

Kemah Fire Department	Fireboat Captain	January 2018 – Present
<ul style="list-style-type: none">• Collaborate with multi-agency incident command comprised of local fire departments, law enforcement, and USCG• Pilot 27ft Boston Whaler Guardian in routine and rescue operations in Clear Lake, Galveston Bay, and Houston, Texas		

Kemah Fire Department	Firefighter	March 2019 – Present
<ul style="list-style-type: none">• Provide professional quality fire and rescue response in suppression, extrication, high water, and medical emergencies• Protect and serve the citizens of Kemah, Clear Lake Shores, and surrounding mutual aid in Northeast Galveston County		

Alcatraz Cruises	First Officer / Senior Deckhand	March 2014 – June 2017
<ul style="list-style-type: none">• Guided crew through daily operations including line handling, liquid transfers, waste management, and vessel safety• Balanced customer well-being while assisting the captain with navigation duties in the waters of the City of San Francisco		

AmNav Maritime	Cadet Trainee	June 2016 – February 2017
<ul style="list-style-type: none">• Shadowed captains, mates, and engineers through daily onboard operations during unique ship and barge assists• Studied vessel procedures, company policies, and the diverse capabilities of conventional and tractor tugs on SF Bay		

San Francisco/Sandy Hook/Houston Pilots	Intern	Fall 2015/Fall 2016/Spring 2017
<ul style="list-style-type: none">• Observed and applied ship handling skills during pilotage through San Francisco, New York, New Jersey, and Houston• Learned about safe pilot transfers, excellent bridge resource management, and sound judgement in stressful conditions		

San Francisco Fire Department**Fireboat Intern****Winter 2015**

- Tasked with completing specific job-related functions and duties while on deck, in the engine room, and at Station 35
- Conducted daily vessel checks with pilots and engineers aboard each fireboat to ensure proper function of all systems

USN Military Sealift Command**Deck Cadet****Summer 2015**

- Participated in all evolutions which included underway replenishments, helicopter flight operations, and navigation
- Wrote a 300-page Safety of Life at Sea (SOLAS) training manual and used it to train new crew members signing aboard

BSA Camp Oljato**Sailing Director****Summer 2010 – Summer 2013**

- Operated the only Boy Scout Advanced Sailing Program in the nation while teaching multiple merit badges
- Maintained eleven monohull sailboats, five catamarans, and two power boats of wood, fiberglass and metal hulls

Leadership Experience:**SS Jeremiah O'Brien****Volunteer 3rd Mate****2014 – Present**

- Help maintain compliance by sailing onboard as 3rd mate during occasional San Francisco Bay cruises and Fleet Week
- Supervise unlicensed crew members, complete preventative maintenance evolutions, and operate pilot house equipment

USCG Auxiliary University Program**Unit Leader****2013 – 2017**

- Educated USCG officer candidates through underway opportunities on cutters, icebreakers, small boats, and aircraft
- Served as the commanding officer in charge of all AUP functions accounting for over 5,000 cumulative volunteer hours

Sea Scouts Ship Gryphon**Mate****2005 – 2017**

- Assisted in seamanship and leadership training for youth members aboard our operational 65ft T-boat and ashore
- Planned cruises around the San Francisco Bay Area as an officer responsible for navigation and bridge team management

Training Ship Golden Bear**Cadet 2nd Mate****Summer 2016**

- Oversaw the completion of all navigational related duties required to safely sail from Galveston, TX to Vallejo, CA
- Trained shipmates in departures, arrivals, and daily navigational tasks which directly correlated with vessel operations

Professional Societies:

National Eagle Scout Association	Lifetime Member	(2012 – Present)
United States Coast Guard Auxiliary	Vessel Inspector	(2015 – Present)
Council of American Master Mariners	Master Mariner	(2016 – Present)
The 100 Club	Life Member	(2018 – Present)
Professional Association of Diving Instructors (PADI)	Rescue Diver	(2019 – Present)

Recognitions:

Awarded the United States Merchant Marine Expeditionary Medal for serving aboard a U.S. Navy military sealift ship operating overseas, through an active warzone, in efforts to supply the 5th Fleet (Persian Gulf, Red Sea, and Arabian Sea) to support operations involving American and Allied military forces during Operation Enduring Freedom.

