

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

DATE: June 8, 2023

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
Public Advisory: The Woodley Island Meeting Room is now open to the public.

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: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz,

Agenda for June 8, 2023 Regular Board Meeting

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

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 April 13, 2023 Regular Board Meeting
- b) Adopt Minutes for April 27, 2023 Special Board Meeting
- c) Adopt Minutes for May 11, 2023 Regular Board Meeting
- d) Receive District Financial Reports for April 2023
- e) Approve PO No 1963 to Anderson Trucking, LLC for Waste Haul Operations at Redwood Marine Terminal II
- f) Consider Accepting Application for Filing for Harbor District Permit No. 2023-02: Manila Community Services District - Flood Reduction and Drainage Enhancement Project
- g) Consider Accepting Application for Filing for Harbor District Permit 2023-03: Caltrans - Eureka Slough Bridges Geotechnical Investigation

9. Communications, Reports and Correspondence Received

- a) Correspondence Received – Celebration of Life for Roy Curless
- b) Executive Director's Report
- c) Staff Reports
- d) District Counsel and District Treasurer Reports
- e) Commissioner and Committee Reports

10. Unfinished Business

a) Consider Adopting Resolution 2023-12: A Resolution Certifying an Environmental Impact Report (EIR) Previously Certified by the County of Humboldt, Adopting a Mitigation Monitoring and Reporting Program, and Making Findings Relative to and Approving Harbor District Permit 2023-12 with Conditions for the Humboldt Bay Master Water Intakes

Recommendation: Staff recommends that the Board receive a staff report, receive public comment, and adopt Harbor District Resolution No. 2023-12 which includes:

- Certifying an Environmental Impact Report (EIR) Previously Certified by the County of Humboldt
- Adopting the Mitigation Monitoring and Reporting Program
- Adopting Findings Relative to the Permit Application for the Humboldt Bay Master Water Intakes
- Approving Permit 2022-02 with conditions for the Humboldt Bay Master Water Intakes

Summary: The Humboldt Bay Harbor, Recreation, and Conservation District (District) proposes to modernize and operate two formerly used water intake systems in Humboldt Bay and install new pumps, piping, and meters to deliver bay water to existing and future District tenants. Improvement of the water intakes is part of a long-term District program to develop facilities for use by aquaculture and other sea-water-dependent tenants. The water intakes are located approximately one-half mile apart along the Samoa Channel at the Redwood Marine Terminal II (RMT II) Dock and Red Tank Dock (Figure 1). The proposed project includes bay water withdrawal and pumping to manifolds at specific upland points that will be connected to future permitted water users. The project also includes off-site habitat restoration to offset any reduction in the bay's biological productivity that will result from water withdrawal and entrainment of aquatic larvae. Habitat restoration work will include pile removal at the District's Kramer Dock property located in Fields Landing and will be phased in conjunction with the phasing of water withdrawal quantities. Impact mitigation includes habitat restoration associated with modeled impacts to longfin smelt.

11. New Business

a) Review of Preliminary Budget and Goals for Conservation Programs, Recreation Programs, and Tidelands

Recommendation: Staff recommends the Board: Review and provide direction regarding the Preliminary budget and goals for Conservation, Recreation and Tidelands.

Summary: The budget is prepared annually under the direction of the Executive Director. In accordance with CA Harbors and Navigation Code Section 6093, on or before June 15, the District Board shall estimate and determine the amount of money required by the Harbor District and shall adopt a preliminary budget. Per Section 6093.3, the final budget shall be reported to the Board of Supervisors no later than August 1st.

- b) Consider Adopting Resolution 2023-10, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds from the California Department of Fish and Wildlife for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area for Fiscal Year 2023-2024**

Recommendation: Staff recommends the Board: Adopt Resolution 2023-10.

Summary: The California Department of Fish and Wildlife (CDFW) Office of Spill Prevention and Response (OSPR) in compliance with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 established five regional Harbor Safety Committees (HSC) throughout California as described in California Government Code 8670.23. Each HSC is responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each of California’s major harbors and must produce an annual Harbor Safety Plan (HSP) encompassing all vessel traffic within the harbor. These functions are essential to the consistent achievement of maritime safety and the prevention of major marine oil pollution incidents.

- c) Consider Adopting Resolution 2023-11, A Resolution of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District Accepting the Real Property in the County of Humboldt Designated as Assessor Parcel Number 401-031-083 and Authorizing the Executive Director and/or President of the Board of Commissioners to Fund and Close Escrow**

Recommendation: Staff recommends the Board: Adopt Resolution No. 2023-11 and accept Real Property in the County of Humboldt, designated as Assessor Parcel Number 401-031-083, and authorize the Executive Director and/or President of the Board of Commissioners to fund and close escrow.

Summary: By way of that certain Agreement for the Purchase and Sale of Real Property, Samoa Pacific Group, Owner, agreed to convey to the Humboldt Bay Harbor, Recreation, and Conservation District (“District”), as assignee to the Humboldt Bay Development Association, certain real property designated as Assessor Parcel Number 401-031-083, for the total purchase price of \$3,000,000.

12. Future Agenda Items

- a) Adopt Preliminary Budget**

13. Adjournment

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

April 13, 2023

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. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor’s Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.

- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.

REGULAR SESSION – 6:02 P.M.

ROLL CALL

PRESENT: BENSON
 DALE
 KULLMANN
 HIGGINS
 NEWMAN

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIENCE

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: Scott Frazer.

CONSENT CALENDAR

- a) Adopt Minutes for March 9, 2023 Regular Board Meeting
- b) Adopt Minutes for March 30, 2023 Special Board Meeting
- c) Receive District Financial Reports for February 2023
- d) Charter Agreement Renewal for Eric Justeson dba 707 Sportfishing to operate a Charter Service at Woodley Island Marina
- e) Charter Agreement Renewal for Michael Stratman dba Redwood Coast Fishing to operate a Charter Service at Woodley Island Marina
- f) Charter Agreement Renewal for Reef Twibell dba Humboldt Sportfishing to operate a Charter Service at Woodley Island Marina

COMMISSIONER HIGGINS MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-F.

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 on recent District activities.
- d) District Counsel and District Treasurer Reports
 - I. District Treasurer reported on recent activities.
- e) Commissioner and Committee Reports
 - I. Commissioners reported on recent activities and subcommittees.

UNFINISHED BUSINESS - None

NEW BUSINESS

- a) **Consider Authorizing Executive Director to Execute a Contract Amendment with Tenera Environmental Consulting**
 - I. District staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. Scott Frazer and Jennifer Kalt commented.
 - IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH TENERA ENVIRONMENTAL CONSULTING.

COMMISSIONER NEWMAN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE
Absent: NONE
Abstain: NONE

b) Consideration of Resolution 2023-07, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds from the Maritime Administration of the US Department of Transportation for a 2022 Port Infrastructure Development Program Grant for the Humboldt Offshore Wind Terminal Project

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Scott Frazer, Robin Grey-Stewart and Josh Garcia commented.

- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO ADOPT RESOLUTION 2023-07, A RESOLUTION AUTHORIZING THE SUBMISSION OF A PORT INFRASTRUCTURE DEVELOPMENT GRANT APPLICATION FOR THE CONSTRUCTION OF A PHASE OF A NEW HEAVY LIFT MULTIPURPOSE TERMINAL TO SUPPORT THE OFFSHORE WIND INDUSTRY
COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

c) Review of Preliminary Budget and Goals for Woodley Island Marina, Shelter Cove and Fields Landing Boat Yard

- I. District Staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Jen Kalt commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. Discussion item only, no formal action was taken.

d) Accept the Audit Report for the 2021-2022 Fiscal Year and Put out and RFQ for Audit Services for Fiscal Year 2022-2023

- I. District Treasurer and District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Rick Souza commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ACCEPT THE AUDIT REPORT FOR THE 2021-2022 FISCAL YEAR AND PUT OUT AN RFQ FOR AUDIT SERVICES FOR FISCAL YEAR 2022-2023.
COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Draft Minutes for April 13, 2023 Regular Board Meeting

Absent: NONE

Abstain: NONE

ADJOURNMENT – 8:02 P.M.

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

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

April 27, 2023

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, Closed Session met at 5:00 P.M., Special Session met at 6:00 P.M. at the Woodley Island Marina meeting room, 601 Startare Drive, Eureka, CA 95501.

SPECIAL 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. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor’s Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.

- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.

SPECIAL SESSION – 6:01 P.M.

ROLL CALL

PRESENT: BENSON
 DALE
 HIGGINS
 KULLMANN
 NEWMAN

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIENCE

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.

BUSINESS

a) Receive and Review Financing Proposals as Submitted in Response to the RFP Issued for Capital Improvement Financing and Direct Staff to Take Appropriate Action

- I. Executive Director presented the item with Cameron Weist of Weist Law Firm and Andrew Flynn of CalMuni Advisors.
- 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 AUTHORIZE STAFF TO EXECUTE THE OPTION 1 OFFER FROM SIGNATURE PUBLIC FINANCING CORPORATION FOR A \$5.4 MILLION LOAN.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

b) Consider Authorizing Staff to Release a Request for Proposals for 2023 Woodley Island Marina Dredging

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Cody Freitas and Jake McMaster commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO AUTHORIZE STAFF TO RELEASE A REQUEST FOR PROPOSALS FOR 2023 WOODLEY ISLAND MARINA DREDGING.

COMMISSIONER BENSON SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

ADJOURNMENT – 6:55 P.M.

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

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

May 11, 2023

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 – 5:03 P.M.

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

BUSINESS

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor’s Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.

- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.

REGULAR SESSION – 6:00 P.M.

ROLL CALL

PRESENT: BENSON
 DALE
 KULLMANN
 HIGGINS
 NEWMAN

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIENCE

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) Receive District Financial Reports for March 2023
- b) Approve PO 1947 for Express Employment
- c) Approve PO 1949 for Anderson Trucking

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

COMMISSIONER HIGGINS 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 on recent District activities.
- d) District Counsel and District Treasurer Reports
 - I. District Treasurer reported on recent activities.
- e) Commissioner and Committee Reports
 - I. Commissioners reported on recent activities and subcommittees.

UNFINISHED BUSINESS - None

NEW BUSINESS

- a) **Consider Approving Nordic Aquafarms Lease Amendment No. 4**
 - 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 APPROVE NORDIC AQUAFARMS LEASE AMENDMENT NUMBER 4.
COMMISSIONER BENSON 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 No. 2023-08 Approving and Adopting a Debt Management Policy**
 - I. District staff presented the item with Cameron Weist of Weist Law Firm and Andrew Flynn of CalMuni Advisors.

- 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 2023-08, A RESOLUTION APPROVING AND ADOPTING A DEBT MANAGEMENT POLICY.
COMMISSIONER NEWMAN SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

c) Consider Adopting Resolution 2023-09 Approving the Form Of and Authorizing an Installment Sale Agreement Providing for the Financing of the District’s Dredging and Property Acquisition Projects and Providing for Other Matters Properly Related Thereto

- I. District Staff presented the item with Cameron Weist of Weist Law Firm.
- 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 2023-09 APPROVING THE FORM OF AND AUTHORIZING AN INSTALLMENT SALE AGREEMENT PROVIDING FOR THE FINANCING OF THE DISTRICT’S DREDGING AND PROPERTY ACQUISITION PROJECTS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.
COMMISSIONER BENSON SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

d) Review of Preliminary Budget and Goals for Redwood Dock, Redwood Marine Terminal II and Dredging

- 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.

e) Review of Subcommittees and Change Subcommittee and Committee Assignments As Needed

- I. Chair Dale presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

Draft Minutes for May 11, 2023 Regular Board Meeting

- V. Chair Dale appointed himself to the Dredging Subcommittee in place of Commissioner Newman.
- VI. Board Chair asked Executive Director to propose bundling of subcommittees and bring the item back at the next regular meeting.

ADJOURNMENT – 7:45 P.M.

APPROVED BY:

RECORDED BY:

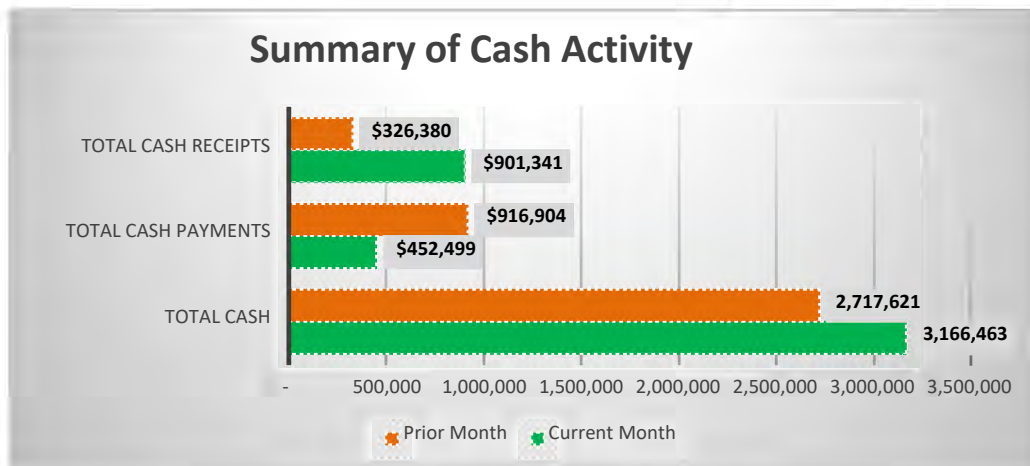
Aaron Newman
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

Monthly Cash Flow Analysis

For The Months Ended April 30, 2023 and March 31, 2023

	<u>4/30/23</u>	<u>3/31/23</u>
<u>Account Balances</u>		
Checking	\$ 439,415	\$ 649,144
Savings	1,657,184	1,611,962
County Treasury	1,068,584	455,016
Cash on hand	1,280	1,499
Total Cash	3,166,463	2,717,621
Less: Restricted cash for Marina surcharges	(1,853,009)	(1,830,572)
Unrestricted Cash	1,313,454	887,049
Less: Unexpended grant proceeds and Nordic & Crowley deposits included in cash above	(1,575,592)	(1,583,670)
Cash Available (Deficit), excluding Marina surcharges and unexpended grant proceeds and deposits	(262,138)	(696,621)
 <u>Change in Cash Balance</u>		
Balance, Beginning of Month	\$ 2,717,621	\$ 3,308,145
Monthly Deposits	901,341	326,380
Monthly Payments	(452,499)	(916,904)
Balance, End of Month	<u>\$ 3,166,463</u>	<u>\$ 2,717,621</u>
 <u>Monthly Expenses Summary</u>		
Significant Individual Expenses:		
Third payroll in month		\$ 30,688
Tenara Environmental Inc.		29,545
Moffat & Nichol expenditure	\$ 166,433	519,083
Payment of 6/30/22 audit fee		13,028
Sub-total, Significance/Unusual Expenses	166,433	592,344
General operating expenses and other misc. expense	286,066	324,560
Total Cash Payments	<u>\$ 452,499</u>	<u>\$ 916,904</u>
 <u>Monthly Deposits Summary</u>		
Significant Individual Revenues:		
Property taxes and interest income	\$ 613,568	
Final interest payment on NMTC note receivable		\$ 78,147
Sub-total, Significant/Unusual Revenues	613,568	78,147
General revenues	287,773	248,233
Total Cash Receipts	<u>\$ 901,341</u>	<u>\$ 326,380</u>



