

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

DATE: February 8, 2024

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

PLACE: Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501

How to Observe and Participate in the Meeting:

Observe: Members of the public can attend the meeting in person or observe the meeting on Zoom at the following link: <https://us02web.zoom.us/j/6917934402>

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

Public members observing on Zoom will not be able to participate or provide comment. Members of the public who may wish to provide public comment during the meeting must attend in person.

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at (707) 443-0801 at least 24 hours in advance of the meeting.

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. Property: All or Portions of Humboldt County Assessor Parcel Nos.: 401-112-024-000, 401-031-040-000, 401-031-078-000, and 401-031-083-000, and portions of the tidelands along the Samoa Peninsula adjacent to Redwood Marine Terminal I. Agency negotiator: Chris Mikkelsen,

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Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.

- b) 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: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.

- c) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One case. Facts and circumstances involve allegations by California River Watch of certain violations of the Clean Water Act or other related laws arising from the District's Fields Landing facilities.

- d) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One case

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.*

8. Consent Calendar

- a) Adopt Minutes for January 11, 2024 Regular Board Meeting
- b) Receive District Financial Reports December 2023

Agenda for February 8, 2024 Regular Board Meeting

- c) Charter Agreement Renewal for Reincke Marine Fabrications to operate a Bed & Breakfast at Woodley Island Marina

9. Communications, Reports, and Correspondence Received

- a) Correspondence Received
 - 1. Letter and Command Coin from USCG
- b) Executive Director's Report
- c) Staff Reports
- d) District Counsel and District Treasurer Reports
- e) Commissioner and Committee Reports

10. Unfinished Business

- a) **Receive Status Update Regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project**

Recommendation: Receive the report and provide direction.

Summary: The Board has requested a monthly update regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. Updates may include project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, the latest overall project strategy, and agreements with Crowley Wind Services. This report will provide an update for the month of February 2024. Topics to be covered include: ongoing efforts to understand ways in which the District can contribute to the prevention of MMIP-related problems; attendance of and participation in the Yurok-hosted Tribal Offshore Wind Summit; upcoming attendance of the MMIP Day of Action in Sacramento; status of ongoing meetings with Tribes, fishermen, aquaculture tenants, neighborhood groups; and information about the recently awarded INFRA grant.

11. New Business

- a) **Consider Adopting Resolution 2024-03, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2024**

Recommendation: Staff recommends the Board: Adopt Resolution 2024-03, accept the meeting calendar for 2024, and adopt the salary schedule for FY 2023-2024.

Summary: Annually the Board approves a Resolution which appoints specific staff and/or consultants, established financial limitations, legal notice designations, meeting schedules, and other business matters of the District.

- b) **Presentation of Brown Act and Board Procedures as presented by Ryan Plotz, District Counsel**
- c) **Receive a report from Redwood Coast Energy Authority on the Benefits of the RES-BCT Solar arrangement:**

Agenda for February 8, 2024 Regular Board Meeting

Recommendation: Receive the report and provide direction.

Summary: RCEA is the primary provider of electricity generation service for Humboldt County through its Community Choice Energy program. The District would be able to opt-in to RCEA's electric generation service through our Community Choice Energy program and maintain the benefits of their current RES-BCT solar arrangement through RCEA's new RES -BCT Pilot Program. It is estimated that HBHRCD could see \$4,600 in annual benefits.

12. Future Agenda Items

- a)** PIDP Grant Contract (expected by August 2024)
- b)** Presentation of INFRA (MEGA) Grant
- c)** Resolution regarding Missing and Murdered Indigenous Persons
- d)** Piling Removal Program Concept

13. Adjournment

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

January 11, 2024

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. at the Woodley Island Marina meeting room, 601 Startare Drive, Eureka, CA 95501.

CLOSED SESSION – 5:00 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. Property: All or Portions of Humboldt County Assessor Parcel Nos.: 401-112-024-000, 401-031-040-000, 401-031-078-000, and 401-031-083-000, and portions of the tidelands along the Samoa Peninsula adjacent to Redwood Marine Terminal I. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.

REGULAR SESSION – 6:03 P.M.

ROLL CALL

PRESENT: BENSON
 DALE
 HIGGINS
 KULLMANN
 NEWMAN

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIENCE

ELECTION OF BOARD PRESIDENT, VICE PRESIDENT, AND SECRETARY

COMMISSIONER NEWMAN MOVED NOMINATE THE CURRENT SLATE:

GREG DALE CHAIR, STEPHEN KULLMANN VICE CHAIR AND AARON NEWMAN SECRETARY.

COMMISSIONER BENSON SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

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.

CONSENT CALENDAR

- a) Adopt Minutes for December 14, 2023 Regular Board Meeting
 - b) Receive District Financial Reports November 2023
 - c) Emergency Permit E-2023-07 Approval for USCG Power
 - d) Review and Approve a Lease Amendment with OnTrac Logistics, Inc.
 - e) Review and Approve a Lease with Lee Figas
- COMMISSIONER HIGGINS MOVED ACCEPT CONSENT CALENDAR ITEMS A-E.
COMMISSIONER KULLMANN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

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

UNFINISHED BUSINESS

- a) **Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project**
 - 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.

NEW BUSINESS

- a) **Consider Adopting Resolution 2024-01, A Resolution Committing the District to Developing and Adopting a Green Terminal Strategy and Roadmap for the New Heavy Lift Multipurpose Terminal to Support the Offshore Wind Industry**
 - I. District Staff and Amy Monier from Crowley Wind Services presented the item.

- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Robin Gray-Stewart, Jen Kalt, Alysia Bixler, Matt Simmons, Kerry Venegas, Chris Moyer, Carol Vander Meer, Bill Rich, Luis Neuner and Amy Jester commented.
- IV. Chair Dale moved the discussion back to the Commission.
COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2024-01, A RESOLUTION COMMITTING THE DISTRICT TO DEVELOPING AND ADOPTING A GREEN TERMINAL STRATEGY AND ROADMAP FOR THE NEW HEAVY LIFT MULTIPURPOSE TERMINAL TO SUPPORT THE OFFSHORE WIND INDUSTRY.
COMMISSIONER NEWMAN SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

b) Consider Adopting Resolution 2024-02: Adopting an Initial Study/ Mitigated Negative Declaration and Establishing Findings Relative to and Approving Harbor District Permit 2023-06 with Conditions for the Eureka Flood Reduction and Sea Level Rise Resiliency Project

- 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 HIGGINS MOVED TO ADOPT RESOLUTION 2024-02, A RESOLUTION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2023-06 WITH CONDITIONS FOR THE EUREKA FLOOD REDUCTION AND SEA LEVEL RISE RESILIENCY PROJECT.
COMMISSIONER KULLMANN SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

FUTURE AGENDA ITEMS

- a) MMIP
- b) PIDP Grant Contract (expected by August 2024)
- c) Piling Removal Program Concept
- d) Update of Advisory Committee development
- e) Modeling of Offshore Wind Turbines (expected by April 2024)

ADJOURNMENT – 7:09 P.M.

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

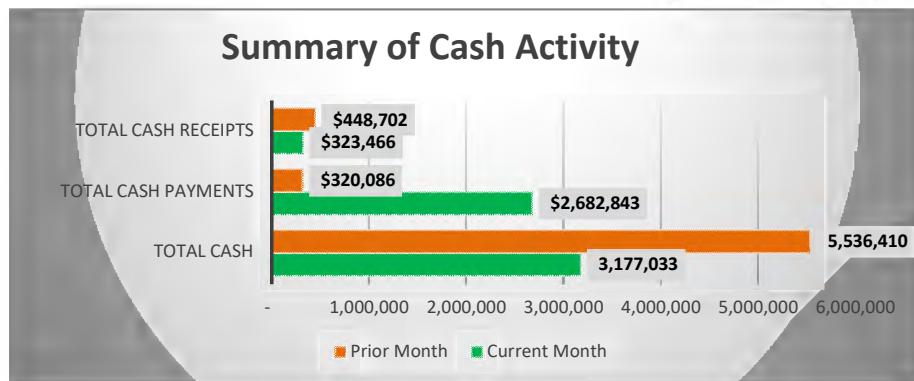
Mindy Hiley
Director of Administrative Services

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

For The Months Ended December 31, 2023 and November 30, 2023

	<u>12/31/23</u>	<u>11/30/23</u>
<u>Account Balances</u>		
Checking	\$ 232,566	\$ 101,583
Savings	2,150,252	4,216,000
County Treasury	792,462	1,217,462
Cash on hand	1,753	1,365
Total Cash	<u>3,177,033</u>	<u>5,536,410</u>
Less: Restricted cash for Marina surcharges	<u>(459,975)</u>	<u>(1,947,528)</u>
Unrestricted Cash	<u>2,717,058</u>	<u>3,588,882</u>
Less: Unexpended grant proceeds and Nordic deposits included in cash above	<u>(880,618)</u>	<u>(1,028,969)</u>
Cash Available (Deficit), excluding Marina surcharges	<u>1,836,440</u>	<u>2,559,913</u>
 <u>Change in Cash Balance</u>		
Balance, Beginning of Month	\$ 5,536,410	\$5,407,794
Monthly Deposits	323,466	448,702
Monthly Payments	<u>(2,682,843)</u>	<u>(320,086)</u>
Balance, End of Month	<u>\$ 3,177,033</u>	<u>\$5,536,410</u>
 <u>Monthly Expenses Summary</u>		
Significant Individual Expenses:		
Woodley Island Marina maintenance dredging	\$ 1,484,854	
Moffat & Nichol expenditure	719,278	
PNC Bank Loan Payments - Principal	173,717	
PNC Bank Loan Payments - Interest	59,986	
Third payroll in month	29,760	
Redwood Community Action Agency		\$ 92,469
Sub-total, Significance/Unusual Expenses	<u>2,467,595</u>	<u>92,469</u>
General operating expenses and other misc. expense	215,248	227,617
Total Cash Payments	<u>\$ 2,682,843</u>	<u>\$ 320,086</u>
 <u>Monthly Deposits Summary</u>		
Significant Individual Revenues:		
CalTrans-Office of Clean CA Local Grant	\$ 70,159	
Crowley Wind Services, Inc.	25,000	\$ 25,000
Property taxes and interest income		55,714
CA Energy Commission		191,347
Nordic Aquafarms, Inc.		26,645
Sub-total, Significant/Unusual Revenues	<u>95,159</u>	<u>298,706</u>
General revenues	228,307	149,996
Total Cash Receipts	<u>\$ 323,466</u>	<u>\$ 448,702</u>



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Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

01/31/24

As of December 31, 2023

Accrual Basis

	Dec 31, 23
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	7,099.53
10200.1 · Cash in PNC, Checking	225,466.34
10400 · CASH IN COUNTY - FUND 2720	756,161.55
10500 · CASH IN COUNTY - FUND 3872	36,300.78
10600.1 · Cash in bank, Tariff PNC	2,059,555.45
10700.1 · Cash in bank, Water PNC	90,696.63
10901 · UNEXPENDED MARINA SURCHARGES	459,974.78
10903 · RESTRICTED CASH	-459,974.78
Total Checking/Savings	3,176,560.28
Accounts Receivable	
12000 · ACCTS RECEIVABLE	1,190,646.41
Total Accounts Receivable	1,190,646.41
Other Current Assets	
12100 · ALLOW FOR BAD DEBTS	-418,101.27
12200 · TAXES RECEIVBLE	604,285.63
12300 · INTEREST RECEIVBLE	18,620.00
12600 · Note Receivable - NMTC	5,849,375.00
12700 · PREPAID EXPENSES	119,047.94
1499 · Undeposited Funds	473.00
Total Other Current Assets	6,173,700.30
Total Current Assets	10,540,906.99
Fixed Assets	
CAPITAL ASSETS, NET	
14910 · SAMOA PROPERTY	208,149.00
14930 · TOWN OF SAMOA PROPERTY	3,007,851.23
14940 · BAY STREET PROPERTY	35,000.00
15000 · AUTOMOTIVE EQUIPMENT	95,639.08
15100 · OFFICE EQUIPMENT	193,303.88
15200 · OPERATING EQUIPMENT	314,098.74
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	1,351,140.12
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	-18,989,614.17
Total CAPITAL ASSETS, NET	12,852,642.22
14800 · SHIPWRECK PROPERTY	50,088.05
14900 · DOG RANCH PROPERTY	7,507.70
Total Fixed Assets	12,910,237.97
Other Assets	
18700 · Deferred Lease Asset	3,679,190.00
19000 · Deferred Outflows of PERS	702,529.00
Total Other Assets	4,381,719.00