– Boy Scout Eagle	– U.S. National Champion Drum Major (2012)	– USCGA 51 Auxiliarist of the Year
– Venture Scout Silver	– CERT (Community Emergency Response Team)	– CMA Community Service Award (8x)
– Sea Scout Quartermaster	– USCG Meritorious Team Commendation Medal	– USCGA Specialty Training Award (2x)

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

ORDINANCE 16

PILOTAGE

***AN ORDINANCE ESTABLISHING STANDARDS, POLICIES AND
PRACTICES FOR PILOT COMPETENCY, QUALIFICATION,
PROFESSIONAL GROWTH AND ENFORCEMENT***

WHEREAS, in the United States, federal law defines two separate but interactive areas of pilotage regulation. The Coast Guard administers the pilotage aboard vessels in the coastwise, domestic trades and the states administer pilotage aboard vessels in foreign trade. In 1789, the First Federal Congress enacted section 4 of the Lighthouse Act, which provided:

“That all pilots in the bays, inlets, rivers, harbors and ports of the United States, shall continue to be regulated in conformity with the existing law of the states respectively wherein such pilots may be or with such laws as the states may respectively hereafter enact for such purpose, until further legislative provision shall be made by Congress”; and

WHEREAS, the State of California, through the Harbors and Navigation Code, has delegated to the Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD) authority to provide for and supervise pilots aboard vessels in foreign trade. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 created a comprehensive State oil spill prevention program for coastal and marine waters. The law expanded the authority, responsibilities and duties of the CA Department of Fish & Game under the direction of the Administrator for Oil Spill Response. Government Code Section 8670.6 provided authority to establish the Oil Spill Prevention and Response Office (OSPR) which is responsible for assisting the Administrator in performing the duties specified in the Act. Additionally, AB567 (Hauser) enacted in 1994, provided a mechanism for the HBHRCD to license bar pilots operating in Humboldt Bay; and

WHEREAS, a Memorandum of Agreement (MOA) subsequently emerged as a way to preserve the port’s legally delegated control over pilotage, while at the same time, ensuring that the concerns of the State and the Coast Guard were addressed. On February 26, 1997 the Governor of California, the Coast Guard Assistant Commandant for Marine Safety and Environmental Protection and the executive directors of the harbors of Humboldt Bay, Port Hueneme, Los Angeles, Long Beach and San Diego signed the Memorandum of Agreement concerning pilotage. The MOA requires a federal pilot license as a condition of employment. Because of the wording in federal statute (46 USC 8503), this strengthens Coast Guard authority to take action against an individual’s right to hold a license when piloting vessels in foreign trade. Accordingly, pilots in Humboldt Bay are subject to the

) jurisdiction of the Coast Guard suspension and revocation process when piloting vessels in coastwise or foreign trade. In addition, state pilot licenses for pilotage in Humboldt Bay are issued by HBHRCD; and

WHEREAS, in order to have a safe and efficient pilot organization, it is imperative to attract and hire the best people. Certain skills and experience are necessary to become a pilot and the proper attitude is required for the pilot to accept responsibility for maneuvering large vessels calmly and deliberately. A pilot must sometimes work under stressful conditions but must always exercise good judgment. Because of the pilot's reliance on others in the Bridge Management Team, the Pilot must also be an excellent communicator and manager.

WHEREAS, the goal of the HBHRCD is to maintain an adequate number of trained Pilots in Humboldt Bay to ensure navigation safety and protect commerce and the environment.

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

ARTICLE 1 SHORT TITLE, DEFINITIONS

SECTION 1.1 Short Title

) This Ordinance shall be known as the "Humboldt Bay Pilotage Ordinance".

SECTION 1.2 Definitions

- a. Humboldt Bay, California: All waters within the geographic boundary of Humboldt Bay up to an elevation of Mean Higher High Water, up Humboldt Bay tributaries to the extent of tidal influence and seaward to the westward extent of the Entrance Channel jetties.
- b. Humboldt Bar Pilots Association: A partnership of individuals licensed to perform pilotage in Humboldt Bay. This partnership was formed in 1965 to unify Pilots and bring competition between Pilots to an end.
- c. Pilot: A trained individual licensed by the federal government and the Humboldt Bay Harbor, Recreation and Conservation District to safely conduct a ship in and out of the waters of Humboldt Bay.