9:52 AM

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of April 30, 2023

06/02/23

Accrual Basis

	<u>Apr 30, 23</u>
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	21,992.47
10200.1 · Cash in PNC, Checking	417,423.19
10400 · CASH IN COUNTY - FUND 2720	1,033,064.75
10500 · CASH IN COUNTY - FUND 3872	35,518.88
10600.1 · Cash in bank, Tariff PNC	1,581,554.80
10700.1 · Cash in bank, Water PNC	75,628.92
10901 · UNEXPENDED MARINA SURCHARGES	1,853,009.48
10903 · RESTRICTED CASH	-1,853,009.48
Total Checking/Savings	<u>3,166,463.01</u>
Accounts Receivable	
12000 · ACCTS RECEIVABLE	1,421,462.66
Total Accounts Receivable	<u>1,421,462.66</u>
Other Current Assets	
12100 · ALLOW FOR BAD DEBTS	-354,783.09
12300 · INTEREST RECEIVBLE	35,380.00
12600 · Note Receivable - NMTC	5,849,375.00
12700 · PREPAID EXPENSES	22,280.38
12900 · Accounts Receivable FSM	-1,025.38
Total Other Current Assets	<u>5,551,226.91</u>
Total Current Assets	<u>10,139,152.58</u>
Fixed Assets	
CAPITAL ASSETS, NET	
14910 · BEACH PROPERTY	258,149.00
15000 · AUTOMOTIVE EQUIPMENT	95,639.08
15100 · OFFICE EQUIPMENT	193,303.88
15200 · OPERATING EQUIPMENT	314,098.74
15500 · MARINA, RESTAURANT COMPLEX	34,100.00
15600 · MARINA	10,529,004.29
15700 · FL BOAT BLDG & REPAIR FACILITY	4,302,259.53
15800 · SHELTER COVE	2,386,247.10
15900 · DREDGING COSTS	215,226.78
16000 · KING SALMON	15,143.99
16100 · MARINA DREDGE, CONSTR IN PROGRES	1,319,433.62
16400 · REDWOOD DOCK PROPERTY	3,010,194.30
16500 · HOMELAND SECURITY EQUIPMENT	2,254,007.60
16600 · TABLE BLUFF LIGHTHOUSE	361.44
16700 · AQUAPONICS PILOT FACILITY	96,036.61
16800 · REDWOOD TERMINAL 2	2,613,169.43
16900 · Dredge	1,215,423.27
17000 · ACCUMULATED DEPRECIATION	-18,513,994.17
Total CAPITAL ASSETS, NET	<u>10,337,804.49</u>
14800 · SHIPWRECK PROPERTY	50,088.05
14900 · DOG RANCH PROPERTY	7,507.70
Total Fixed Assets	<u>10,395,400.24</u>
Other Assets	
18700 · Deferred Lease Asset	3,228,386.00
19000 · Deferred Outflows of PERS	293,553.00
Total Other Assets	<u>3,521,939.00</u>
TOTAL ASSETS	<u>24,056,491.82</u>
LIABILITIES & EQUITY	

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of April 30, 2023

06/02/23

Accrual Basis

	Apr 30, 23
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · ACCOUNTS PAYABLE	56,522.71
Total Accounts Payable	56,522.71
Credit Cards	
20112 · US Bank Visa	2,970.97
Total Credit Cards	2,970.97
Other Current Liabilities	
Payroll tax & Withholding Liab	
21100 · FEDERAL WITHHOLDING TAX	-3,939.00
21200 · STATE WITHHOLDING TAX	-1,526.45
21300 · STATE UNEMPLOYMENT TAX	44.97
21400 · SOCIAL SECURITY/MEDICARE TAX	-1,119.48
21600 · PERS CARE/MEDICAL INSURANCE	11,058.64
21700 · PERS RETIREMENT	5.60
21800 · STATE DISABILITY INSURANCE	-1,069.31
21900 · UNION DUES DEDUCTIBLE	74.76
Total Payroll tax & Withholding Liab	3,529.73
20100 · LEASE PAYABLE TO HBDA	17,650.00
20200 · NOTES PAYABLE	343,465.72
20400 · ACCRUED WAGES PAYABLE	33,725.81
20500 · ACCRUED INTEREST	48,541.18
20600 · ACCRUED VACATION PAYABLE	43,583.71
20800 · DEPOSITS ON HAND	
20801 · KEY DEPOSITS ON HAND	16,960.00
20802 · PLUG DEPOSITS ON HAND	1,270.00
20803 · SLIP DEPOSITS ON HAND	52,911.39
20804 · STORAGE DEPOSITS	3,836.15
20806 · LEASE SECURITY DEPOSIT	445,954.42
20807 · STORAGE DEPOSIT - REDWOOD DOCK	2,750.26
20808 · WAIT LIST DEPOSIT	4,525.00
Total 20800 · DEPOSITS ON HAND	528,207.22
24000 · Ground Lease Deferred Income	3,906,000.00
24002 · Groundlease Current Def Income	60,092.31
27201 · Deferred Inflows - OPEB	29,113.00
28000 · DEFERRED INCOME	159,055.45
28400 · DEFERREDINCOMECalTrans Spartina	1,219,592.42
28500 · OTHER DEFERRED CREDITS	723,523.92
Total Other Current Liabilities	7,116,080.47
Total Current Liabilities	7,175,574.15
Long Term Liabilities	
24001 · Gound Lease Amortization	-424,391.45
24003 · Groundlease Current Offset	-60,092.31
25500 · OPEB Liability	186,792.00
25700 · BOND PAYABLE 2014 REFINANCING	1,739,475.24
25800 · BBVA Loan Payable	959,622.41
25900 · LESS CURRENT PORTION	-343,465.72
27000 · Net Pension Liability	577,703.00
27200 · Deferred Inflows of PERS	590,149.00
27202 · Deferred Inflows - Leases	3,216,623.00
Total Long Term Liabilities	6,442,415.17
Total Liabilities	13,617,989.32
Equity	
30500 · INVESTMENT IN FIXED ASSETS	9,404,911.59
30900 · RESTRICTED FUND BALANCE	

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of April 30, 2023

	<u>Apr 30, 23</u>
30901 · Restricted Fd Bal-Curr Yr Chang	173,448.40
30900 · RESTRICTED FUND BALANCE - Other	<u>1,610,308.40</u>
Total 30900 · RESTRICTED FUND BALANCE	1,783,756.80
31200 · GENERAL FUND BALANCE	
31000 · FUND BALANCE - TIDELANDS TRUST	-1,683,627.00
31201 · General Fund-Change is Restrict	-173,448.40
31200 · GENERAL FUND BALANCE - Other	<u>773,151.99</u>
Total 31200 · GENERAL FUND BALANCE	-1,083,923.41
Net Income	<u>333,757.52</u>
Total Equity	<u>10,438,502.50</u>
TOTAL LIABILITIES & EQUITY	<u><u>24,056,491.82</u></u>

9:52 AM

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

06/02/23

April 2023

Accrual Basis

	Apr 23	Jul '22 - Apr 23
Ordinary Income/Expense		
Income		
Donations		
46519 · Donations - Lighthouse	0.00	14.00
Total Donations	0.00	14.00
Dredging Revenue		
41318 · Dredging Surcharge - T	16,561.53	182,248.07
Total Dredging Revenue	16,561.53	182,248.07
Fees		
40108 · PERMITS-T	0.00	3,450.00
40808 · Pilotage Services - T	491.12	2,488.99
41308 · Moorage - T	0.00	10.64
41308.1 · Poundage - T	2,624.10	10,136.20
41818 · Late Charges/Interest - T	675.00	6,990.00
41819 · Late Charges/Interest - NT	575.00	-2,488.84
45608 · Chevron - Ports O&M - T	0.00	24,262.50
Total Fees	4,365.22	44,849.49
Float Replacement Account		
41418 · Float Replacement	6,826.42	73,849.64
Total Float Replacement Account	6,826.42	73,849.64
Grant Revenue		
Harbor Grants		
45208.1 · Harbor Grants, Gov't - T	3,050.00	13,951.50
Total Harbor Grants	3,050.00	13,951.50
Total Grant Revenue	3,050.00	13,951.50
Harbor Surcharge		
40908 · Harbor Improvement Surcharge-T	0.00	135,001.56
Total Harbor Surcharge	0.00	135,001.56
Interest Revenue		
43108 · Interest Income - T	3,326.32	34,877.80
43109 · Interest Income - NT	14,317.00	245,654.78
43309 · Interest On Del Accts - NT	43.65	218.23
Total Interest Revenue	17,686.97	280,750.81
Other Revenue		
45908 · Other Revenue - T	1.00	46.00
45909 · Other Revenue - NT	1,198.08	90,114.90
46008 · Recovery of Bad Debt - T	0.00	4,912.00
Total Other Revenue	1,199.08	95,072.90
Rent Income		
40218 · Slip Rents - T	40,730.19	481,592.96
40318.1 · Transient Rentals - T	647.65	24,556.85
40518 · Equipment Rent - T	1,020.72	5,872.78
40519 · Equipment Rent - NT	1,290.00	4,680.00
40809 · Yard Rent - NT	1,111.20	10,716.00
41108 · Rents, Tidelands Leases - T	30,946.29	307,700.62
41309 · Storage - NT	4,079.10	48,560.94
41409 · Upland Rent - NT		
41409.2 · Redwood Terminal 2 - NMTC	0.00	45,069.21
41409 · Upland Rent - NT - Other	109,798.58	844,244.30
Total 41409 · Upland Rent - NT	109,798.58	889,313.51
Total Rent Income	189,623.73	1,772,993.66

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

April 2023

Accrual Basis

	Apr 23	Jul '22 - Apr 23
Sales		
40119 · Concession Sales - NT	659.75	6,583.00
Total Sales	659.75	6,583.00
Tax Revenue		
43509 · Property Tax Revenues	402,220.25	1,302,220.25
Total Tax Revenue	402,220.25	1,302,220.25
Utility Surcharge		
40409 · Utility Surcharge - NT	4,009.41	49,132.16
40418 · Utility Surcharge, Marina Dock	0.00	55,616.37
Total Utility Surcharge	4,009.41	104,748.53
47019 · Returned Check Charges	0.00	35.00
52708.1 · Discount	3.24	318.52
Total Income	646,205.60	4,012,636.93
Gross Profit	646,205.60	4,012,636.93
Expense		
Accounting/Auditing Services		
52500 · Accounting Fees - T	3,288.00	33,753.75
52508 · Accounting Fees - NT	1,096.00	12,083.75
Total Accounting/Auditing Services	4,384.00	45,837.50
Advertising & Promotion		
51000 · Advertising & Promotion - NT	0.00	461.73
51008 · Advertising & Promotion - T	0.00	978.54
Total Advertising & Promotion	0.00	1,440.27
Bad Debts		
51308 · Bad Debts - T	0.00	30,357.85
51309 · Bad Debts - NT	0.00	0.00
Total Bad Debts	0.00	30,357.85
Communications		
51400 · Communications - NT	2,037.26	21,377.36
51408 · Communications - T	309.40	5,248.17
Total Communications	2,346.66	26,625.53
Conference & Meetings		
51500 · Conferences & Meetings - NT	429.53	12,032.42
51508 · Conferences & Meetings - T	496.34	8,179.03
Total Conference & Meetings	925.87	20,211.45
Dredging Expense		
56708 · Dredging - GT	950.00	8,355.00
56718 · Dredging - MT	0.00	4,995.00
Total Dredging Expense	950.00	13,350.00
Dues, Subscriptions & Licences		
51600 · Dues & Subscriptions - NT	5,278.13	40,385.00
51608 · Dues & Subscriptions - T	0.00	602.75
Total Dues, Subscriptions & Licences	5,278.13	40,987.75
Elections & Government Fees		
51700 · Elections & Prop Tax Assess-NT	0.00	64,852.63
51708 · Elections & Prop Tax Assess - T	14,397.50	14,397.50
Total Elections & Government Fees	14,397.50	79,250.13
Engineering Services		

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

April 2023

	Apr 23	Jul '22 - Apr 23
52400 · Engineering Fees - NT	3,375.00	16,032.19
52408 · Engineering Fees - T	316.25	-19,395.00
Total Engineering Services	3,691.25	-3,362.81
Fuel		
50400 · IMPUTED AUTO VALUE G/A	120.00	1,305.00
51200 · Automotive, Fuel- NT	496.69	6,912.74
51208 · Vessel Fuel	251.32	3,226.85
51218 · Automotive, Fuel - T	616.68	8,098.52
Total Fuel	1,484.69	19,543.11
Grant Expenses		
Conservation Grant Expenses		
54408.3 · Conservation Grant Exp	0.00	0.00
Total Conservation Grant Expenses	0.00	0.00
Harbor Grant Expenses		
54408.1 · Harbor Grant Exp	85,498.90	684,681.41
Total Harbor Grant Expenses	85,498.90	684,681.41
Recreation Grant Expenses		
54408.2 · Recreation Grant Exp	28,695.33	74,562.44
Total Recreation Grant Expenses	28,695.33	74,562.44
Total Grant Expenses	114,194.23	759,243.85
Insurance		
51800 · Insurance - NT	9,012.80	89,156.59
51808 · Insurance - T	1,286.18	13,980.67
Total Insurance	10,298.98	103,137.26
Interest Expense		
55108 · Interest Expense - T	4,156.00	41,567.46
55109 · Interest Expense - NT	7,624.00	78,023.40
Total Interest Expense	11,780.00	119,590.86
Legal Services		
52300 · Legal Fees - NT	13,764.50	122,712.91
52308 · Legal Fees - T	1,026.50	17,392.87
Total Legal Services	14,791.00	140,105.78
Maintenance - Equipment		
51209 · Automotive, Repairs - NT	592.53	8,601.78
52710 · Repairs & Maint, Equip - NT	446.95	2,265.67
52718 · Repairs & Maint, Equip - T	396.89	11,324.94
Total Maintenance - Equipment	1,436.37	22,192.39
Maintenance - Facilities		
52708 · Repairs & Maint, Facilities - T	96.97	51,335.86
52709 · REPAIRS & MAINTENANCE G/NT	0.00	935.82
52719 · Repairs & Maint, Facilities - N	11,530.16	91,588.42
Total Maintenance - Facilities	11,627.13	143,860.10
Maintenance - IT		
57008 · Maintenance, IT Equip - T	487.00	4,796.78
57009 · Maintenance, IT Equip - NT	287.50	4,741.11
Total Maintenance - IT	774.50	9,537.89
Maintenance Supplies		
52008 · Maintenance Supplies - T	244.14	1,661.34
52010 · Maintenance Supplies - NT	1,523.97	13,807.71

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

06/02/23

April 2023

Accrual Basis

	Apr 23	Jul '22 - Apr 23
Total Maintenance Supplies	1,768.11	15,469.05
Office Supplies		
51900 · Office Supplies - NT	3,358.48	35,720.49
51908 · Office Supplies - T	549.16	7,163.75
Total Office Supplies	3,907.64	42,884.24
Other Expenses		
54109 · Sea Scouts Expense - NT	0.00	1,558.33
55418 · Other Expenses - T	1,327.06	1,327.06
55419 · Other Expenses - NT	0.00	7,522.22
Total Other Expenses	1,327.06	10,407.61
Other Professional/Outside Serv		
52109 · Outside Services, Other - NT	1,230.93	2,411.19
52110 · OUTSIDE SERVICES M/A	0.00	2,076.00
52118 · Outside Services, Other - T	0.00	-30,400.00
Total Other Professional/Outside Serv	1,230.93	-25,912.81
Permits		
51610 · Permits - NT	0.00	702.68
51618 · Permits - T	0.00	18,901.00
Total Permits	0.00	19,603.68
Personnel Expenses		
Commissioners Fees		
50200 · Commissioner's Salaries - NT	2,100.00	17,430.00
50208 · Commissioner's Salaries - T	900.00	7,470.00
Total Commissioners Fees	3,000.00	24,900.00
Contract Temporary Services		
50310 · Contract Temporary Services - N	134.00	134.00
50318 · Contract Temporary Services - T	4,785.30	44,095.17
Total Contract Temporary Services	4,919.30	44,229.17
Payroll Burden		
50500 · Payroll Benefits, Other - NT	34,563.94	367,074.99
50508 · Payroll Benefits, Other - T	10,704.68	112,951.75
6560 · Workers' Comp	3,355.87	35,998.27
Total Payroll Burden	48,624.49	516,025.01
Salaries/Wages		
50100 · Salaries & Wages - NT	80,939.45	841,546.17
50108 · Salaries & Wages - T	136.16	1,465.75
Total Salaries/Wages	81,075.61	843,011.92
Total Personnel Expenses	137,619.40	1,428,166.10
Planning Services		
52200 · Planning Fees - NT	0.00	15,374.00
52208 · Planning Fees - T	0.00	6,391.38
Total Planning Services	0.00	21,765.38
Rent Expense		
52600 · Rent Expense - NT	0.00	1,256.00
54308 · Redwood Terminal 2 Lease Exens	0.00	242,094.43
Total Rent Expense	0.00	243,350.43
Small Tools		
52800 · Small Tools - NT	0.00	1,807.34