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

01/31/24

As of December 31, 2023

Accrual Basis

	Dec 31, 23
TOTAL ASSETS	27,832,863.96
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · ACCOUNTS PAYABLE	563,013.53
Total Accounts Payable	563,013.53
Credit Cards	
20112 · US Bank Visa	9,329.97
Total Credit Cards	9,329.97
Other Current Liabilities	
Payroll tax & Withholding Liab	
2100 · PAYROLL LIABILITIES	-2,772.38
21000 · WAGE GARNISHES	372.46
21100 · FEDERAL WITHHOLDING TAX	5,229.30
21200 · STATE WITHHOLDING TAX	2,450.43
21300 · STATE UNEMPLOYMENT TAX	580.67
21600 · PERS CARE/MEDICAL INSURANCE	12,805.14
21700 · PERS RETIREMENT	450.56
21701 · PERS DEFERRED COMPENSATION	740.00
21900 · UNION DUES DEDUCTIBLE	74.76
Total Payroll tax & Withholding Liab	19,930.94
20200 · NOTES PAYABLE	258,577.33
20400 · ACCRUED WAGES PAYABLE	37,333.75
20500 · ACCRUED INTEREST	10,685.14
20600 · ACCRUED VACATION PAYABLE	68,682.94
20800 · DEPOSITS ON HAND	
20801 · KEY DEPOSITS ON HAND	17,920.00
20802 · PLUG DEPOSITS ON HAND	1,330.00
20803 · SLIP DEPOSITS ON HAND	51,262.67
20804 · STORAGE DEPOSITS	4,253.15
20806 · LEASE SECURITY DEPOSIT	101,698.42
20807 · STORAGE DEPOSIT - REDWOOD DOCK	2,943.31
20808 · WAIT LIST DEPOSIT	5,150.00
Total 20800 · DEPOSITS ON HAND	184,557.55
24000 · Ground Lease Deferred Income	3,906,000.00
24002 · Groundlease Current Def Income	120,184.62
27201 · Deferred Inflows - OPEB	3,223.00
28000 · DEFERRED INCOME	163,450.39
28400 · DEFERREDINCOMECalTrans Spartina	870,570.67
Total Other Current Liabilities	5,643,196.33
Total Current Liabilities	6,215,539.83
Long Term Liabilities	
24001 · Gound Lease Amortization	-424,391.45
24003 · Groundlease Current Offset	-120,184.62
25500 · OPEB Liability	169,351.00
25700 · BOND PAYABLE 2014 REFINANCING	1,447,641.17
25800 · BBVA Loan Payable	908,007.88
25900 · LESS CURRENT PORTION	-258,577.33
26100 · Rate Stabilization Fund	5,454,000.00
27000 · Net Pension Liability	1,408,435.00
27200 · Deferred Inflows of PERS	115,823.00
27202 · Deferred Inflows - Leases	3,545,298.00
Total Long Term Liabilities	12,245,402.65
Total Liabilities	18,460,942.48
Equity	

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of December 31, 2023

	<u>Dec 31, 23</u>
30500 · INVESTMENT IN FIXED ASSETS	9,299,245.07
30900 · RESTRICTED FUND BALANCE	
30901 · Restricted Fd Bal-Curr Yr Chang	-1,429,380.54
30900 · RESTRICTED FUND BALANCE - Other	<u>1,887,090.07</u>
Total 30900 · RESTRICTED FUND BALANCE	457,709.53
31200 · GENERAL FUND BALANCE	
31000 · FUND BALANCE - TIDELANDS TRUST	-931,218.23
31201 · General Fund-Change is Restrict	1,429,380.54
31200 · GENERAL FUND BALANCE - Other	<u>1,010,372.61</u>
Total 31200 · GENERAL FUND BALANCE	1,508,534.92
Net Income	<u>-1,893,568.04</u>
Total Equity	9,371,921.48
TOTAL LIABILITIES & EQUITY	<u>27,832,863.96</u>

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Humboldt Bay Harbor, Recreation & Conservation District

01/31/24

Profit & Loss

Accrual Basis

December 2023

	Dec 23	Jul - Dec 23
Ordinary Income/Expense		
Income		
Donations		
46519 · Donations - Lighthouse	0.00	5.00
Total Donations	0.00	5.00
Dredging Revenue		
41318 · Dredging Surcharge - T	14,637.53	111,775.79
Total Dredging Revenue	14,637.53	111,775.79
Fees		
40108 · PERMITS-T	0.00	2,450.00
40808 · Pilotage Services - T	0.00	1,427.01
41308 · Moorage - T	0.00	11.20
41308.1 · Poundage - T	0.00	3,144.41
41818 · Late Charges/Interest - T	5,750.00	38,275.00
41819 · Late Charges/Interest - NT	50.00	294.77
45608 · Chevron - Ports O&M - T	8,087.50	16,175.00
Total Fees	13,887.50	61,777.39
Float Replacement Account		
41418 · Float Replacement	4,514.39	35,111.02
Total Float Replacement Account	4,514.39	35,111.02
Grant Revenue		
Harbor Grants		
45208.1 · Harbor Grants, Gov't - T	0.00	6,531.39
Total Harbor Grants	0.00	6,531.39
Total Grant Revenue	0.00	6,531.39
Harbor Surcharge		
40908 · Harbor Improvement Surcharge-T	6,813.00	46,578.56
Total Harbor Surcharge	6,813.00	46,578.56
Interest Revenue		
43108 · Interest Income - T	7,035.98	63,172.02
43109 · Interest Income - NT	583.33	3,499.98
43309 · Interest On Del Accts - NT	0.00	58.19
Total Interest Revenue	7,619.31	66,730.19
Other Revenue		
45908 · Other Revenue - T	0.00	1.00
45909 · Other Revenue - NT	11,711.33	156,750.95
46008 · Recovery of Bad Debt - T	1,000.00	1,000.00
Total Other Revenue	12,711.33	157,751.95
Rent Income		
40218 · Slip Rents - T	36,201.34	271,533.34
40318.1 · Transient Rentals - T	1,643.37	16,826.35
40518 · Equipment Rent - T	0.00	3,049.26
40519 · Equipment Rent - NT	210.00	350.00
40809 · Yard Rent - NT	1,021.20	7,237.20
41108 · Rents, Tidelands Leases - T	22,624.04	237,356.47
41309 · Storage - NT	5,019.41	30,235.03
41409 · Upland Rent - NT		
41409.2 · Redwood Terminal 2 - NMTC	0.00	0.00
41409 · Upland Rent - NT - Other	105,198.58	649,092.51
Total 41409 · Upland Rent - NT	105,198.58	649,092.51
Total Rent Income	171,917.94	1,215,680.16

Humboldt Bay Harbor, Recreation & Conservation District

01/31/24

Profit & Loss

Accrual Basis

December 2023

	Dec 23	Jul - Dec 23
Sales		
40119 · Concession Sales - NT	438.00	2,980.75
Total Sales	438.00	2,980.75
Tax Revenue		
43509 · Property Tax Revenues	110,000.00	660,000.00
45009 · Other Federal Tax Revenue	12.57	12.57
Total Tax Revenue	110,012.57	660,012.57
Utility Surcharge		
40409 · Utility Surcharge - NT	2,455.54	19,346.07
40418 · Utility Surcharge, Marina Dock	8,596.42	25,272.77
Total Utility Surcharge	11,051.96	44,618.84
47019 · Returned Check Charges	0.00	35.00
52708.1 · Discount	18.67	141.47
Total Income	353,622.20	2,409,730.08
Gross Profit	353,622.20	2,409,730.08
Expense		
Accounting/Auditing Services		
52500 · Accounting Fees - T	5,403.38	26,344.88
52508 · Accounting Fees - NT	1,801.12	10,491.62
Total Accounting/Auditing Services	7,204.50	36,836.50
Advertising & Promotion		
51000 · Advertising & Promotion - NT	231.25	524.04
51008 · Advertising & Promotion - T	10.00	521.45
Total Advertising & Promotion	241.25	1,045.49
Bad Debts		
51308 · Bad Debts - T	25,819.20	25,819.20
Total Bad Debts	25,819.20	25,819.20
Communications		
51400 · Communications - NT	1,727.35	10,465.75
51408 · Communications - T	173.61	1,014.23
Total Communications	1,900.96	11,479.98
Conference & Meetings		
51500 · Conferences & Meetings - NT	671.27	9,776.18
51508 · Conferences & Meetings - T	76.91	826.87
Total Conference & Meetings	748.18	10,603.05
Dredging Expense		
55608 · Dredging Expense - T	21,626.00	81,784.71
56708 · Dredging - GT	0.00	573,688.75
56718 · Dredging - MT	0.00	918,528.75
Total Dredging Expense	21,626.00	1,574,002.21
Dues, Subscriptions & Licences		
51600 · Dues & Subscriptions - NT	1,220.00	19,007.58
51608 · Dues & Subscriptions - T	345.25	1,686.50
Total Dues, Subscriptions & Licences	1,565.25	20,694.08
Elections & Government Fees		
51700 · Elections & Prop Tax Assess-NT	0.00	44,296.98
Total Elections & Government Fees	0.00	44,296.98
Engineering Services		

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

01/31/24

December 2023

Accrual Basis

	Dec 23	Jul - Dec 23
52400 · Engineering Fees - NT	6,633.30	49,180.60
52408 · Engineering Fees - T	1,032.50	4,138.75
Total Engineering Services	7,665.80	53,319.35
Fuel		
50400 · IMPUTED AUTO VALUE G/A	120.00	780.00
51200 · Automotive, Fuel- NT	496.85	3,189.19
51208 · Vessel Fuel	333.05	1,852.79
51218 · Automotive, Fuel - T	537.60	3,665.93
Total Fuel	1,487.50	9,487.91
Grant Expenses		
Conservation Grant Expenses		
54408.3 · Conservation Grant Exp	0.00	13,039.59
Total Conservation Grant Expenses	0.00	13,039.59
Harbor Grant Expenses		
54408.1 · Harbor Grant Exp	809.16	1,006,543.99
Total Harbor Grant Expenses	809.16	1,006,543.99
Recreation Grant Expenses		
54408.2 · Recreation Grant Exp	33,118.17	-9,624.30
Total Recreation Grant Expenses	33,118.17	-9,624.30
Total Grant Expenses	33,927.33	1,009,959.28
Insurance		
51800 · Insurance - NT	9,912.52	59,421.29
51808 · Insurance - T	0.00	19,766.50
Total Insurance	9,912.52	79,187.79
Interest Expense		
55108 · Interest Expense - T	4,156.00	24,936.00
55109 · Interest Expense - NT	7,624.00	45,744.00
Total Interest Expense	11,780.00	70,680.00
Legal Services		
52300 · Legal Fees - NT	1,443.00	15,011.14
52308 · Legal Fees - T	481.00	4,250.36
Total Legal Services	1,924.00	19,261.50
Maintenance - Equipment		
51209 · Automotive, Repairs - NT	186.22	8,258.50
52710 · Repairs & Maint, Equip - NT	31.07	1,400.49
52718 · Repairs & Maint, Equip - T	442.70	456.89
Total Maintenance - Equipment	659.99	10,115.88
Maintenance - Facilities		
52708 · Repairs & Maint, Facilities - T	8,109.67	35,201.58
52719 · Repairs & Maint, Facilities - N	4,931.47	29,184.69
Total Maintenance - Facilities	13,041.14	64,386.27
Maintenance - IT		
57008 · Maintenance, IT Equip - T	511.00	2,398.50
57009 · Maintenance, IT Equip - NT	287.50	2,552.61
Total Maintenance - IT	798.50	4,951.11
Maintenance Supplies		
52008 · Maintenance Supplies - T	0.00	268.24
52010 · Maintenance Supplies - NT	1,012.63	6,787.08