ARTICLE 2 DUTIES OF PILOTS ON HUMBOLDT BAY

SECTION 2.1 Pilotage on Humboldt Bay

- a. Pilots on Humboldt Bay must possess a federal Pilot's license and a HBHRCD Pilot's license. All foreign vessels and U.S. flagged vessels not sailing under a coastwise endorsement issued by the U.S. Coast Guard, except vessels under 300 gross tons, navigating Humboldt Bay, are required to use a Pilot holding current licenses for Humboldt Bay.
- b. Pilots in Humboldt Bay are required to be members of the Humboldt Bar Pilots Association (a partnership). Association members are self employed but are individually licensed by the Humboldt Bay Harbor, Recreation and Conservation District.
- c. The Humboldt Bay Bar Pilots are required to be available with 24 hour notice prior to ship arrival.
- d. Pilots are not required to be maintained on station.
- e. Radio watch is to be maintained on VHF Channel 16 one hour prior to arrival at the sea buoy.
- f. Vessels are to be boarded and disembarked approximately 1.2 miles off of Humboldt Bay.
- g. Pilotage is coordinated by the local stevedoring company who act as local agents for the steamship companies.
- h. There shall be a minimum of two Pilots plus one back-up Pilot.
- i. Pilots shall work ships on a rotational basis.

SECTION 2.2 Pilot – Master Interface

- a. Master-Pilot Conference
 1. Each Pilotage assignment should begin with a conference between the Pilot and the Master.
 2. The initial conference is an opportunity not only to exchange information that the Pilot and Master each needs, but also for the Pilot and the Master to establish an appropriate working relationship.
 3. The conference should convey, and be consistent with, the principle that the Pilot and the Master/bridge crew each has an important role in the navigation of the vessel.
 4. The amount and subject matter of the information to be exchanged in the initial conference should be determined by the specific navigation demands of the pilotage operation.

b. Pilot's Information Card ("MPX Card")

1. The Humboldt Bar Pilots Association will develop information cards (MPX Cards) for use by their members.
2. The Pilot should give the card to the Master at the time of the initial conference and use it as the basis for discussion during the conference.
3. The card should supplement, not substitute for, the Master/Pilot information exchange.
4. There should be a separate card for outbound and inbound movements and shifting operations when appropriate.
5. The card should include information or instructions specific to navigation in Humboldt Bay. Subjects to be addressed include:
 - radio channels to be monitored;
 - posting of anchor watch/lookout (beyond the requirements of the Rules of the Road; and
 - local navigation requirements or restrictions (tug escorts, speed limits, one-way traffic areas, etc.).
6. The card should also include instructions or requests concerning what the Pilot needs from the Master and crew; subject that might be addressed include:
 - information about the vessel, its characteristics and condition;
 - crew to fix position of the vessel; and
 - only English to be spoken on the bridge.
7. The card should have a blank space for the Pilot to add own items.
8. The Board of Commissioners of the HBHRCD shall approve the card.

c. Pilot's Individual Exchange Practice

1. Each Pilot should develop a personal, standardized conference practice, taking into account regulatory requirements and best practices in pilotage.
2. Pilots should consider using memory aids to ensure that essential exchange items are covered.