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

April 2023

	Apr 23	Jul '22 - Apr 23
Total Small Tools	0.00	1,807.34
Utilities		
52909 · Utilities - NT	17,463.29	150,917.52
52918 · Utilities - T	7,115.84	53,030.03
53000 · Water, Sewer, & Refuse - NT	4,590.03	100,111.08
53008 · Water, Sewer, & Refuse - T	95.00	43,549.21
Total Utilities	29,264.16	347,607.84
55700 · Float Replacement Expense - MT	0.00	46.74
57018 · Bank Service Charges	986.19	1,774.90
Total Expense	374,463.80	3,678,879.41
Net Ordinary Income	271,741.80	333,757.52
Net Income	271,741.80	333,757.52

9:53 AM

Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

As of April 30, 2023

06/02/23

Accrual Basis

Type	Date	Num	Name	Memo	Amount
10200.1 - Cash in PNC, Checking					
Liability Check	04/12/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-1,909.85
Liability Check	04/12/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,133.14
Liability Check	04/13/2023		QuickBooks Payroll Serv...	Created by Payro...	-26,734.69
Liability Check	04/14/2023	ACH	CalPERS 457 Program	450348	-1,660.75
Bill Pmt -Check	04/14/2023	ACH	CalPERS 457 Program	457Match 04/14/...	-325.00
Liability Check	04/14/2023	ACH	PERS Unfunded Accrue...	2233447024	-5,527.99
Liability Check	04/14/2023	ACH	California State Disburse...	200000002142499	-372.46
Liability Check	04/14/2023	ACH	California State Disburse...	200000002073316	-500.76
Liability Check	04/14/2023	ACH	State Disbursement Unit	0230000067964	-233.53
Check	04/14/2023	2019	US Bank Corporate Pay...		-4,462.25
Check	04/14/2023	2020	Graham, Tom	Tenant Refund	-334.38
Bill Pmt -Check	04/14/2023	2021	101Netlink		-230.00
Bill Pmt -Check	04/14/2023	2022	ACWA JPIA	215	-28,309.03
Bill Pmt -Check	04/14/2023	2023	Alber's Tractor & Ag Work	PO#1934	-1,500.00
Bill Pmt -Check	04/14/2023	2024	Arcata Chamber of Com...	2023 Membershi...	-450.00
Bill Pmt -Check	04/14/2023	2025	AT&T Phone	707 443-0800 07...	-311.80
Bill Pmt -Check	04/14/2023	2026	C-MANC	Dues, Small Dee...	-2,550.00
Bill Pmt -Check	04/14/2023	2027	California Redwood Co.	Red Tank Electri...	-1,096.84
Bill Pmt -Check	04/14/2023	2028	CAPA	Membership Due...	-2,728.13
Bill Pmt -Check	04/14/2023	2029	Colantuono, Highsmith &...	Brown Act Advice	-875.00
Bill Pmt -Check	04/14/2023	2030	Coldwell Banker Comme...		-2,195.18
Bill Pmt -Check	04/14/2023	2031	David L. Moonie & Co., L...		-653.00
Bill Pmt -Check	04/14/2023	2032	Don's Rent-All	7197	-373.91
Bill Pmt -Check	04/14/2023	2033	Englund Marine Supply		-19.72
Bill Pmt -Check	04/14/2023	2034	Eureka Oxygen Company		-95.35
Bill Pmt -Check	04/14/2023	2035	Express Services, Inc.	28590512	-768.74
Bill Pmt -Check	04/14/2023	2036	Humboldt Bay Municipal ...		-1,326.10
Bill Pmt -Check	04/14/2023	2037	Humboldt Waste Manag...	20218	-1,995.23
Bill Pmt -Check	04/14/2023	2038	Interstate Battery	PO#1929 Batteri...	-396.89
Bill Pmt -Check	04/14/2023	2039	Mission Uniform & Linen	299313	-296.58
Bill Pmt -Check	04/14/2023	2040	Mitchell Law Firm, LLP		-4,392.00
Bill Pmt -Check	04/14/2023	2041	Napa Auto Parts	24290	-355.50
Bill Pmt -Check	04/14/2023	2042	Pacific Gas & Electric (1...	Acct #06704919...	-2,979.34
Bill Pmt -Check	04/14/2023	2043	Pacific Gas & Electric (3...	6598073494-4	-199.24
Bill Pmt -Check	04/14/2023	2044	Pacific Gas & Electric (N...	2072047	-646.69
Bill Pmt -Check	04/14/2023	2045	Pierson Building Center	1297	-153.66
Bill Pmt -Check	04/14/2023	2046	Recology Eel River	061097997	-446.02
Bill Pmt -Check	04/14/2023	2047	Recology Humboldt Cou...	061218064	-729.18
Bill Pmt -Check	04/14/2023	2048	Recology Humboldt Cou...	A0060000265	-2,620.90
Bill Pmt -Check	04/14/2023	2049	Recology Humboldt Cou...	A0060042747	-2,038.84
Bill Pmt -Check	04/14/2023	2050	RMI Outdoors		-80.37
Bill Pmt -Check	04/14/2023	2051	Shafer's Ace Hardware	1586	-69.85
Bill Pmt -Check	04/14/2023	2052	Shelter Cove Fishing Pre...	SC Janitorial Apri...	-2,083.33
Bill Pmt -Check	04/14/2023	2053	Shelter Cove Resort Imp...	SC 02/27/2023-0...	-72.33
Bill Pmt -Check	04/14/2023	2054	SHN Consulting Enginee...		-16,168.50
Bill Pmt -Check	04/14/2023	2055	Southwest Answering Se...	02/23-03/22/202...	-200.00
Bill Pmt -Check	04/14/2023	2056	StewTel, Inc.		-326.73
Bill Pmt -Check	04/14/2023	2057	Tenera Environmental Inc.	20236001	-17,799.72
Bill Pmt -Check	04/14/2023	2058	Tony Gosselin & Sons		-424.36
Bill Pmt -Check	04/14/2023	2059	Valley Pacific Petroleum ...	114137	-1,245.57
Bill Pmt -Check	04/14/2023	2060	Verizon Wireless	Bill received 04/1...	-282.26
Bill Pmt -Check	04/14/2023	2061	Wiyot Tribe		-4,047.10
Bill Pmt -Check	04/14/2023	2062	Moffatt & Nichol	Project 212991/0...	-78,753.75
Bill Pmt -Check	04/14/2023	2063	Verizon Wireless	Bill received 04/1...	-329.02
Liability Check	04/14/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-2,247.00
Liability Check	04/20/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-213.70
Liability Check	04/20/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-689.46
Liability Check	04/21/2023		QuickBooks Payroll Serv...	Created by Payro...	-3,384.33
Liability Check	04/25/2023	E-pay	Employment Developme...	499-0307-3 QB T...	-2,119.27
Liability Check	04/25/2023	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,672.38
Liability Check	04/25/2023	2066	California State Disburse...	VOID: 20000000...	0.00
Liability Check	04/27/2023		QuickBooks Payroll Serv...	Created by Payro...	-28,048.65
Liability Check	04/28/2023	2064	Operating Engineers Loc...	94-2262845	-199.36
Liability Check	04/28/2023	ACH	California State Disburse...	200000002073316	-500.76
Liability Check	04/28/2023	ACH	State Disbursement Unit	0230000067964	-233.53
Liability Check	04/28/2023	2065	Franchise Tax Board		-100.00
Liability Check	04/28/2023	ACH	PERS Unfunded Accrue...	2233447024	-5,527.99
Liability Check	04/28/2023	ACH	CalPERS 457 Program	450348	-1,660.75

Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

06/02/23

As of April 30, 2023

Accrual Basis

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	04/28/2023	ACH	CalPERS 457 Program	457Match 04/28/...	-325.00
Bill Pmt -Check	04/28/2023	ACH	PERS Unfunded Accrue...	2233447024	-8,327.67
Bill Pmt -Check	04/28/2023	2067	Anderson Trucking LLC	PO #1941 - RMT...	-2,000.00
Bill Pmt -Check	04/28/2023	2068	AT&T Internet	831-000-8571 571	-886.57
Bill Pmt -Check	04/28/2023	2069	BDI - M&S Arcata	WIM	-133.56
Bill Pmt -Check	04/28/2023	2070	Chris Cringles Saw & Ch...		-89.86
Bill Pmt -Check	04/28/2023	2071	Coastal Business Syste...	017-1623192-000	-505.55
Bill Pmt -Check	04/28/2023	2072	Cox, Castle & Nicholson ...	Port Development.	-190.00
Bill Pmt -Check	04/28/2023	2073	Express Services, Inc.	28590512	-4,150.56
Bill Pmt -Check	04/28/2023	2074	Hiley, Mindy		-30.00
Bill Pmt -Check	04/28/2023	2075	Humboldt Bay Solar Fun...	HB0520	-10,828.17
Bill Pmt -Check	04/28/2023	2076	Humboldt Community Se...	3165	-18.00
Bill Pmt -Check	04/28/2023	2077	Humboldt County Health ...	PT0001151, WI...	-1,200.93
Bill Pmt -Check	04/28/2023	2078	Mad River Community H...	A0073115	-148.75
Bill Pmt -Check	04/28/2023	2079	Mill Yard, The		-114.65
Bill Pmt -Check	04/28/2023	2080	Moffatt & Nichol	Project 212991/0...	-87,678.90
Bill Pmt -Check	04/28/2023	2081	Network Help To Go	May 2023 IT Ser...	-575.00
Bill Pmt -Check	04/28/2023	2082	Redwood Community Ac...	RSC 5055131	-28,695.33
Bill Pmt -Check	04/28/2023	2083	SDRMA	2022/2023 Prope...	-101.55
Bill Pmt -Check	04/28/2023	2084	Security Lock & Alarm		-50.74
Bill Pmt -Check	04/28/2023	2085	Sequoia Park Zoo	Book of 50 Skyw...	-747.50
Bill Pmt -Check	04/28/2023	2086	Standard Insurance Com...	ST 908447 0001	-276.00
Bill Pmt -Check	04/28/2023	2087	Staples Credit Plan	6035 5178 1247 ...	-442.88
Bill Pmt -Check	04/28/2023	2088	Tony Gosselin & Sons		-480.22
Liability Check	04/28/2023	ACH	California State Disburse...	200000002142499	-372.46
Bill Pmt -Check	04/28/2023	2089	Pacific Gas & Electric (8...	0074698259-4	-9,810.97
Bill Pmt -Check	04/28/2023	2090	Thrifty Supply		-114.72
Bill Pmt -Check	04/28/2023	2091	Samoa Pacific Group, LLC	3rd Escrow Exte...	-10,000.00
Check	04/28/2023			Service Charge	-960.82
Total 10200.1 · Cash in PNC, Checking					-449,664.10
TOTAL					-449,664.10



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
June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: June 1, 2023

TITLE: Approve PO No 1963 to Anderson Trucking, LLC for Waste Haul Operations at Redwood Marine Terminal II

STAFF RECOMMENDATION: Approve Purchase Order No. 1963 for mobilization and demobilization for waste haul operations at Redwood Marine Terminal II NTE \$5,000 to Anderson Trucking, LLC.

SUMMARY: In preparation for the possession of premises by Nordic Aquafarms and pursuant to section 6.2 of the sublease, dated February 11, 2019, the District has the obligation to remove, at its sole cost and expense, all scraps, and debris from the surface of the demised premises. The debris, as municipal waste, has been removed and disposed of at an appropriate waste facility.

ATTACHMENTS:

A PO 1963 for Anderson Trucking



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

Purchase Order

Date	P.O. No.
6/1/2023	1963

Vendor
Anderson Trucking Ryan Anderson PO Box 368 Scotia, CA 95565 (707) 834-5337

Ship To
Humboldt Bay Harbor, Recreation and Conservation District PO Box 1030 Eureka, CA 95502

Description	Qty	Rate	Class	Amount
Mobilization and demobilization for waste haul operations at RMT II				NTE \$5,000
Approved By:			Total \$5,000.00	

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
June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: June 1, 2023

TITLE: Consider Accepting Application for Filing for Harbor District Permit 2023-02: Manila Community Services District - Flood Reduction and Drainage Enhancement Project

STAFF RECOMMENDATION: Staff recommends that the Board: Accept Permit Application 2023-02 for filing.

SUMMARY: The Manila Community Services District (MCSD) applied for a Harbor District Permit for the MCSD Flood Reduction and Drainage Enhancement Project (Permit 2023-02). Consistent with District Ordinances and the Harbors and Navigation Code, this is a procedural step to accept a permit application to conduct physical improvements within the waters of Humboldt Bay. If the Board chooses to accept the filing of this permit, staff will follow standard procedures to review and evaluate the project. Following that analysis, the project will come before the Board with a staff recommendation for or against approval.

DISCUSSION: The overall Project will provide needed improvements to MCSD, County, and North Coast Rail Authority (Great Redwood Trail Agency) drainage infrastructure. Improvements include clearing and grading of existing drainage ditches/bioswales, replacement of failing or undersized culverts, new culverts and drainage ditches/bioswales, and rain gardens. The goals of the Drainage Project are to reduce flooding, increase climate change resiliency, and enhance ecosystem services. Two of the project locations are within Harbor District jurisdiction.

The first location in Harbor District jurisdiction is a culvert replacement and bioswale improvements in MCSD's Drainage Management Area I (DMA I), which includes the areas adjacent to Young Lane and the northern extent of Peninsula Drive (Figure 1). Runoff from within DMA I is generally conveyed adjacent to the roadways from west of Hwy 255, along Young Lane, under a private driveway and through the railroad right of way before discharging to Humboldt Bay. The Project will replace the existing 18-inch diameter culvert and flap gate at a railroad crossing with a 30-inch diameter culvert with flap gate as well as remove debris and aggraded sediment from within the existing bioswale.