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

01/31/24

December 2023

Accrual Basis

	Dec 23	Jul - Dec 23
Total Maintenance Supplies	1,012.63	7,055.32
Office Supplies		
51900 · Office Supplies - NT	4,560.32	23,732.39
51908 · Office Supplies - T	308.27	3,680.76
Total Office Supplies	4,868.59	27,413.15
Other Expenses		
55418 · Other Expenses - T	0.00	325.00
55419 · Other Expenses - NT	7,500.00	7,500.00
Total Other Expenses	7,500.00	7,825.00
Other Professional/Outside Serv		
52109 · Outside Services, Other - NT	1,159.17	1,801.17
52110 · OUTSIDE SERVICES M/A	0.00	250.00
52118 · Outside Services, Other - T	273.00	2,377.00
Total Other Professional/Outside Serv	1,432.17	4,428.17
Permits		
51610 · Permits - NT	0.00	171.66
51618 · Permits - T	1,818.00	13,593.00
Total Permits	1,818.00	13,764.66
Personnel Expenses		
Commissioners Fees		
50200 · Commissioner's Salaries - NT	2,100.00	12,600.00
50208 · Commissioner's Salaries - T	900.00	5,400.00
Total Commissioners Fees	3,000.00	18,000.00
Contract Temporary Services		
50318 · Contract Temporary Services - T	0.00	13,518.18
Total Contract Temporary Services	0.00	13,518.18
Payroll Burden		
50500 · Payroll Benefits, Other - NT	16,900.88	197,556.66
50508 · Payroll Benefits, Other - T	3,389.29	59,290.89
6560 · Workers' Comp	4,130.52	24,104.10
Total Payroll Burden	24,420.69	280,951.65
Salaries/Wages		
50100 · Salaries & Wages - NT	123,682.02	591,456.70
Total Salaries/Wages	123,682.02	591,456.70
Total Personnel Expenses	151,102.71	903,926.53
Planning Services		
52200 · Planning Fees - NT	7,485.00	25,598.91
52208 · Planning Fees - T	787.50	1,902.50
Total Planning Services	8,272.50	27,501.41
Rent Expense		
54308 · Redwood Terminal 2 Lease Expens	2,201.51	3,192.60
Total Rent Expense	2,201.51	3,192.60
Small Tools		
52800 · Small Tools - NT	335.91	802.17
Total Small Tools	335.91	802.17
Utilities		
52909 · Utilities - NT	13,326.20	109,096.32
52918 · Utilities - T	4,414.94	31,107.32

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

December 2023

	Dec 23	Jul - Dec 23
53000 · Water, Sewer, & Refuse - NT	11,593.84	72,526.92
53008 · Water, Sewer, & Refuse - T	4,157.81	46,173.33
Total Utilities	33,492.79	258,903.89
57018 · Bank Service Charges	417.82	2,358.64
Total Expense	352,756.75	4,303,298.12
Net Ordinary Income	865.45	-1,893,568.04
Net Income	865.45	-1,893,568.04

4:27 PM

Humboldt Bay Harbor, Recreation & Conservation District

01/31/24

Account QuickReport

Accrual Basis

As of December 31, 2023

Type	Date	Num	Name	Memo	Amount
10200.1 - Cash in PNC, Checking					
Liability Check	12/06/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-1,993.04
Liability Check	12/06/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,357.36
Liability Check	12/07/2023		QuickBooks Payroll Serv...	Created by Payro...	-26,565.86
Bill Pmt -Check	12/08/2023	ACH	CalPERS 457 Program	457Match 12/08/...	-300.00
Liability Check	12/08/2023	ACH	PERS Unfunded Accrue...	2233447024	-6,055.33
Liability Check	12/08/2023	ACH	CalPERS 457 Program	450348	-1,710.75
Liability Check	12/08/2023	ACH	State Disbursement Unit	0230000067964	-233.53
Liability Check	12/08/2023	ACH	California State Disburse...	200000002073316	-500.76
Bill Pmt -Check	12/08/2023	2654	The Dutra Group	4000	-1,484,853.75
Bill Pmt -Check	12/08/2023	2655	314intermedia		-60.00
Bill Pmt -Check	12/08/2023	2656	Advanced Security Syste...	RMT2 364 Vanc...	-223.50
Bill Pmt -Check	12/08/2023	2657	Amazon Business (Invoi...	ANG2R6J1Z77S1	-1,300.07
Bill Pmt -Check	12/08/2023	2658	Bayless Enterprises	PO #2028 for 20...	-408.27
Bill Pmt -Check	12/08/2023	2659	California State Lands C...	Sublease of an E...	-595.91
Bill Pmt -Check	12/08/2023	2660	Campton Electric Supply		-38.12
Bill Pmt -Check	12/08/2023	2661	City of Eureka (Sewer)	2001-901804-02	-5,639.81
Bill Pmt -Check	12/08/2023	2662	City of Eureka (Water)	2001-901802-01	-6,511.98
Bill Pmt -Check	12/08/2023	2663	Clean Earth Environment...	PO 2042 FLBY C...	-3,072.07
Bill Pmt -Check	12/08/2023	2664	Employment Developme...	Period Ending 9/...	-81.97
Bill Pmt -Check	12/08/2023	2665	Eureka Oxygen Company		-92.50
Bill Pmt -Check	12/08/2023	2666	Francotyp-Postalia	466106100	-145.66
Bill Pmt -Check	12/08/2023	2667	Humboldt Bay Municipal ...	9002.001 RMT2	-1,252.09
Bill Pmt -Check	12/08/2023	2668	Keenan Supply		-194.22
Bill Pmt -Check	12/08/2023	2669	Mission Uniform & Linen	299313	-302.41
Bill Pmt -Check	12/08/2023	2670	Mr. Rooter Plumbing	PO#2064 RMT2 ...	-494.73
Bill Pmt -Check	12/08/2023	2671	Napa Auto Parts	24290	-46.59
Bill Pmt -Check	12/08/2023	2672	North Coast Journal	HMW Ad 11-23-2...	-59.85
Bill Pmt -Check	12/08/2023	2673	Palmero, Mario	PO # 2065: 4 Ba...	-600.00
Bill Pmt -Check	12/08/2023	2674	Pierson Building Center	1297	-238.83
Bill Pmt -Check	12/08/2023	2675	Recology Eel River	061097997	-519.24
Bill Pmt -Check	12/08/2023	2676	Recology Humboldt Cou...	061218064	-837.49
Bill Pmt -Check	12/08/2023	2677	SHN Consulting Enginee...		-13,689.55
Bill Pmt -Check	12/08/2023	2678	Standard Insurance Com...	ST 908447 0001	-246.80
Bill Pmt -Check	12/08/2023	2679	State Water Resource C...	RMT2 07/01/23-...	-9,957.00
Bill Pmt -Check	12/08/2023	2680	StewTel, Inc.		-347.22
Bill Pmt -Check	12/08/2023	2681	Times-Standard, Tri-City ...	Newspaper Subs...	-186.36
Bill Pmt -Check	12/08/2023	2682	Times Printing Co	Business Cards	-123.86
Bill Pmt -Check	12/08/2023	2683	Willie's Budget Appliance...		-115.00
Bill Pmt -Check	12/08/2023	2685	101Netlink	December 2023	-170.00
Bill Pmt -Check	12/08/2023	2686	California Special District...	Membership ID: ...	-8,600.00
Bill Pmt -Check	12/08/2023	2687	Englund Marine Supply		-67.30
Bill Pmt -Check	12/08/2023	2688	Humboldt Fasteners		-10.54
Bill Pmt -Check	12/08/2023	2689	Humboldt Waste Manag...	20218	-35.56
Bill Pmt -Check	12/08/2023	2690	Moffatt & Nichol		-719,278.43
Bill Pmt -Check	12/08/2023	2691	Northern California Glove	3474	-122.94
Bill Pmt -Check	12/08/2023	2692	Pacific Gas & Electric (1...	Acct #06704919...	-2,813.08
Bill Pmt -Check	12/08/2023	2693	Pacific Gas & Electric (3...	6598073494-4	-248.63
Bill Pmt -Check	12/08/2023	2694	Schmidbauer Building S...		-154.92
Bill Pmt -Check	12/08/2023	2695	Shelter Cove Fishing Pre...	SC Janitorial Dec...	-2,083.33
Bill Pmt -Check	12/08/2023	2696	Thrifty Supply	VOID:	0.00
Bill Pmt -Check	12/08/2023	2697	Thrifty Supply		-93.35
Check	12/08/2023	2698	Rudden, Ron	Tenant Refund	-40.00
Check	12/08/2023	2699	US Bank Corporate Pay...		-5,258.50
Bill Pmt -Check	12/15/2023	Xfer	PNC Bank, N.A.	36603233	-80,092.48
Bill Pmt -Check	12/15/2023	Xfer	PNC Bank, N.A.	36603233	-153,610.40
Liability Check	12/19/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-2,247.40
Liability Check	12/19/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-6,067.02
Liability Check	12/19/2023	2700	Operating Engineers Loc...	94-2262845	-199.36
Liability Check	12/19/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-5.40
Liability Check	12/19/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-91.80
Liability Check	12/21/2023		QuickBooks Payroll Serv...	Created by Payro...	-29,160.10
Liability Check	12/21/2023		QuickBooks Payroll Serv...	Created by Payro...	-553.45
Bill Pmt -Check	12/22/2023	ACH	CalPERS 457 Program	457Match 12/22/...	-300.00
Bill Pmt -Check	12/22/2023	ACH	PERS Unfunded Accrue...	2233447024	-7,930.50
Liability Check	12/22/2023	ACH	CalPERS 457 Program	450348	-1,710.75
Bill Pmt -Check	12/22/2023	ACH	CalPERS Health	2233447024	-9,361.02
Liability Check	12/22/2023	ACH	California State Disburse...	200000002073316	-500.76
Liability Check	12/22/2023	ACH	State Disbursement Unit	0230000067964	-233.53

Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

As of December 31, 2023

Type	Date	Num	Name	Memo	Amount
Liability Check	12/22/2023	2701	Franchise Tax Board		-100.00
Bill Pmt -Check	12/22/2023	2702	Amazon Business (Invoi...	ANG2R6J1Z77S1	-106.04
Bill Pmt -Check	12/22/2023	2703	Eureka Chamber of Com...	2024 Membershi...	-440.00
Bill Pmt -Check	12/22/2023	2704	Humboldt Recycling, LLC.	Acct# 346512	-32.60
Bill Pmt -Check	12/22/2023	2705	Humboldt Waste Manag...	20218	-262.68
Bill Pmt -Check	12/22/2023	2706	Interstate Battery	PO#2068 Barfly ...	-442.70
Bill Pmt -Check	12/22/2023	2707	Pace Supply Corp	39567-00	-653.62
Bill Pmt -Check	12/22/2023	2708	Rob Holmlund	Reimbursement ...	-10.42
Bill Pmt -Check	12/22/2023	2709	Tenera Environmental Inc.	20236001	-119.50
Bill Pmt -Check	12/22/2023	2710	Mitchell Law Firm, LLP		-1,831.50
Liability Check	12/22/2023	ACH	PERS Unfunded Accrue...	2233447024	-4,659.81
Bill Pmt -Check	12/22/2023	2711	Amazon Business (Invoi...	ANG2R6J1Z77S1	-150.35
Bill Pmt -Check	12/22/2023	2712	AT&T Internet	831-000-8571 571	-886.57
Bill Pmt -Check	12/22/2023	2713	B & B Portable Toilets	RWD	-133.44
Bill Pmt -Check	12/22/2023	2714	California Redwood Co.	Red Tank Electri...	-879.55
Bill Pmt -Check	12/22/2023	2715	Coastal Business Syste...	017-1623192-000	-549.12
Bill Pmt -Check	12/22/2023	2716	David L. Moonie & Co., L...		-6,308.00
Bill Pmt -Check	12/22/2023	2717	Humboldt Bay Solar Fun...	HB0520	-7,118.47
Bill Pmt -Check	12/22/2023	2718	Shelter Cove Resort Imp...	SC 10/26-11/28/...	-455.59
Bill Pmt -Check	12/22/2023	2719	State Water Resource C...	FL 10/01/2023-0...	-1,818.00
Bill Pmt -Check	12/22/2023	2720	Valley Pacific Petroleum ...	114137	-1,027.83
Bill Pmt -Check	12/22/2023	2721	Verizon Wireless	Bill received 12/1...	-332.98
Bill Pmt -Check	12/22/2023	2722	Verizon Wireless	Bill received 12/1...	-164.19
Bill Pmt -Check	12/22/2023	2723	Lost Coast Ventures	Sponsorship for ...	-1,000.00
Liability Check	12/22/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-3,784.16
Liability Check	12/22/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-10,891.24
Liability Check	12/28/2023		QuickBooks Payroll Serv...	Created by Payro...	-29,759.79
Check	12/29/2023			Service Charge	-393.02

Total 10200.1 - Cash in PNC, Checking

-2,680,303.20

TOTAL

-2,680,303.20

HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT

PERMIT AND AGREEMENT TO
OPERATE A BED AND BREAKFAST BUSINESS

Woodley Island Marina
601 Startare Drive
Eureka, CA 95501
P.O. Box 1030
Eureka, CA 95502

PERMITTEE:
Tod Reincke
dba *REINCKE MARINE FABRICATION*
P.O. Box 158
Fields Landing, CA 95537

This Permit and Agreement is executed in triplicate at Woodley Island Marina, Eureka, California, between HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, hereinafter referred to as "District", and **Tod Reincke**, dba ***REINCKE MARINE FABRICATION*** hereinafter referred to as "**Tod Reincke.**"

WHEREAS, **Tod Reincke** will be the Lessees of Slip Number 01, Float B.W. (Break Water), at the Woodley Island Marina for the vessel ***BETH***, pursuant to a Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto and incorporated by reference as Exhibit "A" hereto; and

WHEREAS, on or about January 1, 2024, **Tod Reincke** made a written application to renew the Permit to operate the **Bed and Breakfast** business ***REINKE MARINE FABRICATION*** on the motor vessel "***BETH***" moored at Slip Number 01 Float B.W. at the Woodley Island Marina; and

WHEREAS, Ordinance Number 9, Section 6.7, subparagraph (a) of the District prohibits any commercial endeavor or charter service for hire without a special permit from the District.

2024 REINCKE MARINE FABRICATION
Page 1 of 7

AFTER REVIEW AND CONSIDERATION thereof by the Board of Commissioners of the District of the application of **Tod Reincke**:

THE PARTIES, THEREFORE, AGREE AS FOLLOWS:

1. District shall permit **Tod Reincke**, to operate the business **REINCKE MARINE FABRICATION** for the purpose of a **Bed and Breakfast** at the Woodley Island Marina. The Bed and Breakfast shall consist primarily of overnight accommodations. Diving or diving instruction from or on said vessel shall not be allowed and shall be prohibited at all times at any locations within or without the boundaries of Woodley Island Marina while **Tod Reincke** operates the business of a Bed and Breakfasts from the Woodley Island Marina.
2. The term of this Permit and Agreement shall be for one (1) year commencing on February 10, 2024, and terminating on February 9, 2025. District or **Tod Reincke** may terminate this Permit and Agreement by giving sixty (60) days written notice of termination to the other party. District may terminate this Permit and Agreement with **Tod Reincke** with or without cause or reason by giving **Tod Reincke** sixty (60) days written notice of termination and **Tod Reincke** shall terminate their business, as defined in Paragraph 1, (60) days from the date of personal service of said written notice of termination or sixty (60) days from the date of deposit or the written notice of termination deposited, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail, and addressed to **Tod Reincke**, at **P.O. Box 158 Fields Landing, CA 95537**.

In the event **Tod Reincke** are in default of any of the provisions of the Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto as Exhibit "A", and **Tod Reincke** Berthing Permit is terminated pursuant to said Agreement, this Permit and Agreement to operate a *Bed and Breakfast* shall terminate forthwith on the date of

termination of **Tod Reincke** Berthing Permit and Rental Agreement for the Woodley Island Marina without the requirement of the hereinabove set forth sixty (60) day notice of termination provisions.

3. In addition to the monthly rental payable by **Tod Reincke** to the District pursuant to the Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto as Exhibit "A", **Tod Reincke** shall pay District the sum of two hundred fifty dollars and no cents (\$250.00) per year, however all rates may be changed pursuant to paragraph 3 of the Berthing Permit and Rental Agreement for Woodley Island Marina which provides that the District may change or increase the rates by giving thirty (30) days notice.
4. On or prior to the date of the Agreement, to wit: February 10, 2024, **Tod Reincke** shall purchase and maintain throughout the term of the Permit and Agreement Commercial General Liability insurance covering **Tod Reincke** pursuant to the terms of this Permit and Agreement. Said insurance policy of "protection and indemnity insurance" insuring **Tod Reincke** from liability for bodily injury, death, or property damage as a result of their operation and shall name District as an additional insured and provide District, prior to June each year, with a Certificate of Insurance stating the amount of the insurance and proof that the District is an additional named insured, and the agreement of said insurance company that District shall be notified forthwith of the event of non-payment of the premium or termination of said insurance policy. The amount of insurance shall be One Million Dollars and no cents (\$1,000,000.00) per occurrence. In the event said liability insurance policy referred to in the Paragraph 4 is cancelled or terminated, **Tod Reincke** shall forthwith cease and stop their **REINCKE MARINE FABRICATION** business at District's premises at the Woodley Island Marina and shall not resume operations until said liability insurance policy is fully reinstated and in full force and effect.

5. **Tod Reincke** shall, prior to commencing operation of **REINCKE MARINE FABRICATION**, obtain any and all necessary permits and licenses, if applicable, including but not limited to **City of Eureka business license** and **United States Coast Guard vessel inspection**. A United States Coast Guard inspection shall be conducted annually.
6. **Tod Reincke** agrees that neither the Humboldt Bay Harbor, Recreation and Conservation District, nor its Board of Commissioners, nor any Officer of the District shall be liable to any extent for the injury or damages to any person or property or for the death of any person arising out of or connected with **Tod Reincke**, and **Tod Reincke** shall indemnify and hold harmless District, its Commissioners, and Officers free and harmless from any liability for any such injury, death or damages. In addition, **Tod Reincke** agrees to hold harmless, indemnify, and hold District non-responsible for any of **Tod Reincke** operations according to the provisions of paragraphs 11, 13, and 19 of the Berthing Permit and Rental Agreement for Woodley Island Marina, a copy of which is attached hereto as Exhibit "A" and incorporated by reference as though set forth in full.
7. **Tod Reincke** at all times shall comply and shall obtain compliance of Lessees' family, agents, employees, business visitors, and invitees of all laws, ordinances, rules and regulations, including Ordinance No.9, the Woodley Island Marina Rules and Regulations, and those of local, state, and federal government.
8. **Tod Reincke** at all times shall ensure that walkways and finger piers are not obstructed in any manner. No tires, ropes, canvas, or other material shall be nailed or attached to finger piers, docks, and piles without the written approval of the District. No person shall throw, discharge, or deposit from any vessel or from the shore or float or in any other manner, any waste, fish, or shellfish parts into or upon the waters of the Woodley Island Marina or upon the banks, walls, sidewalks, or parking areas within the boundaries of

the Woodley Island Marina. No person shall place or leave waste, dead animals, fish, shellfish, bait, or other putrefying matter on or along seawalls, harbor structures, floats, piers, sidewalks, or parking areas within the boundaries of the Woodley Island Marina. Vessel must be kept free of trash and waste product so as not to attract seagulls, sea lions, harbor seals, and other animals. All trash and waste products shall be properly disposed of each day.

9. **Tod Reincke** may place a sign on the vessel the size of which must be approved by the District's Executive Director. **Tod Reincke** may place a directional sign for incoming traffic onto Woodley Island Marina in an area approved by the Executive Director. The type and size of all signs are to be approved by the Executive Director of the District and, shall reasonably conform in size, shape, and colors of the signs heretofore existing on Woodley Island and the Woodley Island Marina.
10. This Permit and Agreement is not transferable or assignable by **Tod Reincke** without approval in writing by the District. Any transfer of assignment or attempted transfer or assignment of this Permit by **Tod Reincke** shall be null and void.
11. This Permit and Agreement is non-exclusive, and District retains the right to enter into agreements with and grant permits to other persons or business for the same purposes as set forth in this Permit and Agreement.
12. The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, successors, and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.
13. Time is of the essence of this Permit and Agreement and of each and every covenant, term, and condition, and provision hereof.
14. **Tod Reincke** is hereby notified by the District that this Permit and Agreement to Operate ***REINCKE MARINE FABRICATION*** in conjunction

with the Berthing Permit and Rental Agreement for a vessel at the Woodley Island Marina or property interests created herein, if any, may be subject to a possessory interest tax or property taxation if created pursuant to Sections 107 to 108 of the California Revenue and Taxation Code and that **Tod Reincke** and/or the party in whom the possessory interest is vested may be subject to the payment of property taxes levied upon such interests. **Tod Reincke** agrees and acknowledges that they have actual notice pursuant to Section 107.6 of the California Revenue and Taxation Code and that **Tod Reincke** may be required to pay a possessory interest tax as a result of this Permit and Agreement to operate a Bed and Breakfast in conjunction with the Berthing Permit and Rental Agreement for the vessel for Woodley Island Marina. **Tod Reincke** hereby acknowledges that they have actual knowledge of the existence of a possessory interest tax and have read the provision of Section 107 to 108 of the California Revenue and Taxation Code. **Tod Reincke** agrees to and shall pay all possessory interest taxes levied by any governmental agency by reason of this Permit and Agreement and their Berthing Permit and Rental Agreement for their vessel, for Woodley Island Marina.

EXECUTED on, _____, 2024, by authority of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT.

**GREG DALE, President
Board of Commissioners
HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT**

Tod Reincke, dba, REINCKE MARINE FABRICATION, as Permittees in this Permit and Agreement hereby accepts and agrees to all terms and conditions herein above set forth.

Dated: _____, 2024

By _____
**Tod Reincke, Owner
REINCKE MARINE FABRICATION**



**COMMANDER
ELEVENTH COAST GUARD DISTRICT
COAST GUARD ISLAND
ALAMEDA, CALIFORNIA 94501-5100
05 January 2024**

Dear Mr. Mikkelsen,

Please accept my deepest appreciation to you for your efforts in coordinating an almost \$100K in emergency repairs for CGC BARRACUDA’s electrical service feed line. Your rapid response in acquiring divers, electricians, and cable sourcing ensured BARRACUDA’s swift power restoration.

I’ve been made aware that you’ve been taking care of BARRACUDA for some time now. Thank you for your tireless efforts and outstanding service to the U.S. Coast Guard. As a token of appreciation, please accept this “Command Coin” on behalf of everyone in the Eleventh District.

Sincerely,

A handwritten signature in blue ink that reads "A. M. Sugimoto".

**A. M. SUGIMOTO
Rear Admiral, U. S. Coast Guard**

**Chris Mikkelsen, Executive Director
Humboldt Bay Harbor District
601 Startare Drive
Eureka, CA 95501**



COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Craig Benson

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
February 8, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: February 2, 2024

TITLE: Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project

STAFF RECOMMENDATION: Receive report and provide direction.