d. Absent/Unwilling/Incapable Master

1. An effective exchange requires the participation of a Master who is present, is willing, and has sufficient skills, knowledge, and English language proficiency to provide the information needed by the Pilot and to understand the Pilot's instructions and requests.
2. Pilots should be aware of regulatory requirements for Masters to provide specific information to the Pilot and to cooperate closely with the Pilot.
3. The Pilot should make all reasonable efforts to obtain the presence of the Master for purposes of conducting a conference.
4. If the Master or Bridge crew fails to provide the information needed by the Pilot or if an unsatisfactory exchange leads the Pilot to doubt the ability of the Master or bridge crew to perform the navigation duties normally expected during the vessel movement, the Pilot should use his or her best professional judgement to determine whether it is safe to proceed with the movement.
5. If a Pilot determines that a movement can safely proceed despite an unsatisfactory exchange, the Pilot should adjust his or her pilotage practices during the movement accordingly and should report or record the Master's refusal to engage in an exchange or to provide required information.
6. If a Pilot determines that it is not safe to proceed with a vessel movement due to an unsatisfactory exchange, the Pilot should refuse to proceed, advise the Master/bridge crew on anchoring the vessel or taking other steps to secure the vessel's safety, and notify appropriate authorities by the best means available.
 - e. Ship's Pilot Card/Wheelhouse Poster
 1. Pilots should be aware of regulations requiring vessels to have a pilot card and wheelhouse poster containing maneuvering data and other information concerning the ship.
 2. If the Pilot, in the exercise of his or her best judgement, considers the information provided orally by the Master about the vessel and its characteristics unclear or insufficient, the Pilot should consult the Pilot card/wheelhouse poster to confirm or supplement information from the Master.
 3. Pilots should be aware that information on a pilotcard/wheelhouse poster about a vessel's handling and maneuvering characteristics may not be accurate when maneuvering in Humboldt Bay or local conditions that may be present during the pilotage operation. Such information may be based on "new vessel" conditions, which may be affected by factors such as bottom fouling, propeller/rudder damage or trim.

f. Ships Calling on a Frequent, Regular Basis

1. The information exchange should not be abandoned for vessels that call on a frequent, regular basis. Such vessels have the potential to induce complacency.
2. The exchange for such vessels can, and should, be adjusted with the focus on items, concerning both vessel and pilotage, that may have changed since the previous call or are otherwise pertinent to the particular pilotage operation.

g. Continuing Communication

1. The initial conference should not be the end of communication and information sharing.
2. The Pilot should convey during the initial conference: the need to communicate throughout the pilotage operation, the Pilot's willingness to answer questions, and the Pilot's continuing need for information.

h. Pilot Boarding Locations and Procedures

1. In places where the Pilot boarding location or procedures impose significant constraints on the time or attention that can be devoted to the initial Master-Pilot conference, the Humboldt Bar Pilots Association and the HBHRCD should review whether changing the boarding location and/or procedures would be feasible and would produce significant benefits that could not be obtained through improvements in the conference process.
2. Any proposed change in the Pilot boarding location or procedures should be measured against the traditional principle that Pilot boarding locations and procedures are determined by both the navigational needs of the ship and the personal safety of the Pilot.

i. Training in the Master-Pilot Information Exchange

1. The Master-Pilot information exchange should be an important focus of the initial and continuing training for Pilots, particularly Bridge Resource Management courses for Pilots.
2. Initial training in the Master-Pilot information exchange should cover:
 - regulatory requirements
 - recognition of language, cultural, psychological and physiological impediments to effective communication and interaction and techniques for overcoming those impediments; and
 - best practices for Humboldt Bay.

3. Continuing training should review initial training items and examine recent accidents, new practices of other Pilots and studies dealing with the subject.

ARTICLE 3 PILOT TRAINEE SELECTION PROCESS

SECTION 3.1 Selection Process

a. The process used to select Pilot Trainee candidates follows general Harbor District hiring procedures, namely, advertisement, acceptance of applications, review of applications and reference checks, interview of the top five to seven candidates, follow-up interviews with the top three candidates and pilot trainee selection. The HBHRCD will conduct the interview and trainee selection process. Individuals enrolled and participating in the Humboldt Bar Pilots Association training program prior to April 22, 1999 are considered accepted into the HBHRCD pilot training program at an equivalent level of training. The experience points portion of the selection process places a greater emphasis on experience and a lesser emphasis on formal education and pilotage endorsements, although the value of those qualities is recognized. An applicant's relationship to a current or former pilot will have no weight during the selection process. In addition, the HBHRCD reserves the right to reject any and all applicants.