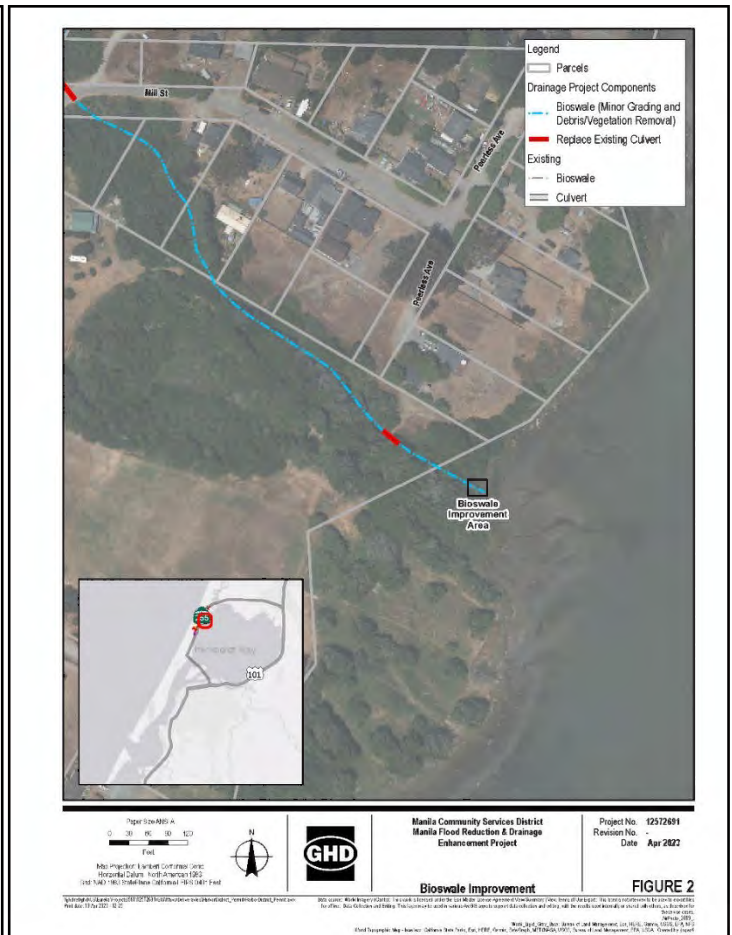
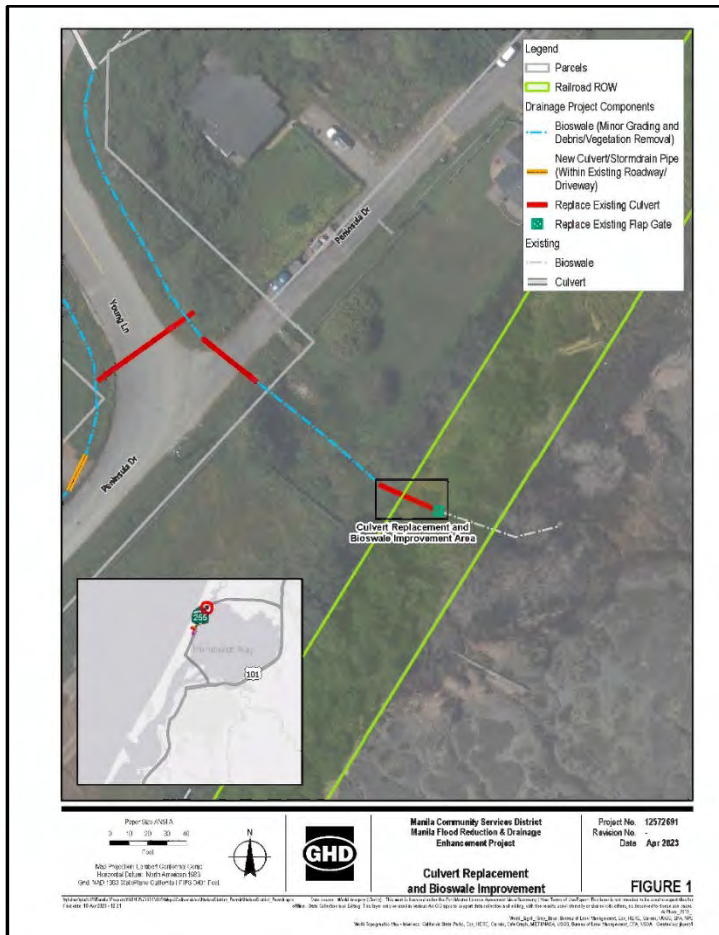
The second location within Harbor District jurisdiction includes clearing and grading of an existing bioswale in MCSD's DMA IV, along the shoreline of the Manila Community Park (Figure 2). Runoff from within DMA IV is generally conveyed from west to east, originating in the Lupin Avenue area to the conveyance system along and under Hwy 255 and crosses Peninsula Drive, the railroad right-of way, and Mill Street, then along the northern boundary of Manila Community Park to Humboldt Bay. The Project will remove debris, vegetation, and aggraded sediment from the existing bioswale at the eastern edge of the existing drainage channel through the Manila Community Park.

Vegetation clearing might occur outside of the nesting bird season first, between August 15, 2023 and March 15, 2024. Project construction is anticipated to begin in Summer 2024 with completion by Dec. 2024. The Manila CSD is the California Environmental Quality Act (CEQA) Lead Agency and adopted the project's CEQA Initial Study / Mitigated Negative Declaration on April 18, 2023 (SCH No. 2023020475). The Harbor District is a CEQA Responsible Agency for this project. The applicant is also pursuing permits from other regulatory agencies.

The submitted Manila CSD Application is available on the Harbor District website: <https://humboldt-bay.org/public-notice-announcements-information>

Figure 2. Culvert Replacement and Bioswale Improvement

Figure 1. Bioswale Improvement



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
June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: June 1, 2023

TITLE: Consider Accepting Application for Filing for Harbor District Permit 2023-03: Caltrans - Eureka Slough Bridges Geotechnical Investigation

STAFF RECOMMENDATION: Staff recommends that the Board: Accept Permit Application 2023-03 for filing.

SUMMARY: Caltrans applied for a Harbor District Permit for the Eureka Slough Bridges Geotechnical Investigation Project (Permit 2023-03). The Project is needed to characterize subsurface conditions to support the design and construction of the proposed replacement of northbound and southbound Eureka Slough Bridges on U.S. Highway 101. The geotechnical investigation includes drilling and performing geophysical surveys for the proposed bridge alignments at or near the proposed foundation locations. Consistent with District Ordinances and the Harbors and Navigation Code, this is a procedural step to accept a permit application to conduct physical improvements within the waters of Humboldt Bay. If the Board chooses to accept the filing of this permit, staff will follow standard procedures to review and evaluate the project. Following that analysis, the project will come before the Board with a staff recommendation for or against approval.

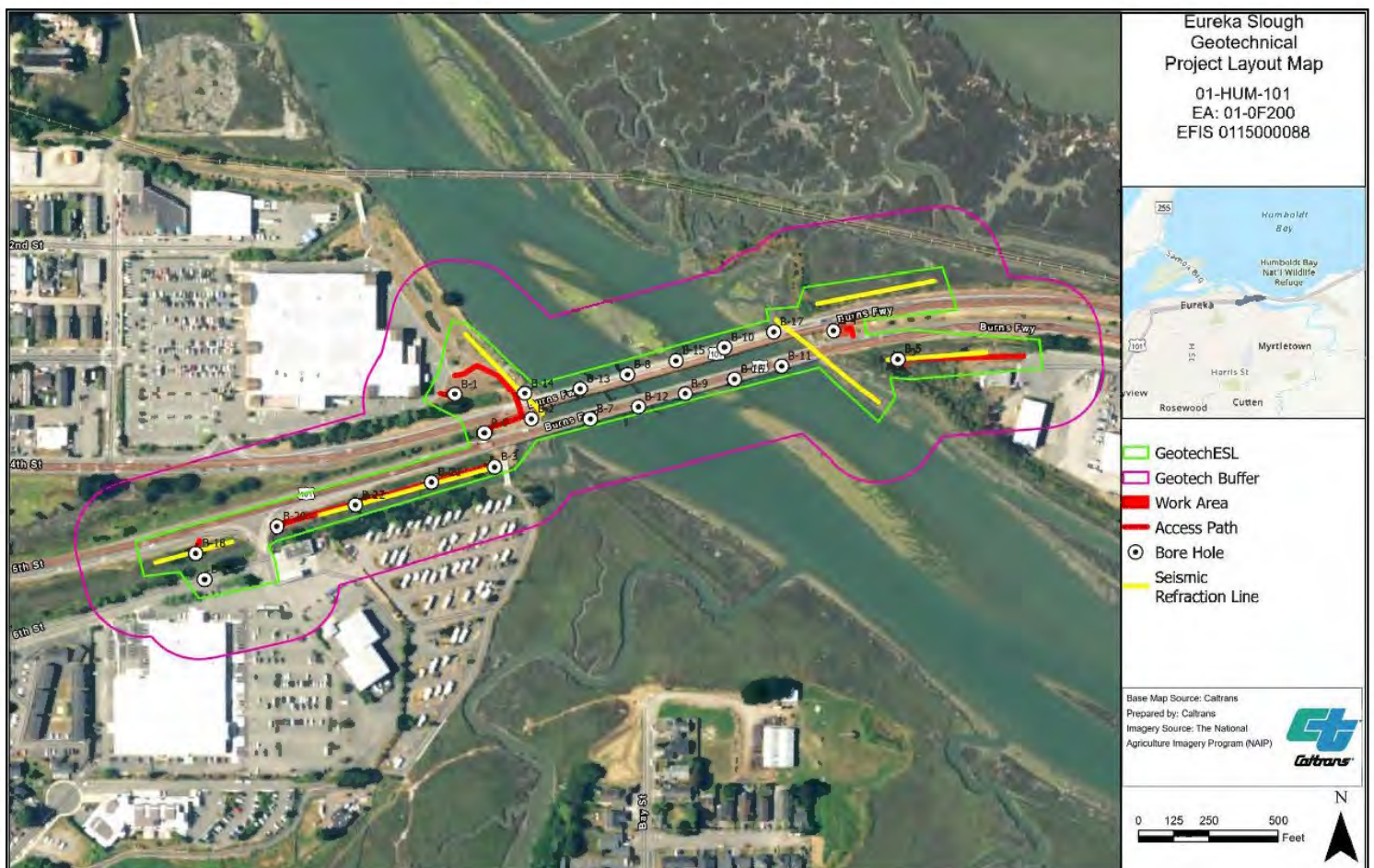
DISCUSSION: Caltrans plans to replace the U.S. Highway 101 northbound and southbound Eureka Slough Bridges in order to address seismic, geometric, and functional deficiencies. Caltrans will ultimately apply for a District permit for the full bridge replacement project. However, prior to applying for the full project, Caltrans has elected to complete separate CEQA and permitting process for the needed geotechnical investigations. This staff report is for the Caltrans permit application associated with the geotechnical investigations. The permit application for the full bridge replacement is anticipated to occur in the future. For the purposes of this staff report, the “Project” consists only of the geotechnical investigations.

The project is located in Eureka Slough near the U.S. Highway 101 bridges between post miles (PMs) 79.50 and 80.20 (Figure 1). The project (geotechnical investigation) would include drilling and performing geophysical surveys to support the design and construction of two to three bridges to replace the existing northbound and southbound bridges crossing Eureka Slough. The drilling and surveys would be performed for the proposed bridge alignments at or near the proposed foundation locations. Up to six (6) geophysical surveys would occur. No earthwork would be

required to access or perform the proposed surveys. Up to 22 borings would be drilled. Depending on location, the borings would be advanced through the existing bridge deck, highway pavement surface, median strip, or vegetated area adjacent to the approach embankments. A majority of the work locations would be accessed along the highway shoulders and median and through the Eureka Slough Bridges bridge decks within the existing Caltrans right of way.

Caltrans prepared a Natural Environment Study to identify existing biological resources, assess potential impacts, and identify permitting requirements for the geotechnical investigation. Standard Best Management Practices (BMPs) would be followed to avoid and minimize impacts to waters and biological resources. Additional project specific avoidance and minimization measures would also be implemented as detailed in the application materials. The applicant is also pursuing permits from other agencies including: CDFW 1602 LSAA, NMFS Letter of Concurrence, USACE 404 permit, NCRWQCB 401 certification, CCC CDP, and one Permit to Enter (APN 002-201-008). Caltrans is the California Environmental Quality Act (CEQA) Lead Agency and prepared and approved a CEQA Notice of Exemption.

Figure 1. Eureka Slough Geotechnical Project Layout Map



The submitted Caltrans Application including project details is available on the Harbor District website: <https://humboldt.org/public-notices-announcements-information>.

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

June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: June 2, 2023

TITLE: Consider Adopting Resolution 2023-12: A Resolution Certifying an Environmental Impact Report (EIR) Previously Certified by the County of Humboldt, Adopting a Mitigation Monitoring and Reporting Program, and Making Findings Relative to and Approving Harbor District Permit 2023-12 with Conditions for the Humboldt Bay Master Water Intakes

STAFF RECOMMENDATION: Staff recommends that the Board receive a staff report, receive public comment, and adopt Harbor District Resolution No. 2023-12 which includes:

- Certifying an Environmental Impact Report (EIR) Previously Certified by the County of Humboldt
- Adopting the Mitigation Monitoring and Reporting Program
- Adopting Findings Relative to the Permit Application for the Humboldt Bay Master Water Intakes
- Approving Permit 2022-02 with conditions for the Humboldt Bay Master Water Intakes

Alternative Recommendation: Receive staff report, receive public comment, and continue hearing to a date certain (i.e., 6/22/23 or 7/13/23)

SUMMARY: The Humboldt Bay Harbor, Recreation, and Conservation District (District) proposes to modernize and operate two formerly used water intake systems in Humboldt Bay and install new pumps, piping, and meters to deliver bay water to existing and future District tenants. Improvement of the water intakes is part of a long-term District program to develop facilities for use by aquaculture and other sea-water-dependent tenants. The water intakes are located approximately one-half mile apart along the Samoa Channel at the Redwood Marine Terminal II (RMT II) Dock and Red Tank Dock (Figure 1). The proposed project includes bay water withdrawal and pumping to manifolds at specific upland points that will be connected to future permitted water users. The project also includes off-site habitat restoration to offset any reduction in the bay’s biological productivity that will result from water withdrawal and entrainment of aquatic larvae. Habitat restoration work will include pile removal at the District’s Kramer Dock property located in Fields

Landing and will be phased in conjunction with the phasing of water withdrawal quantities. Impact mitigation includes habitat restoration associated with modeled impacts to longfin smelt.

BACKGROUND: District staff has been pursuing permits for the master water intake system and has filed permit applications with the California Coastal Commission (CCC), California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), and the North Coast Regional Water Quality Control Board (NCRWQCB). The project also requires a Harbor District Permit. Consistent with District Ordinances and the Harbors and Navigation Code, an application was filed and accepted for filing by the Board on March 4, 2022, a Notice of Application was published and sent to adjacent property owners and regulatory agencies. The County of Humboldt is the CEQA lead agency and certified an Environmental Impact Report (EIR) for the Samoa Peninsula Land-based Aquaculture Project (SCH#2021040532) on August 4, 2022. In addition to the water intakes, the EIR, which was approved by the County, evaluates upland development that is not within Harbor District Permit jurisdiction and therefore not covered by this Harbor District Permit. The water intakes and portions of the project that are within the Harbor District's regulatory jurisdiction will occur within Humboldt Bay and the adjacent tidelands as summarized in the discussion below and detailed in the Humboldt Bay Master Water Intakes: Project Description (PD) (v7; updated 10/21/22).

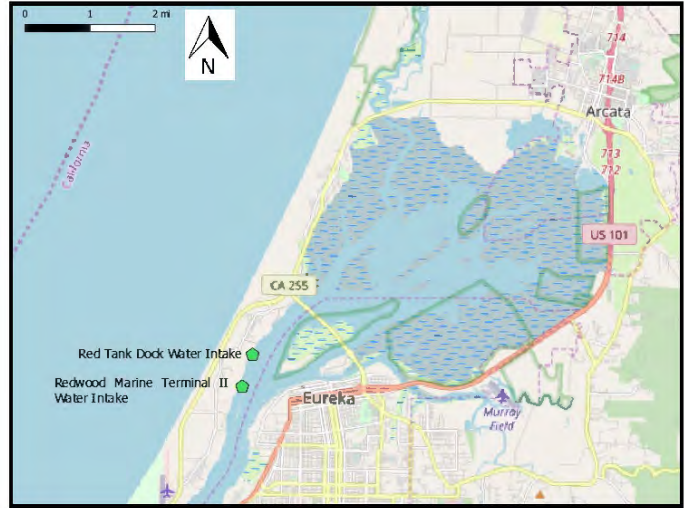


Figure 1: Location of proposed water intakes in Humboldt Bay, California.