SUMMARY: The Board has requested a monthly update regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. Updates may include project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, the latest overall project strategy, and agreements with Crowley Wind Services. This report will provide an update for the month of February 2024. Topics to be covered include: ongoing efforts to understand ways in which the District can contribute to the prevention of MMIP-related problems; attendance of and participation in the Yurok-hosted Tribal Offshore Wind Summit; upcoming attendance of the MMIP Day of Action in Sacramento; status of ongoing meetings with Tribes, fishermen, aquaculture tenants, neighborhood groups; and information about the recently awarded INFRA grant.



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STAFF REPORT – HARBOR DISTRICT MEETING
February 8, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: February 2, 2024

TITLE: **Consider Adopting Resolution 2024-03, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2024**

STAFF RECOMMENDATION: Staff recommends the Board: Adopt Resolution 2024-03 and accept the meeting calendar for 2024, and adopt the salary schedule for FY 2023-2024.

BACKGROUND: Annually the Board approves a Resolution which appoints specific staff and/or consultants, established financial limitations, legal notice designations, meeting schedules, and other business matters of the District.

DISCUSSION: A Business Matters Resolution has been adopted annually since 2013 and is used as a guideline for staff regarding media contacts and spending limits, as well as appointed district staff and the officers of the Board of Commissioners. It establishes the board meeting schedule and legal notice designations.

ATTACHMENTS

- A. Resolution 2024-03 Designating Business Matters
- B. Humboldt Bay Harbor District Board of Commissioners Regular Meeting Schedule for the Calendar Year 2024
- C. Salary Schedule for FY 2023-2024

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

RESOLUTION NO. 2024-03

A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2024

BE IT RESOLVED THAT the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District hereby appoints and/or authorizes the following Business Matters for the calendar year beginning January 1, 2024 and ending December 31, 2024 for all divisions of the Humboldt Bay Harbor, Recreation and Conservation District.

OFFICERS FOR THE BOARD OF COMMISSIONERS:

President – Greg Dale
Vice President – Stephen Kullmann
Secretary – Aaron Newman
Commissioner – Patrick Higgins
Commissioner – Craig Benson

ENABLING LEGISLATION:

Appendix II of the State of California Harbors and Navigation Code: Humboldt Bay Harbor, Recreation and Conservation District.

FINANCIAL:

1. Auditors- As approved by the Board.
2. District Treasurer – Lindsey Grossman, CPA; David L. Moonie & Co., LLP; 325 Second Street, Suite 301; Eureka, CA 95501
3. Budget Officer – District Treasurer and Executive Director
4. Custodians of Funds – District Treasurer and Executive Director
5. Authorized to Open Accounts – District Treasurer and Executive Director
6. Investment of Surplus Funds – District Treasurer and Executive Director
7. Custodians of State, Federal and other funds, whether loans or grants, to make application for, receive and expend – District Treasurer and Executive Director
8. Expenditures:
 - a. Checks require any two signatures from the following: Current Commissioner or Executive Director.

- b. Expenditures over \$5,000 shall follow § 36 of Appendix II of the State of California Harbors and Navigation Code: Humboldt Bay Harbor, Recreation and Conservation District
 - c. Purchase Order is required for non-recurring, single expenditures over \$300
 - d. Board approval of any expenditure over \$5,000
9. Authorized Revenue Facilities:
- a. Local Bank Checking, Money Market & Savings Accounts – Tri counties Bank, Eureka Branch
 - b. Remote Bank Checking, Money Market/Savings Accounts – PNC Bank
 - c. Humboldt County Treasurer to receive Humboldt County imposed tax revenues and other collected revenues for disbursement to the Humboldt Bay Harbor, Recreation and Conservation District
10. Grants
- a. The Board President and/or Executive Director are authorized to sign grant agreements.
 - b. The Executive Director is authorized to submit grant applications and commit up to \$5,000 of matching or other District Funds.
 - c. Grant applications committing more than \$5,000 of District funds shall require approval of the Board.
11. Contracts
- a. The Board President and/or Executive Director are authorized to sign contracts and expenditures over \$5,000 which have been approved by the Board.
12. Leases
- a. The Board President and/or Executive Director are authorized to sign lease agreements at the rates established by the fee schedule.
 - b. The Executive Director is authorized to negotiate Lease Agreements of less than \$40,000 annual income at Redwood Marine Terminals I and II; \$20,000 at all other District properties.

LEGAL NOTICE DESIGNATIONS:

- 1. Official Notice posting sites:
 - a. District Conference Room – aside main door on outside wall
 - b. District website: www.humboldtbay.org
- 2. The Times-Standard (newspaper of general circulation) as the newspaper for legal publications
- 3. Email notification to News Media: The Times-Standard, North Coast Journal, Ferndale Enterprise, Mad River Union, KEET-TV, KIEM-TV, KMUD Radio, KHUM Radio, Lost Coast Outpost.
- 4. Email notification to:
 - a. Cities: Eureka, Fortuna, Arcata
 - b. Counties: Humboldt
 - c. Chambers of Commerce: Eureka, Arcata
 - d. Interested Parties

REGULAR MONTHLY BOARD MEETINGS:

1. Location: Humboldt Bay Harbor, Recreation and Conservation District; 601 Startare Drive; Eureka, CA
2. Time: Closed Session: 5:00 pm PST; Regular Session: 6:00 pm PST
3. When: 2nd Thursdays of each month. Exceptions only if regular meeting dates conflict with holidays.
4. Notices posted a minimum of 72 hours prior to the meeting.
5. The general order of business shall be as outlined below. The Board President may add presentations and other special agenda topics to the order of business prior to noticing of said meeting as may be appropriate:

1. Call to Order
2. Pledge of Allegiance
3. Report on Executive Session
4. Public Comment for items not on Agenda
5. Consent Calendar
6. Communications, Reports and Correspondence Received
7. Unfinished Business
8. New Business
9. Future Agenda Items
10. Adjournment

SPECIAL BOARD MEETINGS:

1. Location: Humboldt Bay Harbor, Recreation and Conservation District; 601 Startare Drive; Eureka, CA or at alternative location as described in the Special Meeting Notice
2. When: As needed.
3. Notices posted a minimum of 24 hours prior to the meeting.

OTHER BUSINESS:

1. Election Officer – Executive Director
2. Filing of Bonds – Executive Director
3. Authorized to contract as necessary – Executive Director
4. Clerk of the Board – Director of Administrative Services
5. Legal Counsel – Ryan Plotz of The Mitchell Law Firm, LLC, PO Drawer 1008 Eureka, CA 95502
6. District Planner – George Williamson; Planwest Partners Inc.; 1125 16th Street; Arcata, CA 95521
7. District Engineer- Mike Foget; SHN Engineers, 812 W. Wabash Ave, Eureka, CA 95501
8. District Treasurer- Lindsey Grossman; DLM & Co. LLP, 325 2nd St., Ste 301, Eureka, CA 95501
9. Insurance Agent of Record – Special Districts Risk Management Authority (Property, Liability, Workers Compensation, Marina Operators Liability)

10. Recognize the Humboldt Bay Harbor, Recreation and Conservation District as an equal opportunity employer.
11. Designation of registered office and agent:
Office: 601 Startare Drive; Eureka, CA 95501
Agent: Executive Director
12. Custodian of Public Records: Executive Director

PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 8th day of February 2024, by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Greg Dale, President
Board of Commissioners

Aaron Newman, 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. 2024-03 entitled,

**A RESOLUTION DESIGNATING BUSINESS MATTERS,
APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2024**

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 8th day of February 2024; 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 8th day of February 2024.

Aaron Newman, Secretary
Board of Commissioners



Humboldt Bay Harbor District Board of Commissioners
Regular Meeting Schedule
Calendar Year 2024

<u>MONTH</u>	<u>DATE</u>	<u>TIME</u>
January	01/11/2024	6:00 P.M.
February	02/08/2024	6:00 P.M.
March	03/14/2024	6:00 P.M.
April	04/11/2024	6:00 P.M.
May	05/09/2024	6:00 P.M.
June	06/13/2024	6:00 P.M.
July	07/11/2024	6:00 P.M.
August	08/08/2024	6:00 P.M.
September	09/12/2024	6:00 P.M.
October	10/10/2024	6:00 P.M.
November	11/14/2024	6:00 P.M.
December	12/12/2024	6:00 P.M.



Humboldt Bay Harbor, Recreation and Conservation District Management Staff Annual Salary Schedule

FY 2023/2024

POSITION	ANNUAL SALARY RANGE MINIMUM - MAXIMUM
Executive Director	\$100,000 - \$190,000
Deputy Executive Director	\$ 90,000 - \$120,000
Director of Administrative Services	\$ 90,316 - \$124,413
Director of Facilities and Operations	\$ 90,316 - \$115,200
Director of Development I	\$ 70,971 - \$ 90,200
Director of Development II	\$ 90,316 - \$143,000
Marina Manager	\$ 62,485 - \$ 82,480
Maintenance Manager	\$ 62,485 - \$ 82,480
Facilities Coordinator	\$ 66,645 - \$ 82,480
Natural Resources Coordinator I	\$ 62,485 - \$ 82,480
Natural Resources Coordinator II	\$ 72,157 - \$ 94,980

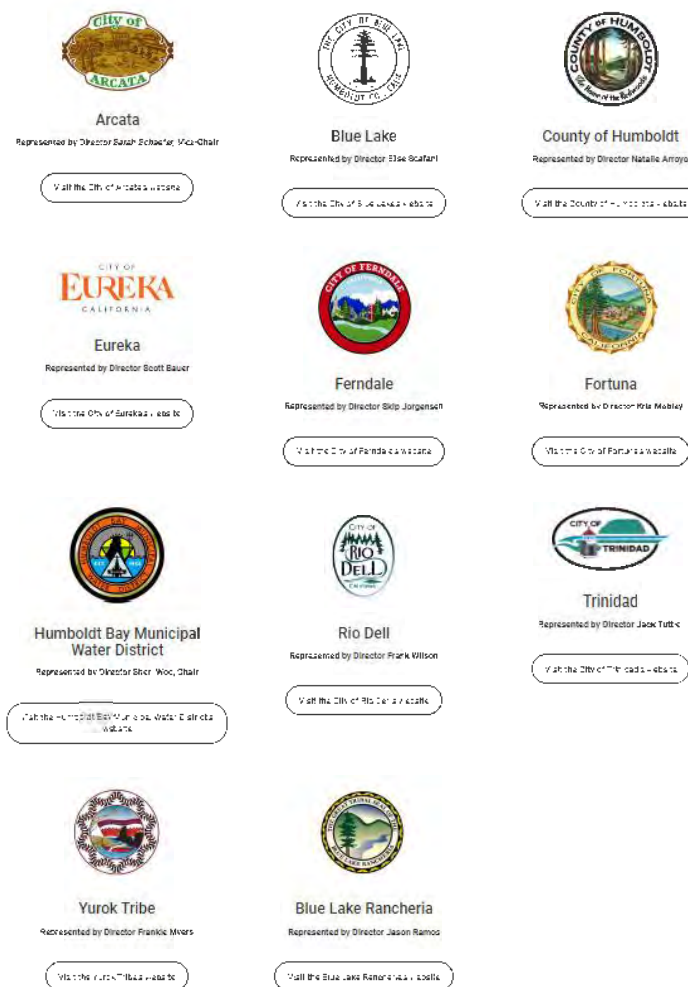
Effective: December 18, 2022

Redwood Coast Energy Authority’s Benefits for Humboldt Bay Harbor, Recreation, and Conservation District

December 2023

Background

Formed in 2003, the Redwood Coast Energy Authority (RCEA) is a local-government joint powers agency of the County of Humboldt, the Cities of Eureka, Arcata, Fortuna, Rio Dell, Ferndale, Blue Lake, and Trinidad, the Humboldt Bay Municipal Water District, the Yurok Tribe and the Blue Lake Rancheria. The purpose of RCEA is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of renewable resources available in the region. RCEA is the primary provider of electricity generation service for Humboldt County through its Community Choice Energy program.