SECTION 3.2 Initial Competency

To qualify as a pilot trainee applicant, an individual must:

- a. Pass a pre-employment physical examination per USCG regulations including a drug screen.
- b. Possess a high school diploma or equivalent.
- c. Meet the following criteria:
 1. Possess a copy of the current federal license with endorsement. The federal license shall be on file at HBHRCD office for all pilots working on Humboldt Bay. No Humboldt Bay Pilot License renewal shall be issued without the current federal license on file and;
 2. Three years of full time paid experience as a USCG licensed Master or Chief Mate of an inspected vessel, of not less than 5,000 gross tons, on the waters of any ocean (a valid license must be submitted at the time of filing) or;
 3. Three years of full time paid experience as a pilot whose duties include docking and undocking of oceangoing or coastwise vessels transiting the Pilot grounds in a major

port of the United States or;

4. Three years of full time paid experience as a Master of a tugboat within the confines of Humboldt Bay with an unlimited radar endorsement, or;
5. Possession of a current, valid federal license as master of vessels of at least 1600 gross tons with a unlimited radar endorsement or;
6. Three years paid experience as a Docking Master on flat tow vessels, or;
7. Possession of a current, valid federal license as Master of vessels of any tonnage, any ocean with an unlimited radar endorsement or;
8. Be enrolled and participating in the Humboldt Bar Pilots Association training program prior to April 22, 1999.

SECTION 3.3 Experience Ranking

The following point system may be used to assist in the selection of pilot trainee candidates:

1. Tug Experience

- Any tug experience (minimum one year in command)
“Command” = Master or operator in charge of vessel 10 Pts.
- Offshore command experience (not less than 1600 tons combined tug and tow) 5 Pts.
- 2 to 5 years command 5 Pts.
- Over 5 years command 5 Pts.
- Served as pilot on own vessels (not less than 1600 tons combined tug and tow, minimum 100 moves) in pilotage waters. (“Own vessels” means vessels for which applicant was also the master or second in command.) 5 Pts.

Tug Experience - Maximum 30 Pts.

2. Deep Draft Experience

- Any self-propelled vessels in navigation of not less than

1600 gross tons (minimum one year in command or five years equivalent as licensed officer of the watch)	10 Pts.
• In command of self-propelled vessels over 10,000 gross tons	5 Pts.
• 2 to 5 years command	5 Pts.
• Over 5 years command	5 Pts.
• Served as pilot on "own-vessels" (minimum 100 moves) on pilotage waters. ("Own vessels" means vessels for which applicant was also the master or second in command.)	<u>5 Pts.</u>
Deep Draft Experience - Maximum	30 Pts.
3. <u>Piloting Experience</u>	
• Serving as commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons (minimum 100 moves) on waters in which a pilot is required by state, federal or foreign law	10 Pts.
• 2 to 5 years	10 Pts.
• Over 5 years	<u>10 Pts.</u> Piloting Experience - Maximum 30 Pts.
4. <u>Other</u>	
(a) Professional Training	
• Maritime Academy Graduate (If completed 2 years * - 1 Pt; If completed 3 years * - 2 Pts.)	Maximum 3 Pts.
* and provides documentation to establish that applicant left in good standing	
• Manned Model Simulator	2 Pts.
• Bridge Resource Management	<u>1 Pt.</u> Maximum 6 Pts.

(b) Pilotage Endorsements
(On Coast Guard License)

- For 1 or more non-local routes (2 Pts.)
- For local route (Humboldt Bay) (3 Pts.*)

Maximum 4 Pts.

* If combined with points for non-local routes,
not more than 4 points total for Pilotage Endorsements.

Other - Maximum 10 Pts.

Experience Points - Total Possible: 100 Pts.

SECTION 3.4 Physical Requirements

- Each applicant must provide proof of his/her current satisfactory completion of the physical standards for a First Class Pilot's License determined by the latest USCG Physical and Drug Testing Requirements.
- Each applicant must be in good physical condition and have no problems climbing ladders or stairs; possess good night vision, depth perception and have no difficulty with hearing or speech.
- Strength to perform average lifting up to 15 pounds and occasionally over 25 pounds; body agility and equilibrium involved in activities such as climbing and balancing under precarious conditions; arm, hand and finger dexterity with both hands involved in activities such as reaching, handling and feeling; good speaking and hearing ability; and good eyesight including good color perception, depth perception and night vision. Persons with medical limitations may, with reasonable accommodations, be capable of performing the duties of some of the positions in this class. Such determination must be made on an individual basis in light of the person's limitations, the requirements of the position, and the appointing authority's ability to effect reasonable accommodations to the limitations.