DISCUSSION: Water Intakes. The proposed project includes improvements to existing water intake structures at the two sites, RMT II and Red Tank docks, including new pumps and intake screens (as described in Project Description Sections 6 and 7). The water intake systems were operated by a pulp mill from around 1966 until the mill was closed in 2008. The proposed project involves bay water withdrawal and pumping to manifolds at specific upland points that will be connected to future water users. The two intakes will be operated and managed as a single system as they both feed into a common manifold and distribution system. They will be designed such that one intake can operate alone while the other intake is offline for maintenance. Additional details of the proposed system can be found in the Project Description.

The District will manage the water supply to tenants in compliance with approved permits. The volume of water withdrawn will occur in three phases (See Project Description Section 2 for more information):

- Phase I: Intake of bay water between 0 to 694 gpm.
- Phase II: Intake of bay water between 695 to 1,250 gpm.
- Phase III: Intake of bay water between 1,251 to 8,250 gpm

Eelgrass Avoidance. Eelgrass will be avoided during installation and maintenance of the intake systems. A qualified biologist will be present on-site to help monitor and avoid impacts to eelgrass while work is being performed in areas that may impact eelgrass habitat. Installation and maintenance activities shall comply with the Eelgrass Protection Plan (see Project Description Section 8).

Aquatic Species Entrainment and Habitat Restoration. The project also includes off-site habitat restoration to offset any reduction in the bay's biological productivity that will result from water withdrawal and entrainment of aquatic larvae. Based on consultation with agencies, the Harbor District has identified habitat restoration opportunities. Habitat restoration work will include pile removal at the District's Kramer Dock property located in Fields Landing and will be phased in conjunction with the phasing of water withdrawal quantities. See Project Description Sections 9, 10, and 11 for more information.

The Harbor District will complete compensatory off-site habitat restoration activities to (1) offset a small reduction in the Humboldt Bay's biological productivity as a result of entrainment of zooplankton, and (2) compensate for the potential take of longfin smelt (LFS) larvae during the operation of the two sea chests. Compensatory off-site habitat restoration will include pile removal and will be implemented in association with the phased withdrawal of water through the two water intakes as summarized below and further described in Project Description (PD) Section 11.

- Phase I: intakes between 0 to 694 gpm
 - Impact Mitigation: Consistent with other intake permits to withdraw Bay water, and with the project design features incorporated into the project, the effects of this small amount of water withdrawal are considered de minimis and habitat restoration to offset impacts to bio-productivity are not necessary.
- Phase II: intakes between 695 to 1,250 gpm
 - Impact Mitigation: The Harbor District will compensate for project-related impacts to Longfin Smelt (LFS) by implementing the revised FEIR version of Mitigation Measure BIO-6a (Longfin Smelt Mitigation), which consists of "habitat creation or enhancement to provide Longfin Smelt spawning, rearing, or nursery habitat capable of producing the number of Longfin Smelt larvae lost to entrainment." The mitigation measure goes on to provide an estimate of impact and a formula for calculating the area of mitigation required.
- Phase III: intakes between 1,251 to 8,250 gpm.
 - Pre-mitigation Studies: Prior to withdrawing bay water at Phase III levels, the District will complete an Entrainment Study as approved by CDFW via MOU (see PD Attachment F and G). The estimate of impact and a formula for calculating the area of mitigation required shall be updated to reflect the results of the Entrainment Study.
 - Impact Mitigation: The Harbor District will compensate for project-related impacts to biological productivity by removing up to 988 creosote piles and 151 crossbeam supports attached to the pilings. The location of these piles/crossbeams is the Kramer Dock site as outlined in PD Attachment E (Humboldt Bay Master Water

Intakes Project, Kramer Dock Pile Removal, Eelgrass Protection Plan and Compensation for Potential Loss of Biological Productivity; 8/15/22).

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The County of Humboldt prepared and certified an Environmental Impact Report (EIR) (SCH #2021040532) for the Samoa Peninsula Land-Based Aquaculture Project; the Humboldt Bay Master Water Intakes System is a portion of the overall project evaluated in that EIR. In addition to the proposed project, the EIR assesses other proposed facilities in upland areas adjacent to the proposed project. Mitigation measures were developed for affected environmental resources, reducing potential impacts to less than significant in every instance. The EIR determined that the project's impact will be less than significant with mitigation incorporated. The proposed EIR was made available for the public's review and comment via a Notice of Availability, with a comment period from December 20, 2021 to February 18, 2022. The EIR was certified by the Humboldt County Planning Commission on August 4, 2022 under Public Resources Section 21110.

The Harbor District is a CEQA Responsible Agency for this project and must review and consider the information contained in the EIR prior to reaching a decision on the project (CEQA Guidelines Section 15096(f)). A Responsible Agency has responsibility for mitigating or avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve (CEQA Guidelines Section 15096(g)(1)). The Mitigation Monitoring and Reporting Program (MMRP), provides the mitigation measures identified in the Final EIR which will mitigate or avoid the direct or indirect environmental effects of those parts of the Project which the Harbor District will carry out, finance, or approve. Resolution No. 2023-12 adopts the MMRP.

Under Public Resources Code Section 21083, for each significant environmental effect of the project, the Harbor District must make one of the following findings and a brief rationale for each finding; 1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR, 2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding (such changes have been adopted by such other agency or can and should be adopted by such other agency), or 3) specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. Resolution No. 2023-12 makes each of these findings.

STATUS OF OTHER PERMITS:

- CEQA: The County of Humboldt is the CEQA lead agency and certified an Environmental Impact Report (EIR) for the Samoa Peninsula Land-based Aquaculture Project (SCH#2021040532) on August 4, 2022. Nordic Aquafarms and the Harbor District were joint applicants. At the time of the writing of this staff report, litigation has been filed against the County and Nordic associated with the certified CEQA document.
- CDP Permit for terrestrial portions of project: At that same hearing on August 4, 2022, the County also approved a Coastal Development Permit (CDP) for the terrestrial

portions of the project. Nordic was the sole applicant for this CDP. On October 8, 2022 the Coastal Commission received five appeals of that CDP. These appeals could be denied or heard by the Coastal Commission in the coming weeks/months. The five appeals are on file with the Harbor district and available online (linked below).

- CDP Permit for effluent discharge: Nordic Aquafarms has submitted a CDP to the Coastal Commission for the effluent discharge and responded to questions from Coastal Commission staff. This CDP is likely to go before the Coastal Commission in early 2023.
- CDP Permit for baywater intake system: The Harbor District has submitted a CDP application to the Coastal Commission for the water intake system and responded to questions from Coastal Commission staff. This CDP is likely to go before the Coastal Commission in early 2023.
- Section 10 Permit and Biological Assessment for baywater intake system: The Harbor District has submitted a Section 10 Permit and Biological Assessment to the US Army Corp of Engineers for the water intake system and responded to questions from USACE staff. The Section 10 Permit and BA is likely to acted upon by USACE in early 2023.
- 401 Permit for baywater intake system: The Harbor District has submitted a 401 permit to the Water Board for the water intake system and responded to questions from Water Board staff. This 401 is likely to go before the Water Board in early 2023.
- Incidental Take Permit for baywater intake system: The Harbor District has coordinated extensively with California Department of Fish and Wildlife to prepare an Incidental Take Permit for longfin smelt. The permit is scheduled to be reviewed by CDFW in early 2023.
- NPDES for Outfall: Nordic Aquafarms is coordinating with the Water Board regarding a NPDES permit for their outfall discharge. This 401 is likely to go before the Water Board in early 2023.

ATTACHMENTS:

- A. Resolution No. 2023-12 Certifying an Environmental Impact Report (EIR) Previously Adopted by the County of Humboldt, Adopting a Mitigation Monitoring and Reporting Program, and Making Findings Relative to and Approving Harbor District Permit 2022-02 with Conditions for the Humboldt Bay Master Water Intakes
 - a. Exhibit A-1. Mitigation, Monitoring, and Reporting Plan (MMRP)
 - b. Exhibit A-2. Harbor District Permit 2022-02 for the Humboldt Bay Master Water Intakes, including Conditions of Approval and Special Conditions of Approval

Documents incorporated here by reference are on file with the Harbor district and available online:

- [Copies of the Appeals to the Coastal Commission for the Coastal Development Permit for the Terrestrial Portions of the Project](#)

- [HBHRC-Permit 2022-02 Meeting Notice Final](#)
- [Humboldt Bay Master Water Intakes: Project Description \(v8\), with Attachments](#)
- Samoa Peninsula (Nordic Aquafarms) Land-Based Aquaculture Project California Environmental Quality Act (CEQA) documents: Final and Draft Environmental Impact Report (EIR) <https://humboldt.gov/3218/Nordic-Aquafarms-Project>
- [EIR Significant Impact Chart \(306734\)](#)
- [Tenara HB Report Draft 050423 Final wAppendices](#)

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

RESOLUTION NO. 2023-12

**A RESOLUTION CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (EIR) PREVIOUSLY
CERTIFIED BY THE COUNTY OF HUMBOLDT, ADOPTING A MITIGATION MONITORING AND
REPORTING PROGRAM, AND MAKING FINDINGS RELATIVE TO AND APPROVING HARBOR
DISTRICT PERMIT 2022-02 WITH CONDITIONS FOR THE HUMBOLDT BAY MASTER WATER
INTAKES**

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

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

WHEREAS, the Humboldt Bay Harbor, Recreation, and Conservation District proposes to implement the Humboldt Bay Master Water Intakes “Project”; and

WHEREAS, the Project requires a Harbor District Permit, and consistent with District Ordinances and the Harbors and Navigation Code, an application was filed and accepted by the Board on March 4, 2022 and a Notice of Application was published and sent to adjacent property owners and regulatory agencies; and

WHEREAS, the County of Humboldt (“County”), as the “lead agency” under the California Environmental Quality Act (Public Resources Code Section 21000 et seq) (“CEQA”) prepared and certified an Environmental Impact Report (EIR) (SCH#2021040532) for the Samoa Peninsula Land-Based Aquaculture Project of which the Project is a portion; and

WHEREAS, a Notice of Availability (NOA) for the Draft Environmental Impact Report (“Draft EIR”) was published on December 17, 2021, inviting comment from the general public, agencies, organizations, and other interested parties, with a comment period from December 20, 2021 to February 18, 2022; and

WHEREAS, in accordance with CEQA and Section 15088 of the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq.) (the “CEQA Guidelines”), a Final Environmental Impact Report (“Final EIR”) incorporating all comments received on the Draft EIR and responses to comments was certified by the County Board of Supervisors on September 28, 2022; and

WHEREAS, the Final EIR consists of the Draft EIR and Draft EIR appendices, comments received on the Draft EIR, and responses to comments, modifications to the Draft EIR, and all documents and resources referenced and incorporated by reference in the Draft EIR and Final EIR; and

WHEREAS, the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines;
and

WHEREAS, CEQA requires that in approving a project for which an EIR has been prepared, the decision-making body shall review said EIR and make certain findings regarding the potentially significant effects on the environment identified in the EIR; and

WHEREAS, under Pub. Resources Code, § 21067, the Board does hereby certify that acting as a responsible agency for the Project under CEQA it has considered the information contained in such EIR, and concurs in the analysis and conclusions set forth in said documents; and

WHEREAS, the Final EIR for the Project is, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, a Notice of Public Meeting for Certification of the Environmental Impact Report by the District and Approval of Harbor District Permit 2022-02 was published on May 2, 2023, inviting comment from the general public, agencies, organizations, and other interested parties, with a comment period from May 2, 2023 to June 2, 2023; and

WHEREAS, the Board has been presented with certain evidence relating to the impact of the Humboldt Bay Master Intakes project upon the air, land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District; and

WHEREAS, the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Exhibit #A-1, incorporates the mitigation measures identified in the Final EIR which will mitigate or avoid the direct or indirect environmental effects of those parts of the Project which the Humboldt Bay Harbor, Recreation, and Conservation District will carry out, finance, or approve; and

WHEREAS, the Board has considered and discussed the adequacy of the Final EIR and the MMRP and applied its own independent judgment and analysis to that review in compliance with Pub. Resources Code Section 21002.1, subdivision (d).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District as follows:

1. **Section One**. That the above recitals are true and correct and are incorporated herein by this reference.
2. **Section Two**. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District finds, after considering the impact of the proposed use upon the air, water, land, environment, and ecology of the lands under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, that:
 - a) The proposed uses are necessary to promote public safety, health, comfort, and convenience of the public;
 - b) The proposed uses are required by the public convenience and necessity;

- c) The proposed uses will not have any substantial adverse environmental or ecological effect in light of the mitigation measures made conditions of this approval;
 - d) The proposed uses are consistent with the Humboldt Bay Management Plan;
 - e) The permit, right, or privilege is reasonably required by public convenience to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree;
 - f) The proposed uses will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.
3. **Section Three.** That the Board does hereby make the following CEQA findings:
- a) It has independently reviewed and analyzed the Final EIR and other information in the record and has considered the information contained therein prior to acting upon or approving the portion of the Project before the Board for consideration.
 - b) The Final EIR prepared for the Project has been completed in compliance with CEQA, Public Resources Code Section 21000 et seq, and the CEQA Guidelines.
 - c) The Final EIR is consistent with the independent judgment and analysis of the Humboldt Bay Harbor District in its capacity as a responsible agency for the Project.
4. **Section Four.** That the Board makes the following findings regarding the potential impacts of the Humboldt Bay Master Water Intakes Project, in compliance with Pub. Resources Code Section 21081 subdivision (a) and CEQA Guidelines Section 15091:
- a) The parts of the Project for which the Board is responsible will result in no significant impacts related to the following: aesthetics, energy, greenhouse gas emissions, noise, population and housing, transportation, utilities and service systems, and wildfire.
 - b) The parts of the Project for which the Board is responsible will result in the following potentially significant impacts related to air quality, which will be mitigated to a less-than-significant level through the adoption and implementation of mitigation measures (EIR, Section 3.2):
 - i. **Potential conflict with or obstruction of implementation of the applicable air quality plan (Impact AQ-1):** Construction activity would include earth disturbance and, therefore, potential to result in fugitive dust. The amount of dust generated at any given time would be highly variable and is dependent on the size of the area disturbed at any given time, amount of activity, soil conditions, and meteorological conditions. The Board finds that Mitigation Measure AQ-1, Best Management Practices to Reduce Air Pollution, will control fugitive dust emissions from the Project and mitigate this impact to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”
 - ii. **Cumulatively considerable net increase in any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (Impact AQ-2):** As discussed above, construction activity may result in fugitive dust and increase localized PM10. For the same reasons discussed above, the Board finds that Mitigation Measure AQ-1 will mitigate this impact to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision

- (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- iii. **Exposure of sensitive receptors to substantial pollutant concentrations (Impact AQ-3):** The nearest potential receptor is more than 0.2 mile from the Project boundary. As discussed above, construction activity may result in fugitive dust and expose sensitive receptors to substantial pollutant concentrations. For the same reasons discussed above, the Board finds that Mitigation Measure AQ-1 will mitigate this impact to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”
- iv. **Contribute to a cumulatively significant impact to air quality (Impact AQ-C-1):** While the Project’s generation of fugitive dust during construction could potentially contribute to a cumulatively significant impact to air quality, the incorporation of Mitigation Measure AQ-1, as described above, and Mitigation Measure AQ-2, Best Management Practices to Reduce Asbestos Emissions During Demolition would mitigate this impact to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”
- c) The parts of the Project for which the Board is responsible will result in the following potentially significant impacts related to biological resources, which will be mitigated to a less-than-significant level through the adoption and implementation of mitigation measures (EIR, Section 3.3):
- i. **Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Impact BIO-1):** The Project could potentially impact various special status terrestrial mammals, special status amphibians, special status and protected birds, and special status fish. The Board finds that Mitigation Measures BIO-2, Protect Special Status Terrestrial Mammals, BIO-4, Protect Special Status Amphibians, BIO-5, Protect Special Status, Migratory, and Nesting Birds, and BIO-6a, Protection of Longfin Smelt, will require protective measures that will minimize these impacts and mitigate them to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”
- d) The parts of the Project for which the Board is responsible will result in the following potentially significant impacts related to cultural resources, which will be mitigated to a less-than-significant level through the adoption and implementation of mitigation measures (EIR, Section 3.4):
- i. **Substantial adverse change in the significance of an archaeological resource (Impact CR-1):** The Humboldt Bay region and Samoa Peninsula were traditionally occupied by the Wiyot people. While no direct evidence of Wiyot habitation or use has been encountered at the Project site, much of the Project site remains capped by cement and fill. The Board finds that Mitigation Measures CR-1, Implementation of Protocols for Cultural