Community Choice Energy

Launched in May of 2017, RCEA’s Community Choice Energy (CCE) program serves over 90% of Humboldt County electricity accounts with generation services. RCEA’s CCE program provides the following benefits when compared to the standard, bundled PG&E service that Humboldt Bay Harbor, Conservation, and Recreation District (HBHRCD) receives now:

1. Same Reliable Electricity Service

RCEA’s customers continue to receive their electric transmission and distribution services from PG&E, through PG&E’s existing infrastructure of poles, wires, transformers and sub-stations.



2. Local Control

RCEA’s governing board is made of elected officials from our member agencies and is responsive to our community’s input. Our revenues for electric generation services stay in our local community.

3. More Renewable Energy/Lower Greenhouse Gas Emissions

RCEA’s basic power mix currently includes 50% renewables, higher than the average basic power mix in California with 35.8% renewables. The image below shows RCEA’s most recent power mix, compared with the state’s overall grid mix.

2022 POWER CONTENT LABEL						
Redwood Coast Energy Authority						
Redwoodenergy.org						
Greenhouse Gas Emissions Intensity (lbs CO ₂ e/MWh)			Energy Resources	REpower	REpower+	2022 CA Power Mix
REpower	REpower+	2022 CA Utility Average	Eligible Renewable ¹	50.0%	100.0%	35.8%
49	0	422	Biomass & Biowaste	20.4%	0.0%	2.1%
			Geothermal	0.0%	0.0%	4.7%
			Eligible Hydroelectric	1.0%	33.3%	1.1%
			Solar	21.5%	33.3%	17.0%
			Wind	7.1%	33.3%	10.8%
			Coal	0.0%	0.0%	2.1%
			Large Hydroelectric	45.0%	0.0%	9.2%
			Natural Gas	0.0%	0.0%	36.4%
			Nuclear	0.0%	0.0%	9.2%
			Other	0.0%	0.0%	0.1%
			Unspecified Power ²	5.0%	0.0%	7.1%
			TOTAL	100.0%	100.0%	100.0%
Percentage of Retail Sales Covered by Retired Unbundled RECs ³ :				0%	0%	
¹ The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology. ² Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source. ³ Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above.						
For specific information about this electricity portfolio, contact:			Redwood Coast Energy Authority (707) 279-1700			
For general information about the Power Content Label, visit:			https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program			

4. Lower Electric Generation Rates

RCEA’s total generation rates are set lower than PG&E’s. To date, we have saved Humboldt County customers over \$6,000,000. RCEA analyzed electric usage and billing data for HBHRCD for 2023 to estimate bill savings if the district were to opt-in to RCEA’s REpower+ electric generation service. HBHRCD has six (6) active metered electric accounts that receive service under four (4) different commercial rates (B1, B6, A10S, and B19S). HBHRCD paid approximately \$97,800 to PG&E for combined electric generation and distribution services during 2023. RCEA’s analysis shows that HBHRCD would have saved about \$4,000 in generation costs with RCEA during 2023.

Bill savings would come from the fact that RCEA’s electric generation charges are less than PG&E’s generations charges. However, the bulk of the bill savings would be dependent on the large solar generation account being enrolled in RCEA’s new RES-BCT Pilot Program, which is functionally equivalent to the current PG&E RES-BCT tariff and opting in to RCEA’s REpower+ 100% renewable rate that would allow them to generate an additional \$0.01 per kWh net exported. The large generating account net exported over 445,000 kWh in 2023. The table below summarizes the estimated savings HBHRCD would have seen if they were an RCEA customer over this time.

Prem Address1	Annual Energy Use (kWh)	Annual Bill with PG&E (\$)	Estimated Generation Charges	Estimated Bill Savings w/ RCEA
930 VANCE AVE BERTH 1	8,680	\$2,973.58	\$892.07	\$4.00
WOODLEY ISLAND	15,843	\$5,551.63	\$1,665.49	\$8.00
WOODLEY ISLAND	483,172	\$57,489.63	\$22,995.85	\$115.00
WOODLEY ISLAND UNITS C & D	31,085	-\$865.05	\$3,737.99	\$19.00
364 VANCE AVE STE 2	(445,374)	\$30,301.79	\$12,120.72	\$4,454.00
364 VANCE AVE STE 1	0	\$2,344.57	\$0.00	\$0.00
Totals	93,406	\$ 97,796.15	\$41,412.12	\$4,600.00

Conclusion

The Humboldt Bay Harbor, Conservation, and Recreation District would be able to opt-in to RCEA’s electric generation service through our Community Choice Energy program *and* maintain the benefits of their current RES-BCT solar arrangement through RCEA’s new RES-BCT Pilot Program. RCEA’s CCE program provides the same reliable electricity service, more local control, a higher percentage of renewables and lower rates compared to the standard, bundled PG&E service that Humboldt Bay Harbor, Conservation, and Recreation District receives now. It is estimated that HBHRCD could see \$4,600 in annual benefits from opting in to RCEA’s electric generation service, based on historic usage and RCEA’s current generation rate discount. This could be augmented if HBHRCD and RCEA reach agreement on procurement of RECs from the solar array.

Law Office of Jack Silver

708 Gravenstein Hwy North, Suite 407 Sebastopol, CA 95472-2808
Phone 707-528-8175 Email JSilverEnvironmental@gmail.com



RECEIVED

JAN 08 2024

H.B.H.R. & C.D.

*Via Certified Mail -
Return Receipt Requested*

January 3, 2024

Chris Mikkelsen, Executive Director
Board of Commissioners
Humboldt Bay Harbor, Recreation, and Conservation District
601 Startare Dr.
P.O. Box 1030
Eureka, CA 95502-1030

Reinke Marine Fabrication
Attn: Operating agent
Fields Landing Boat Yard
1 Yard Rd.
Fields Landing, CA 95537

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act (Clean Water Act)

Dear Mr. Mikkelsen, Members of the Board of Commissioners, and Operating Agent,

NOTICE

This Notice is provided on behalf of California River Watch (“River Watch”) in regard to violations of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, (“CWA” or “the Act”) that River Watch alleges are occurring at Fields Landing Boatyard, located at 1 Yard Road, in Fields Landing (“Facility”). Notice is being sent to you as the responsible owners, operators, lessees and/or managers of the Facility. This Notice addresses the violations of the CWA including violations of the terms of the California General Permit for Storm Water Discharges, and the unlawful discharge of pollutants from the Facility via a drainage inlet, thence by way of a buried culvert to the east drainage swale and ultimately to Humboldt Bay - a water of the United States.

CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant into waters of the United States unless such discharges are in compliance with various enumerated sections of the Act. Among other things, CWA § 301(a) prohibits discharges not authorized by, or in violation of, the terms of an individual National Pollutant Discharge Elimination System (“NPDES”) permit. States with approved NPDES permitting programs are authorized under the CWA to regulate storm water discharges through permits issued to dischargers and/or through the issuance of a single, statewide industrial general permit applicable to all storm water dischargers. Pursuant to CWA §

402, the Administrator of the U.S. Environmental Protection Agency (“EPA”) has authorized California’s State Water Resources Control Board (“SWRCB”) to issue NPDES permits including general NPDES permits in California.

The SWRCB elected to issue a statewide industrial general permit for industrial dischargers and issued NPDES Permit No. CAS000001, SWRCB Order No. 92-12-DWQ *General Permit for Storm Water Discharges Associated With Industrial Activities* (“IGP”) and amended it significantly on April¹, 2014 (effective July 1, 2015), pursuant to CWA § 402(p). To discharge storm water lawfully in California, industrial dischargers must comply with the terms of the IGP or have obtained an individual NPDES permit and be in compliance with its terms.

CWA § 505(b) requires a citizen to give notice of the intent to file suit sixty (60) days prior to the initiation of a civil action under CWA § 505(a) Notice must be given to the alleged violator, the EPA, and the state in which the violations occur. As required by the CWA, this Notice provides notice of the violations that have occurred and continue to occur at the Facility.

Consequently, Humboldt Bay Harbor, Recreation, and Conservation District (“District”) together with Reinke Marine Fabrication (“Reinke”) are placed on formal notice by River Watch that after the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled to bring suit in the United States District Court against the District and Reinke for continuing violations of an effluent standard or limitation, NPDES permit condition or requirement, or Federal or State Order issued under the CWA (in particular, but not limited to, CWA § 301(a), § 402(p), and § 505(a)(1)), as well as the failure to comply with water quality objectives established in the North Coast Regional Water Quality Control Board (“RWQCB”) Water Quality Control Plan or “Basin Plan” including, but not limited to, the California Toxics Rule (“CTR”).

The CWA requires that any notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. The Specific Standard, Limitation, or Order Alleged to Have Been Violated

To comply with this requirement, River Watch notices the District and Reinke of ongoing violations of the substantive and procedural requirements of CWA § 402(p) and violations of the IGP relating to industrial operations taking place at the Facility including storm water disposal.

The District, rather than seeking coverage under an individual NPDES permit for the Facility, filed a Notice of Intent (“NOI”) agreeing to comply with the terms and conditions of the IGP. The SWRCB approved the NOI on or about April 15, 2015, and the Facility was assigned Waste Discharge Identification (“WDID”) number 1 12I019819.

River Watch, on the basis of eye-witness reports, records publicly available, and/or records in the possession and control of the District, contends that in performing the industrial activities related to boat cleaning, maintenance and repair, the District and Reinke have failed and are failing to comply with the strict conditions of the IGP governing storm water discharges.

In addition to the alleged violations of the terms and conditions of the IGP, River Watch alleges violations of discharge prohibitions contained in the RWQCB Basin Plan which are incorporated by reference as part of the compliance obligations imposed on the District and Reinke under the IGP.

2. The Activity Alleged to Constitute a Violation.

Having agreed to its terms, the District and Reinke have a continuing burden to demonstrate compliance with each applicable provision of the IGP. River Watch alleges the following actions and inactions in violation of the IGP, and contends these violations are continuing:

A. Failure to Collect and Analyze the Required Number of Storm Water Samples

Section XI.B.2 of the IGP requires that all dischargers collect and analyze storm water samples from two Qualifying Storm Events (“QSEs”) within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30). Section XI.B.11a requires dischargers to submit all sampling and analytical results for all individual or Qualified Combined Samples via SMARTS within 30 days of obtaining all results for each sampling event. Section XI.C.6.b. provides that if samples are not collected pursuant to the IGP, a proper and accurate explanation must be included in the Annual Report.

River Watch alleges the District has failed to provide the minimum number of annual documented results for run-off sampling for the Facility as required under Sections XI.B.2 and XI.B.11.a of the IGP, and further that neither the District nor Reinke are not conducting sampling at the Facility during QSEs.

As of the date of this Notice, River Watch is unable to locate, and therefore contends that the required number of storm water run-off sample analysis for Annual Reporting Years 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023 for the Facility have not been submitted to SMARTS, nor has an adequate explanation for failure to so file been submitted. A review of the SMARTS database provided the following:

2018-2019 Annual Report:

For question “3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?” Answer: “No” “Only one QSE per first and second half were collected due to lack of facility personnel present during extended periods of wet weather. No industrial activities were taking place during rain events.”

2019-2020 Annual Report:

For question “3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?” Answer: “No” “Jan-Jun 2020-only one QSE collected due to lack of facility personnel present during extended periods of wet weather. No industrial activities were taking place during rain event”

2020-2021 Annual Report:

For question “3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?”

Answer: “No” “Jul-Dec 2020-no samples collected due to lack of facility personnel present during extended periods of wet weather. No industrial activities were taking place during rain events.”

2021-2022 Annual Report:

For question “3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?”

Answer: “No” “Due to drought conditions and lack of qualifying storm events a total of two samples were collected, one during the first and second half of the reporting year.”