ARTICLE 4 APPRENTICESHIP AND TRAINING

SECTION 4.1 Apprenticeship and Training

After acceptance as a Pilot Trainee, the applicant must undergo a training and apprenticeship program. The program is designed to familiarize the trainee with the workings of the Humboldt Bar Pilots Association, the interface between the Humboldt Bar Pilots Association and the other oversight agencies, and to demonstrate requisite skills and judgment. One other key goal of the apprenticeship program is to allow the trainee to acquire "local knowledge."

The apprenticeship and training will consist of the following components:

- a. The length of the program shall consist of a minimum of one (1) year and a maximum of three (3) years. If ship traffic falls below 45 in a one year period, the Program may be extended by the HBHRCD Board of Commissioners.
- b. The Pilot training and apprenticeship program is divided into two stages. Stage 1 is termed an "Observing Apprentice". Stage 2 is termed the "Apprentice Pilot". The "Observing Apprentice" pilot shall complete at least twenty (20) round trips (40 ship movements) across the Humboldt Bay Entrance before advancing to "Apprentice Pilot" status. One round trip shall consist of the riding of one ship inbound and riding one ship outbound. Riding of the same ship inbound and outbound is not necessary.
 1. Of these 40 ship movements, at least 10 will be made during times of darkness or restricted visibility.
 2. Of the 40 ship movements, at least 15 will be made during the winter.
 3. Of these 40 ship movements, at least 5 round trips shall be made through the Fields Landing Channel of South Bay.
- c. Maneuvering of any ship by an Apprentice Pilot shall be under direct supervision of a HBHRCD licensed Pilot. Ship handling skills will be observed and the Apprentice Pilot will be gradually passed through phases for more difficult assignments.
- d. Apprentice pilots will be required to ride as observers aboard local vessel-assist tugs during at least ten days in the first six months of the training program.
- e. A written evaluation shall be made after every ship movement involving an Apprentice Pilot by the HBHRCD licensed Pilot.
- f. Simulator training and Bridge Resource Management (BRMP) training for Pilots will be required once during the training program.

)
g. A training file will be maintained by each apprentice pilot. The checklist will include, but not be limited to, the following items being verified as complete by the Humboldt Bar Pilots:

1. Minimum amount of trips to designated areas within the Port
2. Tugboat observer rides
3. Simulator training
4. Bridge Resource Management training for Pilots
5. Anchoring procedures
6. Lesson learned/incident case review
7. Tug utilization during piloting
8. Local weather patterns
9. Tides and currents
10. Communications
11. Copy of Federal Pilot's License
12. Proof of completion of radar observer unlimited

In addition, the HBHRCD will randomly survey vessel masters for their evaluation of each Apprentice Pilot's ability.

) Lengths of each apprenticeship are individually based on assessment of the apprentice's performance. Full qualification is a gradual process, with the apprentice initially qualifying to perform more elementary tasks, then moving to increasingly complex and demanding assignments. Apprenticeships vary in length depending upon the apprentice's previous experience, licenses and qualifications.

Upon completion of the training program outlined above, and the Apprentice Pilot has demonstrated that he/she possesses the necessary skills and knowledge to serve as a licensed pilot for Humboldt Bay, the Humboldt Bar Pilot Association shall notify the HBHRCD that the Apprentice Pilot has completed the training program and shall recommend to the HBHRCD that the Apprentice Pilot be issued a HBHRCD Pilot License for the waters of Humboldt Bay.

The Humboldt Bar Pilots Association may recommend to the HBHRCD, the dismissal of an Observing Apprentice or an Apprentice Pilot from the training program at any time during the Pilot's first year in the program. The HBHRCD may dismiss an Observing Apprentice or an Apprentice Pilot from the program at any time if the HBHRCD determines that the Observing Apprentice or Apprentice Pilot is not making satisfactory progress in the program or that circumstances have changed such that there is no longer a need for an additional HBHRCD licensed Pilot.