Monitoring During Ground Disturbance, and CR-2, Implementation of Inadvertent Discovery Protocols, will provide protection for archaeological resources that may be inadvertently discovered during the course of construction. These measures would provide cultural resource monitors during construction and establish protocols for inadvertent archaeological discovery and mitigate these impacts to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

- ii. ***Disturbance of any human remains, including those interred outside of formal cemeteries (Impact CR-2)***: While the cultural resource investigation did not determine archaeological resources were likely to be present, inadvertent discovery of human remains may still occur. The Board finds that Mitigation Measure CR-3, Minimize Impacts to Unknown Archaeological Resources or Human Remains if Encountered, would be implemented to ensure any potential impact would be less than significant. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”
- e) The parts of the Project for which the Board is responsible will result in the following potentially significant impacts related to geology and soils, which will be mitigated to a less-than-significant level through the adoption and implementation of mitigation measures (DEIR, Section 3.6):
 - i. ***Substantial erosion or loss of topsoil (Impact GEO-4)***: The Project would require trenching and operation of heavy machinery that would disturb soil and, therefore, have the potential to cause erosion. Erosion and sediment control provisions prescribed in the Humboldt County Code and the CBC would be required as part of the Project. The Board finds that Mitigation Measures GEO-2, Construction Best Management Practices, and HWQ-1, Implement Stormwater Pollution Prevention Plan (SWPPP), would reduce erosion and ensure potential water quality impacts are at a less-than-significant level during and after construction. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”
- f) The parts of the Project for which the Board is responsible will result in the following potentially significant impacts related to hazards and hazardous materials, which will be mitigated to a less-than-significant level through the adoption and implementation of mitigation measures:
 - i. ***Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Impact HAZ-2)***: Construction would require the use of heavy machinery for grading, excavation, trenching, compaction, and transportation of materials. There is always the possibility that an accident could occur and petroleum products could be accidentally released onto the soil. Equipment on-site during construction would be required to have emergency spill cleanup kits immediately accessible in the case of any petroleum product spills. Equipment would not be refueled near any one-parameter wetlands nor Humboldt Bay. If equipment must be washed, it would be washed off-site at an appropriate facility. This component would also partially overlap with the AOIs listed in the Interim Work Plan document, therefore there is

potential for the construction phase to encounter hazardous substances. The Board finds that adherence to Mitigation Measures AIR-2, Best Management Practices to Reduce Asbestos Emissions During Demolition, GEO-2, Construction Best Management Practices, HWQ-1, Implement Stormwater Pollution Prevention Plan (SWPPP), and HAZ-1, Implement Recommendations of Interim Measures Work Plan, which include Construction BMPs, implementation of a SWPPP, and implementation of recommendations from the Interim Measures Work Plan, would further negate the potential for accidental releases of hazardous materials during construction and reduce this impact to a less-than-significant level. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

- g) The parts of the Project for which the Board is responsible will result in the following potentially significant impacts related to hydrology and water quality, which will be mitigated to a less-than-significant level through the adoption and implementation of mitigation measures (EIR, Section 3.9):
- i. ***Violation of any water quality standards or waste discharge requirements or substantial degradation of surface or ground water quality (Impact HWQ-1):*** Construction of a terrestrial pipeline for the Project would require 4,650 feet of trenching parallel to the Humboldt Bay shoreline. Construction to modernize and revitalize the sea chests on the RMT II dock and Red Tank dock would require in-water work in Humboldt Bay. These activities have the potential to impact water quality in Humboldt Bay during construction. The Board finds that Mitigation Measure HWQ-1, Implement Stormwater Pollution Prevention Plan (SWPPP) for the Water Intakes, would reduce these impacts to a less-than-significant level by imposing various practices relating to construction, hazardous materials, and dewatering that will minimize water quality impacts. Thus, the Board finds, pursuant to Public Resources Code, section 21081, subdivision (a)(1), that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Therefore, based upon all the foregoing, the Harbor District as a responsible agency under CEQA hereby certifies the Final EIR prepared for the Project as compliant with law and adequate for the portions of the project subject to the Harbor District’s authority. The Final EIR is on file at the Humboldt Bay Harbor, Recreation and Conservation District Office, 601 Startare Drive, Eureka, CA 95501, and available for inspection by any interested person.

5. **Section Five.** That the Board hereby adopts the MMRP attached hereto as Exhibit #A-1, and approves Harbor District Permit No 2022-02 authorizing implementation of the Humboldt Bay Master Water Intakes project (**Exhibit #A-2**) subject to the conditions of approval outlined in Exhibit #A-2.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on June 8th, 2023, by the following polled vote:

AYES:

NOES:

ABSENT:

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. 2023-12 entitled,

A RESOLUTION CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (EIR) PREVIOUSLY CERTIFIED BY THE COUNTY OF HUMBOLDT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND MAKING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2022-02 WITH CONDITIONS FOR THE HUMBOLDT BAY MASTER WATER INTAKES

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 of June of 2023; 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 of June, 2023.

**Aaron Newman, Secretary
Board of Commissioners**

**Humboldt Bay Master Water Intakes:
Mitigation Monitoring and Reporting Program**

EXHIBIT A-1

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	IMPLEMENTATION RESPONSIBILITY	TIMING	VERIFICATION OF COMPLIANCE
<p>AQ-1. <u>Best Management Practices to Reduce Air Pollution</u>: The contractor shall implement the following BMPs during construction; the BMPs shall be included as notes on final construction plans:</p> <ul style="list-style-type: none"> - Equipment and activity must not emit dust that is visible crossing the property line, except for short-term activities related to explosive demolition of the boiler building and smokestack. - All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction or as necessary in conjecture with other dust suppression methods (such as gravel application) to appropriately control dust. The County or NCUAQMD may require additional treatment in periods of high wind or other circumstances causing visible dust to be generated by the construction site. - All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures. - All haul trucks transporting soil, sand, or other loose material off-site shall clean all side boards and headboards of material and be adequately wetted and covered. - Use of mud rumbler mats will be required to reduce off-site tracking of mud and dirt. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, as necessary. The use of dry power sweeping is prohibited. - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points. - All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. - Materials screening, transfer points on a belt conveyor, and crushers must have dust control measures such that: <ul style="list-style-type: none"> • No screening operation, or transfer point on a belt conveyor discharge into the air any visible emissions other than uncombined water vapor, for a period aggregating more than 	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>During project construction</p>	

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>three minutes in any one hour which are 50% as dark or darker in shade as that designated as number one on the Ringelmann Chart, or 10% opacity.</p> <ul style="list-style-type: none"> • No crusher discharges into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour which are 75% as dark or darker in shade as that designated as number one on the Ringelmann Chart, or 15% opacity • Control measures may include installation and operation of spray bars on all conveyors; installation of shrouds at all drop points; or any other measure(s) deemed as effective as the prior listed measures. 			
<p>AQ-2. <u>Best Management Practices to Reduce Asbestos Emissions During Demolition</u>: Best Management Practices to Reduce Asbestos Emissions During Demolition: The contractor shall implement the following BMPs during abatement and demolition; the BMPs shall be included as notes on final demolition plans: Project Contractor During abatement HCP&BD and NCUAQMD A note shall be placed on all demolition and/or</p> <ul style="list-style-type: none"> - Work impacting material containing less than 1% asbestos (unclassified work) shall be performed in accordance with Class II asbestos work protocols as outlined in in 8 CCR 1529. - All interior asbestos abatement work impacting asbestos, including Class II and unclassified work, shall be performed within sealed negative pressure containments. - Negative-pressure containments established at the interior of a structure shall be constructed and vented to the exterior in accordance with 8 CCR 1529. If additional suspect asbestos material is discovered during site work, then work in that area shall stop, the material wetted, and access to the area restricted until an appropriate asbestos characterization can be made. 	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>During abatement and demolition</p>	
<p>BIO-2. <u>Protect Special Status Terrestrial Mammals</u>: The construction plans will specify that steep-sided excavations capable of trapping mammals shall be ramped or covered if left overnight. No pets (i.e., dogs) shall be allowed on the Project Site during construction. Trash receptacles shall be covered and removed from site at least weekly. Trash shall be managed so that it is not a nuisance, fire hazard, or attract animals. No poisons (including anticoagulant rodenticides) or other potentially injurious materials attractive to mammals shall be utilized or left unattended during construction or operation activities.</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>During project construction and operation</p>	
<p>BIO-4. <u>Protect Special Status Amphibians</u>:</p> <ul style="list-style-type: none"> - No more than one week prior to commencement of ground disturbance within 50 feet of the anthropogenic rectangular concrete pool, a qualified biologist shall perform a pre-construction survey for NRLF and shall relocate any individuals or egg masses that occur within the work impact zone to nearby suitable habitat. 	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>Prior to project construction</p>	

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>- If any NRLF are observed during the pre-construction survey, CDFW shall be consulted to determine the best way to avoid impacts to NRLF. Ground-disturbing activities should be conducted during the dry season (May 15-October 15) to minimize take of NRLF. If construction activities are conducted within the dry season (May 15-October 15), exclusion fencing shall be installed around the work area prior to October 15 to prevent NRLF from migrating into work areas. The fencing material and design shall be reviewed and approved by the Planning and Building Department in consultation with CDFW before installation.</p> <p>- In the event a NRLF is encountered on-site during construction, all construction activities will cease until the animal has left the Project area on its own and is no longer in danger of harm. The project construction manager or project biologist will report the sighting to CDFW within 24 hours. No one other than a CDFW-approved biologist is permitted to handle or capture NRLF, and NRLF will not be taken or harassed.</p> <p>- An Environmental Awareness Training will be provided to the construction crew prior to commencement of construction activities. This “tailgate” training is intended to enable the construction crew to be able to identify NRLF and to safely relocate them outside of the Project Site.</p>			
<p>BIO-5. <u>Protect Special Status, Migratory, and Nesting Birds</u>: In order to mitigate potential impacts to special status migratory and nesting birds, one of the following measures shall be implemented:</p> <ol style="list-style-type: none"> 1. If ground disturbance (i.e., ground densification and building demolition) or vegetation clearing is conducted outside the avian nesting season (March 15 – August 15) the applicant, contractor or responsible individual for the construction shall submit a construction timeline indicating dates of work to be implemented to the Planning and Building Department prior to construction or demolition permits and/or commencing of densification, ground disturbance, and/or vegetation clearing. Any deviation from this approved timeline shall require prior approval from the Planning and Building Department. Or 2. If ground disturbance occurs during the nesting season, a qualified ornithologist shall conduct preconstruction surveys within the vicinity of the Project Site to check for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species in the buildings subject for demolition. The ornithologist shall conduct at minimum a one-day preconstruction survey within the 7-day period prior to vegetation removal, demolition, and ground-disturbing activities. If ground disturbance, demolition, or vegetation removal work lapses for seven days or longer during the breeding season, a qualified ornithologist shall conduct a supplemental avian pre-construction survey before Project work is reinitiated. The report from the ornithologist shall be submitted to the 	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>Prior to and during project construction</p>	

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>Planning and Building Department prior to issuance of a Notice to Proceed before commencing demolition or construction activity.</p> <p>If active nests are detected within the construction footprint or up to 500 feet from construction activities, the ornithologist shall flag a buffer around each nest (assuming property access). A plan showing the buffer shall be submitted to the Planning and Building Department prior to commencement of construction activities. Construction activities shall avoid nest sites until the ornithologist determines that the young have fledged, or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500 feet of the construction area, buffers will be implemented as needed (buffer size dependent on species). Buffer sizes for common species would be determined on a case-by-case basis in consultation with CDFW and, if applicable, with USFWS. Buffer sizes will take into account factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds.</p> <p>If active nests are detected during the survey, the qualified ornithologist shall monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified ornithologist, disturb nesting activities (e.g., excessive noise), shall be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified ornithologist shall immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed or nesting activity has ceased, placement of visual screens or sound dampening structures between the nest and construction activity, reducing speed limits, replacing and updating noisy equipment, separating trucks in queue to distribute idling noise, locating vehicle access points and loading and shipping facilities away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors. Upon completion of the survey, a memo will be provided to the Planning and Building Department that will describe the methods and results of the survey and any related recommendations. All requirements and recommendations of the ornithologist shall be conditions of the Coastal Development Permit and shall be incorporated into the construction plans.</p>			
---	--	--	--

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>BIO-6a. <u>Protection of Longfin Smelt</u>: The Humboldt Bay Harbor District shall mitigate for the potential loss of Longfin Smelt larvae due to entrainment by the intakes. The number of larvae that could potentially be entrained by the intakes is currently estimated to be approximately 24,000. A more precise number will be confirmed when monthly larval surveys are completed in December 2022 followed by entrainment modeling.</p> <p>Mitigation shall consist of the following:</p> <ol style="list-style-type: none"> 1. Habitat creation or enhancement to provide Longfin Smelt spawning, rearing, or nursery habitat capable of producing the number of Longfin Smelt larvae lost to entrainment. Habitat creation or enhancement shall be within tributaries of Humboldt Bay in areas of fresh and/or brackish water and shall create habitat suitable for spawning and may include debris (e.g., pile) removal. 2. The area of habitat to be provided will be based on the area needed to support the number of spawning female Longfin Smelt needed to provide the target number of larvae. The mitigation will be based on an estimate that a single female Longfin Smelt requires 43 square feet (4 square meters) for spawning. 3. For this mitigation measure, the number of larvae produced per female is 1,000. 4. The total mitigation area will be calculated on a 1:1 basis. The equation to determine mitigation area will be: $([\text{larvae entrained}]/[1,000 \text{ larvae per female}])(43 \text{ square feet})$. Based on current sampling and calculations the mitigation area would be $(24,000/1,000)*43 = 1,032$ square feet of habitat replacement area. <p>Habitat restoration to mitigate for Longfin Smelt entrainment shall be completed prior to operation of Phase 1 of the facility.</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>Prior to operation of Phase 1 of the facility</p>	
<p>CR-1. <u>Implementation of Protocols for Cultural Monitoring During Ground Disturbance</u>: NAFC shall retain a qualified cultural resource monitor who is approved by the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria to monitor ground disturbing activities related to this Project in areas the Tribes deem culturally sensitive. The three Tribal Historic Preservation Officers or their functional equivalent shall be contacted to set up and implement a cultural monitoring contract when a construction schedule has been determined. Advanced coordination with the qualified cultural monitor is required. As landowner, the Humboldt Bay Harbor, Recreation, and Conservation District (landowner) shall be provided with written verification for compliance. NAFC shall adhere to the Standard Operating Procedures for Inadvertent Archaeological Discovery (General), as detailed in the Archaeological and Historical Resource Investigation Report prepared for the Project by Roscoe and Associates (2020).</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>During project construction</p>	