2022-2023 Annual Report:

For question “3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?”

Answer: “No” “Due to staffing shortages, no sample was collected during the second half of the reporting year

Climatological Data for the Eureka Weather Forecast Office at Woodley Island provides the following data:

2022-2023 Reporting Period

06/19/23 - .10 in	03/28/23 - .81 in	03/09/23 - .94 in	02/22/23 - .74 in
05/08/23 - .34 in	03/25/23 - .18 in	03/08/23 - .14 in	02/21/23 - .47 in
05/07/23 - .29 in	03/24/23 - .11 in	03/07/23 - .71 in	02/14/23 - .20 in
05/05/23 - .12 in	03/23/23 - .35 in	03/06/23 - .33 in	02/13/23 - .14 in
05/02/23 - .10 in	03/19/23 - .73 in	03/05/23 - .36 in	02/10/23 - .20 in
04/18/23 - .17 in	03/14/23 - .98 in	03/04/23 - .84 in	02/05/23 - .52 in
04/17/23 - .51 in	03/13/23 - 1.54 in	02/28/23 - .83 in	02/04/23 - .59 in
04/10/23 - .97 in	03/12/23 - .85 in	02/27/23 - 1.02 in	02/03/23 - .30 in
04/06/23 - .36 in	03/11/23 - .11 in	02/26/23 - .40 in	01/18/23 - .83 in
04/02/23 - .23 in	03/10/23 - .10 in	02/23/23 - .32 in	01/15/23 - .24 in
01/14/23 - 1.09 in	12/30/22 - 1.23 in	12/01/22 - .42 in	11/02/22 - .15 in
01/13/23 - .93 in	12/29/22 - .38 in	11/30/22 - 1.40 in	11/01/22 - .95 in
01/12/23 - .32 in	12/27/22 - .33 in	11/28/22 - .11 in	09/18/22 - .35 in
01/10/23 - .70 in	12/26/22 - 1.91 in	11/27/22 - .17 in	07/05/22 - .35 in
01/08/23 - .47 in	12/10/22 - 1.35 in	11/12/22 - .26 in	07/04/22 - .21 in
01/07/23 - .91 in	12/09/22 - .38 in	11/11/22 - .24 in	07/03/21 - .11 in
01/06/23 - .10 in	12/08/22 - .61 in	11/08/22 - .21 in	
01/05/23 - .72 in	12/05/22 - .13 in	11/07/22 - .29 in	
01/04/23 - 1.08 in	12/04/22 - 1.35 in	11/06/22 - .73 in	
01/02/23 - .22 in	12/03/22 - .29 in	11/05/22 - .70 in	

2021-2022 Reporting Period

06/14/21 - .19 in	03/08/21 - .12 in	02/11/21 - .73 in	01/22/21 - .17 in
06/13/21 - .73 in	03/07/21 - .13 in	02/03/21 - .37 in	01/21/21 - .29 in
06/11/21 - .14 in	03/05/21 - 1.76 in	02/02/21 - .27 in	01/13/21 - .30 in
04/25/21 - .42 in	02/20/21 - .10 in	02/01/21 - .51 in	01/12/21 - .81 in
04/24/21 - .13 in	02/19/21 - .21 in	01/31/21 - .18 in	01/10/21 - .14 in
03/24/21 - .12 in	02/18/21 - .60 in	01/28/21 - .54 in	01/07/21 - .17 in
03/19/21 - .31 in	02/15/21 - .36 in	01/27/21 - 1.51 in	01/06/21 - .41 in
03/18/21 - .18 in	02/14/21 - .43 in	01/26/21 - .79 in	01/04/21 - .53 in
03/14/21 - .78 in	02/13/21 - .29 in	01/25/21 - .13 in	01/01/21 - .43 in
03/09/21 - .41 in	02/12/21 - .37 in	01/24/21 - .42 in	12/30/20 - .50 in
12/26/20 - .11 in	11/25/20 - .11 in	09/23/20 - .18 in	
12/25/20 - .60 in	11/24/20 - .13 in	09/18/20 - .12 in	
12/21/20 - .43 in	11/18/20 - .35 in		
12/19/20 - .12 in	11/17/20 - 1.16 in		
12/17/20 - .10 in	11/13/20 - .23 in		
12/16/20 - .87 in	11/07/20 - .10 in		
12/15/20 - .15 in	11/05/20 - .22 in		
12/13/20 - .73 in	10/10/20 - .36 in		
12/11/20 - .14 in	09/25/20 - .11 in		
12/05/20 - .11 in	09/24/20 - .28 in		

2019-2020 Reporting Period

05/30/20 - 1.38 in	03/31/20 - .29 in	01/26/20 - .19 in	01/09/20 - .28 in
05/18/20 - .27 in	03/30/20 - .54 in	01/25/20 - .77 in	01/08/20 - .39 in
05/17/20 - 1 in	03/24/20 - .80 in	01/24/20 - .20 in	01/07/20 - .31 in
05/16/20 - .47 in	03/23/20 - .29 in	01/23/20 - .14 in	01/04/20 - .78 in
05/14/20 - .24 in	03/15/20 - .36 in	01/21/20 - .66 in	01/01/20 - .34 in
05/12/20 - .38 in	03/14/20 - .96 in	01/16/20 - .59 in	12/29/19 - .79 in
05/11/20 - .19 in	03/07/20 - .10 in	01/15/20 - .78 in	12/24/19 - .17 in
05/02/20 - .73 in	02/16/20 - .20 in	01/13/20 - .51 in	12/22/19 - 1.23 in
04/22/20 - .16 in	02/02/20 - .26 in	01/12/20 - .50 in	12/21/19 - 1.44 in
04/05/20 - 1.22 in	01/29/20 - .32 in	01/11/20 - .11 in	12/19/19 - .27 in
04/04/20 - .62 in	01/28/20 - .28 in	01/10/20 - .12 in	12/15/19 - .21 in
12/14/19 - .81 in	10/19/19 - .49 in		
12/13/19 - 1.07 in	10/17/19 - .11 in		
12/11/19 - .16 in	10/16/19 - .89 in		
12/07/19 - .67 in	09/29/19 - .32 in		
12/06/19 - .41 in	09/17/19 - 1.05 in		
12/01/19 - .16 in	09/15/19 - .38 in		
11/30/19 - .12 in	08/09/19 - .11 in		
11/27/19 - .59 in			
11/26/19 - .90 in			

11/18/19 - .11 in

2018-2019 Reporting Period

05/25/19 - .18 in	04/07/19 - .23 in	03/06/19 -1.27 in	02/17/19 - .29 in
05/21/19 - .70 in	04/05/19 - .63 in	03/05/19 - .37 in	02/16/19 - .63 in
05/20/19 - .15 in	04/02/19 - .18 in	03/03/19 - .20 in	02/15/19 - .82 in
05/18/19 - .28 in	03/28/19 - .45 in	03/02/19 - .13 in	02/14/19 - 1.02 in
05/17/19 - .14 in	03/27/19 - .32 in	02/27/19 - .83 in	02/13/19 - .37 in
05/16/19 - .46 in	03/25/19 - 1.15 in	02/26/19 - 2.56 in	02/12/19 - .70 in
05/15/19 - .56 in	03/22/19 - .26 in	02/25/19 - 1.66 in	02/10/19 - .53 in
04/20/19 - .10 in	03/20/19 - .13 in	02/24/19 - 1.70 in	02/09/19 - .68 in
04/15/19 - .15 in	03/12/19 - .20 in	02/23/19 - .23 in	02/04/19 - .60 in
04/08/19 - .85 in	03/09/19 - .17 in	02/20/19 - .59 in	02/03/19 - .63 in
02/01/19 - .27 in	12/24/18 - .52 in	11/29/18 - .44 in	
01/20/19 - 2.26 in	12/20/18 - .95 in	11/28/18 - .33 in	
01/19/19 - .79 in	12/18/18 - .39 in	11/27/18 - .92 in	
01/18/19 - .28 in	12/17/18 - .20 in	11/23/18 - 1.39 in	
01/17/19 - 1.07 in	12/16/18 - .79 in	11/22/18 - .51 in	
01/16/19 - .69 in	12/14/18 - .70 in	11/21/18 - 1.07 in	
01/09/19 - .32 in	12/11/18 - .25 in		
01/08/19 - .43 in	12/09/18 - .51 in		
01/06/19 - .52 in	12/01/18 - .44 in		
01/05/19 - .16 in	11/30/18 - .27 in		

The explanations submitted in the above-noted reports for not sampling the required number of QSEs based on lack of personnel and/or activity during wet weather are inadequate. IGP § XI.B.5.b provides that “Sample collection is required during scheduled facility operating hours and when sampling conditions are safe in accordance with Section XI.C.6.a.ii.” Further, “The 2008 MSGP sets a “measurable storm event” as one that produces at least 0.1 inches of precipitation and results in an actual discharge after 72 hours (three days) of dry weather.” (See, IGP, “Table of Contents,” subsequent to Section XXI., at Section II.J.3.a.iii.).

The District and Reinke are required to provide personnel for sampling of QSEs which occur during scheduled facility operating hours regardless of whether industrial activity is occurring. The above rainfall data demonstrates that there was sufficient rainfall to result in QSEs during the periods in question. Therefore, River Watch alleges the District and Reinke are not conducting required sampling during QSE’s as strictly required by the IGP.

B. Failure to Comply with Level 2 Status Requirements for Copper and Zinc

The District and Reinke are required to comply with the provisions of IGP § XII.D *Level Two Status*. IGP IGP § XII.D.4 provides as follows:

“a. Dischargers with Level 2 status who submit an Industrial Activity BMPs Demonstration in accordance with subsection 2.a.i through iii above and have implemented BMPs to prevent future NAL exceedance(s) for the Level 2 parameter(s) shall return to baseline status for that parameter if results from four (4) subsequent consecutive QSEs sampled indicate no additional NAL exceedance(s) for that parameter(s). If future NAL exceedances occur for the same parameter(s), the Discharger’s Baseline status will return to Level 2 status on July 1 in the subsequent reporting year during which the NAL exceedance(s) occurred. These Dischargers shall update the Level 2 ERA Technical Report as required above in Section D.3.c.”

The Facility entered into Level 2 status for copper and zinc during the 2016-2017 Reporting Period. (See, December 2017, ERA Level 2 Action Plan.) The Facility continued to experience high exceedances for copper and zinc during the 2018-2019, 2019-2020, and 2021-2022 Reporting Periods. In its December, 2021 Updated Level 2 Technical Report for Copper and Zinc, the District submitted an Industrial Activity BMPs Demonstration which includes a plan for assessment of the pollutant’s solubility at the site, preliminary description of potential structural and treatment controls to address exceedances, and an implementation timeline (see Updated Level 2 Technical Report section 5.0). The Facility continued to experience exceedances for copper and zinc during the 2021-2022 Reporting Period and extreme exceedances during the 2022-2023 Reporting Period. However, to date, the updated Level 2 ERA Technical Report required under IGP § XII.D.4.a has not been submitted to the SMARTS database.

C. Failure to Sample from Representative Sampling Locations

IGP § XI.B.4.a provides, “Except as provided in Section XI.C.4 (Representative Sampling Reduction), samples shall be collected from each drainage area at all discharge locations. The samples shall be: (a) Representative of storm water associated with industrial activities and any commingled authorized NSWDS.”

The Industrial Activities Storm Water Pollution Prevention Plan Amendment 3 for the Facility dated August, 2022 (“SWPPP”) describes the drainage system as follows:

“2.1.3 Description of Drainage Areas and Existing Drainage

The facility’s single industrial drainage area is nearly entirely paved with less than 4 percent covered by gravel. Stormwater within the industrial area flows to a drainage inlet (DI) in the east portion of the site. During boat cleaning activities, the DI is plugged, and wash water is run through a three-tank oil/water separator and settling system located adjacent to the DI. Water in the three-tank oil/water separator system flows into a settling tank, and then to the Humboldt Community Services District. Boat cleaning activities are not permitted to occur during rain events. During the winter months when boat cleaning is not occurring, the DI is unplugged, a drainage inlet filter is inserted, and stormwater is conveyed from the DI by way of a buried culvert to the east drainage swale and, ultimately, to Humboldt Bay.