ARTICLE 5 PROFESSIONAL DEVELOPMENT

SECTION 5.1 Professional Development

Safe piloting requires that each pilot continue to maintain and improve his or her skills. The Professional Development Program includes the following minimum standards for maintaining proficiency and professional growth. Each pilot will comply with the following in order to be eligible for annual HBHRCD Pilot License renewal:

- a. Possess a current Federal Pilots License with an endorsement for radar observer unlimited.
- b. Pass an annual physical examination as per USCG regulations and participate in a random drug screening program.
- c. Undergo simulator training and Bridge Resource Management Training for Pilots at least once every five years.
- d. Participate in incident case review and lessons learned sessions with other pilots at least twice each year.
- e. Handle at least three ships supervised by a Humboldt Bar Pilot if the pilot has not been an active pilot for a twelve month period.

ARTICLE 6 OVERSIGHT AND ENFORCEMENT

SECTION 6.1 Oversight

The term oversight includes the aggregate of policies which have been adopted to monitor pilot performance and provide feedback on the effectiveness of qualification and training programs, including legal and administrative procedures for the enforcement of pilotage standards. The responsibility for oversight has been delegated by the State to the HBHRCD through the Harbors and Navigation Code.

SECTION 6.2 Enforcement

As previously indicated, pilots licensed by the HBHRCD in the Port of Humboldt Bay are subject to the jurisdiction of the Coast Guard suspension and revocation process whether piloting vessels in coastwise or in foreign trade. When warranted through the apparent commission of a prohibited act or the failure to meet standards on the part of a Coast Guard-licensed individual, the Coast Guard will initiate an investigation to determine the right of an individual to continue to hold a federal pilot's license. Further, when warranted through the apparent commission of a prohibited act, the HBHRCD Board retains its jurisdiction over incidents.

SECTION 6.3 Casualty Investigations

The Coast Guard will investigate to determine cause and proper follow-up action for reportable casualties (groundings, allisions, collisions and personal injury meeting certain thresholds). Follow-up could include no action, recommending operational measures, mechanical solutions or enforcement action against those operating the vessel including the suspension and revocation procedures described above. Drug and alcohol testing is included in a Coast Guard investigation. The Coast Guard will work with the Pilot Association to bring together all pertinent information. The Pilot Association will be requested to advise the Coast Guard on standard practice issues that may come up during the investigation. This process is designed to assist in making an informed decision regarding follow-up actions including disciplinary actions AND/OR lessons learned opportunities.

SECTION 6.4 Casualties Below Reportable Threshold

Groundings, allisions, collisions, or other casualties with no or negligible damage below reportable levels shall result in Humboldt Bar Pilots Association review with probable Coast Guard independent review. The Coast Guard goal will be to identify lessons learned and share these and other relevant information with the Humboldt Bar Pilots Association and vessel operators as appropriate.

SECTION 6.5 Near Miss/Lessons Learned/Situations/Incidents

The “lessons learned” program shall balance the need for near miss information against effects of bringing near miss information to the record. Voluntary programs are historically ineffective for a number of reasons, including concern for maintaining a safe and effective Master-pilot relationship and natural hesitation to volunteer close-call information concerning one’s own performance. In recent years the more significant near misses have been dealt with by the Coast Guard in a number of ways including:

- Letters of Concern to vessel management about bridge team performance issues.
- Letters of Warning to Master or vessel management; pilot or pilot management.
- Distribution of an incident report and lessons learned with no personnel action.
- Development or revising of Operational Procedures.
- Pilot management internal actions (procedures, training, etc).

a. Each Humboldt Bay Pilot will:

1. Report to the HBHRCD what reviews of the casualty or incident reports were undertaken and what actions will be taken to prevent similar casualties or incidents.

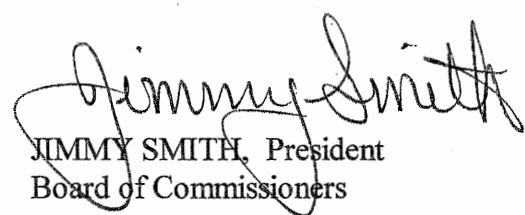
PASSED AND ADOPTED THIS 27TH DAY OF JANUARY 2000, BY THE BOARD OF
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: COMMISSIONER SMITH, COMMISSIONER CURLESS, COMMISSIONER FRITZSCHE,
COMMISSIONER HUNTER, COMMISSIONER OLLIVIER

NOES:

ABSENT:

ATTEST:



JIMMY SMITH, President
Board of Commissioners



ROY CURLESS, Secretary
Board of Commissioners