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>CR-2. <u>Implementation of Inadvertent Discovery Protocols</u>: If cultural or historic-era resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist, as well as the Tribal Historic Preservation Officers for the Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe shall be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. The Humboldt Bay Harbor, Recreation, and Conservation District (landowner) shall also be notified. In the event of inadvertent discoveries, the Standard Operating Procedures as outlined by Roscoe and Associates (2020) shall be followed. NAFC shall adhere to the Standard Operating Procedures for Inadvertent Archaeological Discovery (General) and Standard Operating Procedures for Documenting Inadvertent Archaeological Discoveries, as detailed in the Archaeological and Historical Resource Investigation Report prepared for the Project by Roscoe and Associates (2020).</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>During project construction</p>	
<p>CR-3. <u>Minimize Impacts to Unknown Archaeological Resources or Human Remains if Encountered</u>: If human remains are discovered during Project implementation, all work shall be halted and the Humboldt Bay Harbor, Recreation, and Conservation District (landowner) and tribal representatives shall be contacted immediately. The Humboldt Bay Harbor, Recreation, and Conservation District shall contact the Project Contractor During Project construction HCP&BD, County Coroner, NAHC, and THPOs A note shall be placed on all construction plans County Coroner immediately and the Coroner would evaluate the find to determine the subsequent course of action, including notification of tribal representatives. In the event of inadvertent discoveries, the Standard Operating Procedures as outlined by Roscoe and Associates (2020) shall be followed, including Standard Operating Procedures for Inadvertent Discovery of Native American Remains and Grave Goods</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>During project construction</p>	
<p>GEO-2. <u>Construction Best Management Practices</u>: The contractor shall implement BMPs during construction, including the following BMPs from the current California Stormwater BMP Handbook for Construction: EC-1: Scheduling; EC-2: Preservation of Existing Vegetation; NS-2: Dewatering Operations; NS-9: Vehicle Equipment and Fueling; NS-10: Vehicle & Equipment Maintenance; WM-2: Material Use; WM-4: Spill Prevention and Control. Additionally, the following conditions shall be required during construction: - Silt fences shall be deployed as needed at onshore construction areas to prevent any sediment from flowing into Humboldt Bay. Required silt fence and erosion control locations and specifications for installation shall be included in the final construction plan set. If the silt fences are not adequately containing sediment, construction activity shall</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>		

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>cease until remedial measures are implemented that prevents sediment from entering the waters east of the construction area;</p> <ul style="list-style-type: none"> - Construction materials and debris shall not be placed or stored where it may be allowed to enter into or washed by rainfall into Humboldt Bay; - Best Management Practices (BMPs) shall be implemented to prevent: 1) entry of stormwater runoff into Humboldt Bay during construction, 2) the entrainment of excavated contaminated materials leaving the site, and 3) the entry of polluted stormwater runoff into coastal waters during the transportation and storage of excavated materials. These BMPs will be included in the Stormwater Pollution Prevention Program (SWPPP), which is required for the Project (see Section 3.9 – Hydrology and Water Quality); • Construction Storm Water Pollution Prevention Plan (SWPPP): The SWPPP shall be required to be implemented during the demolition and construction phases of the project. The SWPPP shall be submitted to the SWRCB Stormwater Multiple Application and Report Tracking System website (SMARTS) and contain the following components: best management practices to address erosion and sediment Project Contractor During Project construction HCP&BD A note shall be placed on all construction plans. A note detailing the BMPs shall be placed on all improvement plans. On-site construction manager shall ensure staff is trained and use of BMPs is documented daily. control, monitoring and testing for site runoff, an inspection program, and site maps. The SWPPP shall be updated and documented in the annual reporting to the RWQCB during the project to reflect changes in conditions (Mitigation Measure HWQ-1). - Non-essential work vehicles and equipment shall be parked at least 100 feet away from the shoreline; - Sufficient erosion control supplies shall be maintained on-site at all times, available for prompt use in areas susceptible to erosion during rain events; - Disturbance of existing vegetation shall be minimized to only areas approved for development; - Dewatering operations shall be conducted in the event that groundwater is encountered at the work location and stored or disposed of appropriately. Any groundwater encountered during demolition and construction that requires removal would be pumped into appropriate containers, such as Baker tanks for characterization. Excavation depths for construction are not anticipated to extend to groundwater and the use of dewatering wells for the Project is not planned (SHN 2020b). Water sourced from dewatering shall not be discharged to on-site one parameter wetlands or Humboldt Bay; 			
---	--	--	--

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>- Dewatering and Discharge Plan (DDP): It is not anticipated that groundwater will be encountered during demolition or construction, but in the event that it is encountered, development of a plan for water management that includes handling, storage, testing, treatment, monitoring, and discharge shall be prepared for the project and submitted to the RWQCB for approval to complete the project. The plan shall use available groundwater testing results to identify appropriate treatment and include a monitoring program to ensure discharge parameters contained in the permit are met. The approved plan shall be submitted to the Planning and Building Department prior to water management activities;</p> <p>- Vehicle and equipment maintenance shall not occur within 100 feet of Humboldt Bay or wetlands;</p> <p>- As required in the SWPPP, contractor shall ensure that the site is prepared with BMPs prior to the onset of any storm predicted to receive 0.5 inches or more of rain over 24 hours;</p> <p>- All erosion and sediment control measures shall be maintained in accordance to their respective BMP fact sheet until disturbed areas are stabilized. Erosion and sediment control measures shall be explicitly included in the final construction plan set and shall be conditions of the Coastal Development Permit; and</p> <p>- The Stormwater Pollution Prevention Plan (SWPPP) may not cover all the situations that arise during construction due to unanticipated field conditions. Variations may be made to the SWPPP in emergency circumstances in the field subject to the approval of or at the direction of The Regional Water Quality Control Board and NAFC Project Manager or Construction Manager</p>			
<p>HAZ-1. <u>Implement Recommendations of Interim Measures Work Plan:</u> To address historic soil and groundwater contaminants remaining at the Project Site from historic use, the Project will implement recommendations included in the Interim Measures Work Plan developed by SHN (2020b). Interim measures in the plan include the following required actions to be implemented before and or during demolition and construction activities:</p> <p>- Monitoring and Reporting Program (MRP): Site redevelopment has the potential to affect 18 existing monitoring wells at the site. Modifications to the existing MRP will be required to address proper closure and replacement of wells. Prior to ground disturbance, a request for modifications to the MRP shall be submitted to the RWQCB that includes a work plan for well destruction and replacement for implementation prior to initiation of site demolition work. Justification for wells to be completely removed from the MRP shall be provided in the request with supporting documentation.</p> <p>- Construction Storm Water Pollution Prevention Plan (SWPPP): The SWPPP shall be required to be implemented during the demolition and construction phases of the project.</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>Prior to and during Project demolition and construction</p>	

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>The SWPPP shall be submitted to the SWRCB Stormwater Multiple Application and Report Tracking System website (SMARTS) and contain the following components: best management practices to address erosion and sediment control, monitoring and testing for site runoff, an inspection program, and site maps. The SWPPP shall be updated and documented in the annual reporting to the RWQCB during the project to reflect changes in conditions (Mitigation Measure HWQ-1).</p> <p>- Sampling and Analysis Plan (SAP): Prior to demolition and ground disturbance, the project SAP shall be submitted to the RWQCB for approval. The SAP shall describe protocols and procedures that shall be implemented for characterization of chemical impacts associated with past operations at the site. The SAP shall address characterization of excavated soils, assessment of final in-place conditions, and testing of materials for reuse or offsite disposal. The SAP shall be the primary guide used to determine suitability of material for reuse. The use of Incremental Sampling Methodology (ISM) for characterization of soils is the preferred approach to assess suitability of reuse. The SAP shall contain the ISM program to evaluate the chemical quality of the material. The approved SAP shall be submitted to the Planning and Building Department prior to demolition and ground disturbance.</p> <p>- Dewatering and Discharge Plan (DDP): It is not anticipated that groundwater will be encountered during demolition or construction, but in the event that it is encountered, development of a plan for water management that includes handling, storage, testing, treatment, monitoring, and discharge shall be prepared for the project and submitted to the RWQCB for approval to complete the project. The plan shall use available groundwater testing results to identify appropriate treatment and include a monitoring program to ensure discharge parameters contained in the permit are met. The approved plan shall be submitted to the Planning and Building Department prior to water management activities.</p> <p>- Soil Gas Monitoring Program: The planned project development will occur within 1,000 feet of the Samoa Solid Waste Disposal Site (SWDS). An evaluation of soil pore gas from the SWDS will be required, per Title 27 California Code of Regulations Section 20925. A work plan to address soil gas conditions shall be submitted to the Humboldt County Department of Environmental Health and CalRecycle for approval and implementation. The workplan shall contain installation of soil gas probes and a monitoring program to evaluate subsurface conditions and potential impacts to site development. One year of site monitoring for soil gas is anticipated to be completed as part of this assessment program.</p> <p>- Health and Safety Plan (HASP): Preparation of a site-specific health and safety plan shall be required for workers that may come in contact with contaminated materials. The HASP shall outline procedures, training requirements, and contain applicable monitoring programs to limit worker exposure. A hazard analysis must</p>			
---	--	--	--

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>be performed in accordance with industry standards to determine the appropriate level of personnel protection required for completing the work. The HASP shall be submitted to Planning and Building Department for approval prior to demolition activities - Demolition Plan: Standard demolition and excavation equipment will be used to remove structures and to segregate the material for sorting and processing. A demolition plan shall be prepared for the project that describes the approach and processes to be implemented by the selected contractor. The plan shall be an overview that evaluates all structures designated for removal and shall require augmentation as it relates to specific engineering or onsite activities requiring additional planning. Special handling and disposal of building materials identified to be impacted during the site-wide hazardous materials survey will be conducted (GHD, 2020). Separate plans provided by specialized contractors to address the removal and disposal of lead, asbestoscontaining material, and universal waste shall be prepared as part of the demolition permit for National Emission Standards for Hazardous Air Pollutants compliance and submitted to the North Coast Air Quality Management District. Approval of these plans will be required prior to initiation of site wide demolition activities. As structures are demolished, the material shall be segregated and stockpiled. Non-hazardous debris will be transported offsite for disposal as municipal solid waste (MSW) and metals shall be recycled. Much of the concrete, brick, and tile is considered usable material and machines will sort and downsize the material for preparation as onsite reuse or recycling. A Demolition Plan shall be submitted to the Planning and Building Department prior to issuance of a demolition permit. - Excavation of Soils: Soils excavated during demolition and construction at the site shall be screened in the field according to methods described in Section 4.3 of the IMWP and stockpiled appropriately. To evaluate whether excess soil can be reused onsite or disposed of offsite, samples of the soil shall be collected and tested, and the results compared to established screening levels. Excavated soils identified to have impacts from mill operations that require offsite disposal shall be moved for temporary stockpiling to a secure area of the site that is away from routine traffic and is high enough that water will not pond on or around the soil. The contaminated soil shall be placed on, and covered with, plastic (Visqueen®) in such a way that the soil pile is protected from water runoff and runoff. Soils that are not hazardous shall be considered for site reuse if analytical results are below the published regulatory thresholds for residential or industrial soils. See Table 1 in the Interim Measures Work Plan (Appendix G) for Regulatory Screening Thresholds for Site Reuse. - Field Screening: Field screening of debris and excavated soils shall occur through visual observation and hand-held tools that shall be outlined in the project SAP. All debris and excavated soils shall be assessed for visible discoloration or staining, and if noticeable odors are present. Use of a hand-held</p>			
---	--	--	--

Humboldt Bay Master Water Intakes: Mitigation Monitoring and Reporting Program

<p>Niton XLp 702A x-ray fluorescence (XRF) meter for metals and a portable photoionization detector (PID) for VOCs shall be used to assist in field screening activities. The use of a pH meter for extracted water and pH strips on soil mixed with deionized water shall additionally be implemented in the field to assess levels present. Construction materials such as concrete and brick shall be tested in the field for metals using the XRF prior to being processed (crushed) for reuse onsite. Exterior surfaces of materials selected for field screening shall be analyzed using the device's "standard bulk" mode, which includes analysis for 15 elements. Records of concentrations of cadmium, chromium, lead, nickel, and zinc shall be maintained through the field screening program. Frequency of testing with the XRF and for quality control shall be developed based on the volume of material and the Area of Interest (AOI) of generation for RWQCB approval and implementation in the project SAP. All meter readings for soil samples screened in the field for metals and VOCs will be recorded on logs or daily field record sheets and kept on file. - Quality Assurance and Quality Control and Reporting: The project SAP shall outline quality assurance and control quality (QA/QC) for the field program and laboratory testing. Standard Operating Procedures shall be provided for field activities and the designated testing laboratory quality assurance manual shall be included. A frequency according to industry standards for the number of samples to be analyzed, duplicate requirements, and testing limits for COPCs shall be determined based on the volumes of material generated. Following the completion of the field and testing program, a summary of findings shall be prepared and submitted on behalf of NAFC to the RWQCB. The report shall include a description of the work performed, a summary of field screening and laboratory testing results, analytical laboratory reports, maps depicting the analytical results, and recommendations for additional work, if necessary. The report and supporting documentation shall be provided to the Planning and Building Department at the same time of submittal to the RWQCB.</p>			
<p>HWQ-1. Implement Stormwater Pollution Prevention Plan (SWPPP): Implement Stormwater Pollution Prevention Plan (SWPPP): Refer to Section 3.9 (Hydrology and Water Quality), for the full text of Mitigation Measure HWQ-1 Implement Stormwater Pollution Prevention Plan.</p>	<p>Humboldt Bay Harbor, Recreation, & Conservation District</p>	<p>Prior to and during Project construction</p>	

**EXHIBIT A-2:
Harbor District Permit 2022-02
for the Humboldt Bay Master
Water Intakes, including
Conditions of Approval and
Special Conditions of
Approval**

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

PERMIT

Permit No. 2022-02

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

Permittee:

Humboldt Bay Harbor, Recreation, and
Conservation District
Contact: Rob Holmlund
601 Startare, Eureka, CA 95501
(707) 443-0801
rholmlund@humboldtbay.org

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as “**District**”, having considered the Application herein, number 2022-02, filed by Humboldt Bay Harbor, Recreation, and Conservation District, hereinafter referred to as “**Permittee**”, and the **Humboldt Bay Harbor, Recreation and Conservation District** as a responsible agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination certifying the Environmental Impact Report (EIR) (SCH #2021040532) and the Board of Commissioners of the **District** having on June 8, 2023, passed Resolution No. 2023-12 establishing findings relative to the Application by **Permittee** for the Humboldt Bay Master Water Intakes as provided for in this Permit, the **Permittee** is hereby authorized to perform the work as more particularly described in the Application filed with the **District**.

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

The Project will modernize and operate two formerly used bay-water intake systems in Humboldt Bay to deliver bay water to existing and future District tenants. The water intakes are located approximately one-half mile apart along the Samoa Channel at the Redwood Marine Terminal II (RMT II) Dock and Red Tank Dock. The proposed project includes bay water withdrawal and pumping to manifolds at specific upland points that will be connected to by future water users. The project also includes off-site habitat restoration. Habitat restoration work will include pile removal at the District’s Kramer Dock property located in Fields Landing and will be phased in conjunction with the phasing of water withdrawal quantities.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

Standard Conditions of Approval

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

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

3. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on 6/8/24. If **Permittee** cannot complete the work within the time granted by this Permit, an application for extension must be filed prior to the Permit termination date. The Executive Director may administratively grant up to four one-year extensions.
4. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.
5. That the mitigation measures applicable to the Master Water Intakes described in the Project's Environmental Impact Report are made conditions of this permit by reference including, but not limited to, BIO-6a (Protection of Longfin Smelt) as revised in the Final EIR (see conditions 6 and 7 below). The permittee and any and all contractors completing work for the project must follow the District's Methods and Best Management Practices for Pile Removal at Kramer Dock Site (see Attachment J to the Project Description).
6. The Harbor District will complete compensatory off-site habitat restoration activities to (1) offset a small reduction in the Humboldt Bay's biological productivity as a result of entrainment of non-special status larval species, and (2) compensate for the potential take of longfin smelt (LFS) larvae during the operation of the two sea chests. Compensatory off-site habitat restoration will include (1) pile removal and (2) habitat creation or enhancement to provide Longfin Smelt spawning, rearing, or nursery habitat. The compensatory off-site habitat restoration would be pro-rated based on the system's capacity. Compensatory off-site habitat restoration will be implemented in associated with the phased withdrawal of water through the two water intakes as follows:
 - A. Phase I.
 - Volume: This Phase includes intakes between 0 to 694 gpm.