There are two paved areas (north and west of the industrial area) and one gravel area (south of the industrial area) that are designated by facility operators for boat storage. No cleaning or maintenance activities occur in these areas. Observation point (OP-1) is

located along the western edge of the facility next to the west boat storage area and a bone yard for recyclable materials is located between the gravel and western boat storage areas.”

The single sampling location, BY-1, is located in the designated 1.2-acre industrial activity area, between the oil/water separator and the boat maintenance and cleaning area.¹ However, the entire 7-acre Facility site includes boat storage and launching areas immediately adjacent to Humboldt Bay which are potential pollutant sources. While the Facility’s standard industrial classification (SIC) code is 3732 (Boat building and Repairing), boat storage and launching is an integral part of the Facility’s operations and direct discharges of storm water from these areas into the Humboldt Bay should be sampled. Surface flow direction indicators on the SWPPP site map indicate that industrial activity-impacted storm water is discharged from the storage areas.

Based on the above considerations, River Watch contends that sampling at the single monitoring point is not representative of all discharges from the Facility, and there is a significant likelihood that additional discharge points during heavy storm events are not monitored and sampled, in violation of IGP § XI.B.4.a.

D. Failure to Sample for All Pollutants of Concern Likely Resulting from Pollution Sources Identified in the SWPPP

IGP § XI.B.6 provides,

“The Discharger shall analyze all collected samples for the following parameters:

c. Additional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment (Section X.G.2). These additional parameters may be modified (added or removed) in accordance with any updated SWPPP pollutant source assessment;...”

Section 2.3.1 of the Facility SWPPP, *Description of Potential Pollutant Sources*, identifies facility specific pollutant sources as follows:

“Potential wastes generated during boat repair include spent abrasives, paint, rust, petroleum products, marine growth, and general refuse and debris. Potential stormwater pollutants often associated with boat maintenance and repair operations include: metals (copper, aluminum, iron, and zinc), total petroleum hydrocarbons (TPH), oil and grease, and total suspended solids (TSS).”

Although total petroleum hydrocarbons are identified as a potential pollutant generated during industrial activity at the Facility, the District and Reinke sample only for oil and grease. To test for the presence of petroleum hydrocarbons in the storm water runoff from the Facility, sampling for TPHg or TPHd is essential. The current practice of sampling for oil and grease does not include petroleum hydrocarbons.

¹ See location BY-1 in Appendix 1 in the 2022 Amended SWPPP.
Notice of Violations Under CWA - Page 8

E. Failure to Prepare and Implement an Adequate SWPPP

The IGP requires the preparation, implementation, review, and update of an adequate SWPPP which must comply with the standards of Best Available Technology (“BAT”) and Best Conventional Pollutant Control Technology (“BCT”).

The IGP requires dischargers to implement Best Management Practices (“BMPs”) when necessary, to support attainment of water quality standards. The use of BMPs to control or abate the discharge of pollutants is authorized by 40 C.F.R. §122.44(k)(3) because numeric effluent limitations are infeasible, and implementation of BMPs is reasonably necessary to achieve effluent limitations and water quality standards, and to carry out the purposes and intent of the Act. 40 C.F.R. §122.44(k)(4).

Compliance with the monitoring and reporting program and the requirement to implement effective BMPs is central to an efficacious IGP program. The IGP requires that all non-exempt facilities collect and accurately analyze samples from storm events, and implement effective BMPs detailed in the facilities’ SWPPPs that are adequate in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges.

Discharges from the Facility contain documented levels of copper and zinc which adversely affect the waters of the United States identified in this Notice. River Watch, following review of documents on file with the SMARTS online reporting database, contends the District and Reinke have not fully developed and/or adequately implemented a SWPPP for operations at the Facility as evidenced by the fact that there is a failure to reduce pollutants in storm water to below water quality objectives or standards. A review of the Self-Monitoring Reports for the Facility submitted to SMARTS demonstrates continuing discharges from the Facility to Humboldt Bay.

Humboldt Bay continues to be adversely impacted by discharges from the Facility which exceed CTR limits and the Numeric Action Level (“NAL”) for both copper and zinc despite the BMPs identified in Section 5.2, Industrial Activity BMP Demonstration, of the December, 2021 Updated Level 2 Technical Report for Copper and Zinc.

A review of the sampling reports submitted on the SMARTS online database identifies the following exceedances of the NAL for copper and zinc:

2022-2023 Reporting Period	Event ID / SMARTS ID
Copper, Total 12/08/22 - 2.7 mg/L - D1 (BY1 or FL)	1220463 / 3264459
Zinc, Total 12/08/22 - 1.5 mg/L - D1 (BY1 or FL)	1220463 / 3264459
2021-2022 Reporting Period	
Copper, Total 04/14/22 - .93 mg/L - D1 (BY1 or FL)	1181993 / 3142061

12/13/2021 - .41 mg/L - D1 (BY1 or FL) 1173120 / 3040018
Average NAL is .67 mg/L = Exceedance
CTR Max Violation
CTR Continuous Violation

Zinc, Total
04/14/2022 - 1.1 mg/L - D1 (BY1 or FL) 1181993 / 3142061
12/13/2021 - .65 mg/L - D1 (BY1 or FL) 1173120 / 3040018
Average NAL is .87 mg/L = Exceedance
CTR Max Violation
CTR Continuous Violation

2020-2021 Reporting Period

Copper, Total
03/05/2021 - 1.3 mg/L - D1 (BY1 or FL) 1146155 / 2853045
01/04/2021 - .18 mg/L - D1 (BY1 or FL) 1141942 / 2831341
Average NAL is .74 mg/L = Exceedance
CTR Max Violation
CTR Continuous Violation

Zinc, Total
03/05/2021 - .53 mg/L - D1 (BY1 or FL) 1146155 / 2853045
01/04/2021 - .53 mg/L - D1 (BY1 or FL) 1141942 / 2831341
Average NAL is .53 mg/L = Exceedance
CTR Max Violation
CTR Continuous Violation

2019-2020 Reporting Period

Copper, Total
03/24/20 - .31 mg/L - D1 (BY1) 1105156 / 2634164
12/13/19 - .19 mg/L - D1 (BY1) 1095388 / 2582457
11/26/19 - 2 mg/L - D1 (BY1) 1093926 / 2582455
Average NAL is .83 mg/L = Exceedance
CTR Max Violation
CTR Continuous Violation

Zinc, Total
03/24/20 - .3 mg/L - D1 (BY1) 1105156 / 2634164
12/13/19 - .26 mg/L - D1 (BY1) 1095388 / 2582457
11/26/19 - .95 mg/L - D1 (BY1) 1093926 / 2582455
Average NAL is .50 mg/L
CTR Max Violation
CTR Continuous Violation

2018-2019 Reporting Period

Copper

01/17/19 - .29 mg/L - BY-1

Lab Work Order # 1901321 / 2335258

11/21/18 - .57 mg/L - BY-1

Lab Work Order # 1811357 / 2318320

Average NAL is .43 mg/L = Exceedance

CTR Max Violation

CTR Continuous Violation

Zinc

01/17/19 - .68 mg/L - BY-1

Lab Work Order # 1901321 / 2335258

11/21/18 32 mg/L - BY-1

Lab Work Order # 1811357 / 2318320

Average NAL is .5 mg/L = Exceedance

CTR Max Violation

CTR Continuous Violation

River Watch, following review of the SMARTS online reporting database, contends the District and Reinke have failed, and continue to fail to eliminate the ongoing discharges of polluted storm water from the Facility in exceedance of EPA Benchmarks, NALs, and CTR limits in violation of the terms of the IGP.

River Watch contends that from November 2018 to the present, the District and Reinke have violated the CWA and the IGP by discharging pollutants from the Facility to waters of the United States without an individual NPDES permit, and that these violations are ongoing.

River Watch contends storm water containing pollutants and non-storm water pollutants have been discharged from the Facility to Humboldt Bay in violation of the IGP during at least every rain event over 0.1 inches as measured by the National Oceanographic and Atmospheric Administration. The District and Reinke will continue to be in violation of the IGP each day the Facility discharges non-storm water pollutants and contaminated storm water in violation of the IGP.

River Watch contends neither the District nor Reinke have an individual NPDES permit allowing the discharge of pollutants from a point source within the Facility to any waters of the United States. River Watch alleges that industrial activities at the Facility result in the discharge of industrial wastewater without a permit. The sampling results detailed above indicate polluted storm water continues to be discharged from the Facility to waters of the United States.

The District and Reinke have been, and will continue to be in violation of the CWA every day the discharges of storm water containing pollutants as identified in this Notice occur from the Facility, without adequately implementing the Facility's SWPPP and the BMPs required to be incorporated in that SWPPP.

3. The Person or Persons Responsible for the Alleged Violation

The entities responsible for the alleged violations identified in this Notice are Humboldt Bay Harbor, Recreation, and Conservation District and Reinke Marine Fabrication, as well as those of their employees responsible for compliance with the IGP.

4. The Location of the Alleged Violation

The location of the various violations of the CWA is the permanent address of the Facility at 1 Yard Road in Fields Landing, California and including the waters of Humboldt Bay – a water of the United States.

The coastal habitats conserved at Humboldt Bay National Wildlife Refuge are some of the most beautiful and biologically rich places in the world.

5. The Date or Dates of Violation or a Reasonable Range of Dates During Which the Alleged Activity Occurred

The range of dates covered by this Notice is November 30, 2019 through the present. This Notice includes all violations which occur after the range of dates covered by this Notice up to the end of trial. Some of the violations are continuous in nature, and therefore each day constitutes a violation.

6. The Full Name, Address, and Telephone Number of the Person Giving Notice

The entity giving this Notice is California River Watch, an Internal Revenue Code §501(c)(3) nonprofit, public benefit corporation organized under the laws of the State of California, with headquarters located in Sebastopol, California. River Watch's mailing address is 290 South Main Street, #817, Sebastopol, California 95472. River Watch is dedicated to protecting, enhancing and helping to restore surface and groundwaters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email at US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be directed to the undersigned.

REMEDIAL MEASURES REQUESTED

River Watch believes that at a minimum, implementing the requirements of the IGP as outlined in this Notice is necessary in order to bring the Facility into compliance with the CWA and reduce the biological impacts from its non-compliance upon public health and the environment.

CONCLUSION

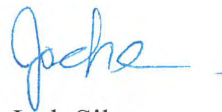
The violations set forth in this Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community. Members of River Watch may use the affected watershed for recreation, fishing, hiking, photography, nature walks and/or the like. Their health, use, and enjoyment of this natural resource is specifically impaired by the alleged violations of the CWA as set forth in this Notice.

The IGP, in the very first “Standard Condition,” states that “Dischargers shall comply with all standard conditions in this General Permit. Permit noncompliance constitutes a violation of the Clean Water Act and the [California] Water Code and is grounds for enforcement action and/or removal from General Permit coverage” (IGP § XXI.A). The gravity of ensuring that the Annual Reports submitted to the State of California are complete and accurate is highlighted by the requirement that the person signing and certifying the document certifies that “to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations” (IGP § XXI.L).

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person,” including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), §1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. §1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$66,712.00 per day/per violation pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1-19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** “notice period” to promote resolution of disputes. River Watch encourages the District and Reinke to contact counsel for River Watch within **20 days** after receipt of this Notice to discuss the allegations detailed in this Notice. In the absence of productive discussions to resolve this dispute, or receipt of additional information demonstrating the Facility is in compliance with the strict terms and conditions of the IGP, River Watch will have cause to file a citizen’s suit under CWA § 505(a) when the 60-day notice period ends.

Sincerely,



Jack Silver

JS:jb

Service List

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