- Impact Mitigation: Consistent with other intake permits to withdraw Bay water, and with the project design features incorporated into the project, the effects of this small amount of water withdrawal are considered de minimis and habitat restoration to offset impacts to bio-productivity are not necessary.
- Timing: Water withdrawal for up to 694 gpm is expected to begin after all permits are approved and all conditions of approval of all agencies are met.
- Phase II.
 - Volume: This Phase includes intakes between 695 to 1,250 gpm.
 - Impact Mitigation Longfin Smelt (LFS): The Harbor District will compensate for project-related impacts to Longfin Smelt (LFS) by implementing the revised FEIR version of Mitigation Measure BIO-6a (Longfin Smelt Mitigation), which consists of “habitat creation or enhancement to provide Longfin Smelt spawning, rearing, or nursery habitat capable of producing the number of Longfin Smelt larvae lost to entrainment.” The mitigation measure provides an estimate of impact and a formula for calculating the area of mitigation required.
 - Timing: Water withdrawal at this level will not begin until after Phase II mitigation is completed and Phase II Conditions of Approval are satisfied.
 - Timing: Regardless of tenant/user, the District will not initiate this Phase II of withdrawal until the associated mitigation and conditions of approval are met. In addition, the District will not allow any collective combination of tenant(s)/user(s) to exceed 1,250 gpm unless/until additional permits are acquired.
- Phase III.
 - Volume: This Phase includes intakes between 1,251 to 8,250 gpm.
 - Pre-mitigation Studies: Prior to withdrawing bay water at Phase III levels, the District will complete an Entrainment Study as approved by CDFW via MOU (see Project Description (PD) Attachment F and G) and as outlined in:
 - CDFW (1/3/22). Memorandum of Understanding: Section 2081(A) Take Permit for The Humboldt Bay Intake Entrainment Study. See PD Attachment F.
 - Tenera Environmental (1/5/22). Project Implementation Plan for Ichthyoplankton Collection at the Samoa Peninsula Water Intakes. See PD Attachment G.
 - Impact Mitigation:
 - The Harbor District will compensate for project-related impacts to biological productivity by removing up to 988 creosote piles and 151 crossbeam supports attached to the pilings.
 - The location of these piles/crossbeams is the Kramer Dock site as outlined in PD Attachment E (Humboldt Bay Master Water Intakes Project, Kramer Dock Pile Removal, Eelgrass Protection Plan and Compensation for Potential Loss of Biological Productivity; 8/15/22).
 - The pile/crossbeam removal will serve as compensatory restoration for biological productivity foregone as a result of the water intakes. This is intended to create space for eelgrass (*Zostera marina*) habitat while enhancing a larger tidal habitat area, and in turn, supporting biological productivity. Per PD Attachment K, this will also remove an estimated 308 tons of potentially toxic creosote-soaked wood from the bay. The

piles collectively have a surface area of 30,660 square feet that is exposed daily to the water column of the bay. As outlined in PD Attachment I, the total habitat restoration area is 2.69 acres.

- Impact Mitigation Location: The District will utilize the location described in PD Attachment I for the off-site restoration and will utilize the BMPs outlined in PD Attachment J. These BMPs are designed to avoid impacts to eelgrass as well as to prevent the potential mobilization of contaminants into the Bay.
 - Timing: If necessary, the Harbor District will consult with other regulatory agencies to further develop details of the habitat restoration prior issuance of permits required for pile removal.
 - Timing: Water withdrawal at this level will not begin until after Phase III restoration is completed and Phase III Conditions of Approval are satisfied.
 - Timing: Regardless of tenant/user, the District will not initiate this Phase III of withdrawal until the associated mitigation and conditions of approval are met. In addition, the District will not allow any collective combination of tenant(s)/user(s) to exceed 8,250 gpm unless/until additional permits are acquired.
7. The Humboldt Bay Harbor District shall mitigate for the potential loss of Longfin Smelt larvae due to entrainment by the intakes. The number of larvae that could potentially be entrained by the intakes is discussed in the 5/1/23 Report "Intake Assessment of the Potential Effects on Ichthyoplankton and other Meroplankton Due to Entrainment at Proposed Samoa Peninsula Water Intakes" by Tenera Environmental.
- A. Mitigation shall consist of the following:
1. Habitat creation or enhancement to provide Longfin Smelt spawning, rearing, or nursery habitat capable of producing the number of Longfin Smelt larvae lost to entrainment. Habitat creation or enhancement shall be within tributaries of Humboldt Bay in areas of fresh and/or brackish water and shall create habitat suitable for spawning and may include debris (e.g., pile) removal.
 2. The area of habitat to be provided will be based on the area needed to support the number of spawning female Longfin Smelt needed to provide the target number of larvae. The mitigation will be based on an estimate that a single female Longfin Smelt requires 43 square feet (4 square meters) for spawning.
 3. For this mitigation measure, the number of larvae produced per female is 1,000.
- B. The total mitigation area will be calculated on a 1:1 basis. The equation to determine mitigation area will be: $([\text{larvae entrained}]/[1,000 \text{ larvae per female}])(43 \text{ square feet})$. Based on current sampling and calculations the mitigation area would be $(24,000/1,000)*43 = 1,032$ square feet of habitat replacement area.
8. Any in-water work requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the

project site. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain spilled materials.

9. If archeological or cultural features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the **Permittee** has contacted the Wiyot Tribe's Cultural Department, and the significance of the resource has been evaluated, to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the **Permittee** prior to resumption of construction activities. If human remains are exposed by project related activity, the **Permittee** shall comply with California State Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, §5097.98.
10. That there shall be no unreasonable interference with navigation by the work herein authorized.
11. That no attempt shall be made by the **Permittee** to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
12. That the **District**, its Commissioners, or any officer or employee of the **District** shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the **District** for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
13. That neither the **District**, nor its Board of Commissioners, nor any officer of the **District** shall be liable to any extent for any such injury or damage to any person or property or for the death of any person arising out of or connected with the work authorized by this Permit.
14. That the Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District** of a violation by the **Permittee** of any condition of this Permit.
15. That the **Permittee** shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State of California

Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.

16. That as a condition to the issuance of this Permit, **Permittee** agrees to indemnify and hold harmless **District** from and against any and all liability, loss, or damage **District** may suffer from claims and demands for attorneys' fees, costs of suit, and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit, including, but not limited to attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial appeal or arbitration of claims for attorneys' fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.
17. That this Permit is valid as of June 8, 2023 and is made subject to the **Permittee** approving and agreeing to the conditions above set forth herein and executing said approval as hereinafter provided.

Special Conditions of Approval (6/2/23)

BACKGROUND

The following Special Conditions of Approval are for the Humboldt Bay Harbor District Permit for the Humboldt Bay Master Water Intakes Project, which is described in detail in the permit application and the associated Project Description. The project includes offsite mitigation.

SPECIAL CONDITIONS OF APPROVAL

1. Intake Design

A. STRUCTURE PLACEMENT

1. The existing in-water intake infrastructure at Redwood Marine Terminal II and Red Tank Docks shall remain in place. Any new equipment used to upgrade or enhance this existing in-water infrastructure shall be located in generally the same location as the existing in-water intake structures, equipment, and infrastructure.
2. The intake screens shall be placed so they are parallel to tidal flow at both locations. This will help eliminate debris buildup on the screen surface and sediment at the bases of the intake.
3. Eelgrass shall be avoided during installation of the intake screen. To help monitor and avoid impacts to eelgrass, a qualified biologist shall be present on-site while work is being performed in areas that are less than 100 feet from eelgrass beds and/or where work may impact eelgrass habitat.
4. The intake screens shall be placed at an in-water elevation between minimum one foot above the bay bottom and -2 feet MLLW elevation.
5. During construction, a floating containment boom will surround the work area to collect any debris. To collect debris that floats below the surface but does not sink to the bottom, weighted plastic mesh (similar to orange construction fencing) will be attached to the boom. If debris sinks to the bottom, then it will be recovered and removed.
6. Signage indicating potential hazards shall be placed on both docks as approved by Chair of the Harbor Safety Committee. Install aids to navigation as may be required by US Coast Guard.

B. APPROACH VELOCITY

1. The maximum approach velocity shall not exceed 0.2 feet per second (self-cleaning screen).
2. The screen design must provide for uniform flow distribution over the surface of the screen, thereby minimizing approach velocity.
3. Automatic-Cleaning – Fish screens shall be cleaned as frequently as necessary to prevent flow impedance and violation of the approach velocity criteria. Head differential sensors to trigger screen cleaning for intermittent type systems shall be installed and trigger self-cleaning at a maximum of 0.1 feet (0.03 m), unless otherwise agreed to by NMFS. The automatic cleaning shall at a minimum be not less than once every 24 hours. The applicant shall have the option of using either air burst or mechanical brush self-cleaning systems as long as they include water level sensors (inside and outside structure) to meet the design capacity above.

C. SCREEN OPENING & MATERIAL

1. Profile bar: Rectangular screen openings shall not exceed 0.0689 inches (1.75 mm) in width.

2. Screen material shall provide a minimum of 27% open area. The screen material shall be stainless steel or other corrosion resistant and sufficiently durable to maintain smooth and uniform surface with long term use.

D. SCREEN MAINTENANCE PLAN

1. Prior to drawing any water from the intake(s), a screen maintenance plan shall be submitted and approved by Harbor District Executive Director. The maintenance plan shall be periodically updated to reflect changes in best management practices, monitoring, and/or field inspections. The screen maintenance plan shall be adaptive and shall ensure:
 - i. A reliable on-going preventive maintenance and repair program is implemented to ensure intake systems are kept free of debris and the screen mesh, seals, drive units, and other components are functioning correctly.
 - ii. Screens shall be pulled out of the water and inspected to ensure operating integrity at least once annually.

2. Environmental Enhancement/ Incidental Take Permit

As a result of the small potential that a long fin smelt larvae may be entrained in the intake systems, an Incidental Take Permit from the California Department of Fish and Wildlife shall be obtained. Compensatory habitat restoration is required as a result of the small potential that the overall biological productivity of the Bay is reduced by the project. The following Habitat restoration activities shall be phased-in with phasing of water withdrawal as follows:

- A. Water Withdrawal Phase 1:** For cumulative water withdrawal by the intakes between 0-694 gallons per minute (gpm).
- No habitat restoration required.

- B. Water Withdrawal Phase 2:** Prior to cumulative water withdrawal by the intakes between 695 - 1,250 gpm, one of the following must be complete.

1. Pile removal

- a. Remove seven (7) piles from the Kramer Dock at the Fields Landing a location in Humboldt Bay. Piling removal best practices shall be implemented as described in Attachment J of the Project Description.

OR

2. Spartina Removal

- a) At least one acre of the invasive nonnative plant species *Spartina densiflora* (Spartina) shall be eradication from tidal wetlands in Humboldt Bay. Spartina removal shall be conducted under existing permits issued to the Harbor District (Harbor District Permit 14-05 and Coastal Development Permit 1-14-0249).
- b) Mechanical (not chemical) methods shall be used as described in the certified Final Programmatic Environmental Impact Report for the Humboldt Bay Regional Spartina Eradication Plan (SCH# 2011012015). Mechanical methods include top mowing, grinding, tilling, excavating, disking, crushing, flaming, covering and/or flooding Spartina plants.
- c) A site specific Spartina Removal Plan pursuant to Special Condition 4 of CDP 1-14-0249 shall be submitted to and approved by the Harbor District Executive Director.

OR

3. Other Approved Habitat Restoration

- a. Other restoration activities approved by the Harbor District and relevant permitting agencies may be conducted in place of the above.

C. Water Withdrawal Phase 3: Prior to cumulative water withdrawal by the intakes between 1,251 to 8,250 gpm, the following entrainment study and environmental enhancement project must be complete.

1. Entrainment Study

- a) Complete field sampling and assessment to evaluate larval distribution throughout the Bay in accordance with the Proposal to Conduct an Intake Assessment on Ichthyoplankton Due to Entrainment at the proposed Samoa Peninsula Water Intakes (submitted by Tenera Environmental); subject to review and approval of regulatory agencies.
- b) Upon completion of the study findings must be submitted to the Harbor District and regulatory agencies. If based upon field work the impacts are less than, equal to, or no more than 10% greater than the modeling, implement the environmental enhancement project below.

2. Environmental Enhancement Project – Pile Removal at the Kramer Dock

- a) Removal of a minimum of 988 piles at the Kramer Dock, Fields Landing, shall be conducted; subject to review and approval of the Harbor District Executive Director and regulatory agencies. The 988 piles include a 10% buffer above the required habitat enhancement to account for the potential that the Entrainment Study will determine more impacts to larvae than the original modeling.
- b) **Piling Removal Best Practices** – Piling removal best practices shall be implemented as described in Attachment A.
- c) **Eelgrass Protection** – The eelgrass avoidance and minimization measures included in Attachment A shall be implemented.
- d) **Minimization of Sediment and Contaminant Mobilization** – The eelgrass avoidance and minimization measures included in Attachment A shall be implemented.
- e) **Nesting Bird Survey** – No more than 14 days prior to commencement of piling removal, a qualified biologist shall conduct a field survey of nesting activity on the piles and within 500 feet of the piling removal area. If nesting activity is located, construction activities shall be avoided within 250 feet of an active nest. The biologist shall determine when pile removal can resume once young have fledged and nest is no longer active.

EXECUTED on this 8th day of June 2023, 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**

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

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

Dated: _____

Humboldt Bay Harbor District Representative

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

June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: June 1, 2023

TITLE: Review of Preliminary Budget and Goals for Conservation Programs, Recreation Programs, and Tidelands

STAFF RECOMMENDATION: Staff recommends the Board: Review and provide direction regarding the Preliminary budget and goals for Conservation, Recreation and Tidelands.

SUMMARY: The budget is prepared annually under the direction of the Executive Director. In accordance with CA Harbors and Navigation Code Section 6093, on or before June 15, the District Board shall estimate and determine the amount of money required by the Harbor District and shall adopt a preliminary budget. Per Section 6093.3, the final budget shall be reported to the Board of Supervisors no later than August 1st.

DISCUSSION:

Date	Meeting Type	Purpose
April 13	Regular	A) Review Preliminary Budget with Preliminary Goals, Income, and Expenditures: 1. Woodley Island Marina / Dredging 2. Fields Landing Boat Yard 3. Shelter Cove
May 11	Regular	A) Preliminary Goals, Income, and Expenditures: 1. Redwood Marine Terminal I 2. Redwood Marine Terminal II 3. Dredging B) Review the Fee Schedule
June 8	Regular	A) Preliminary Goals, Income, and Expenditures: 1. Port Operations 2. Conservation and Recreation Programs 3. Administrative Services 4. General Operating and Staffing 5. Follow up discussion from previous budget meeting topics
June 22	Special	Adopt Preliminary Budget
July 13	Regular	Budget Adoption, Fee Schedule, and Transmission to the Board of Supervisors
July 27	Special	If Necessary

ATTACHMENTS:

A. Preliminary goals for Conservation & Recreation and Tidelands
 Page 69 of 91

Property	Task	Needs	Budget	Deferral
TIDELAND				
	Shoreline Patrol - Debris Removal	\$ 7,500	\$ 7,500	\$ -
	Recreation & Conservation Projects	\$ 12,000	\$ 12,000	\$ -
	Port Authority Vessel	\$ 5,000	\$ 5,000	\$ -
	Fire Boat Vessel	\$ 40,000	\$ 40,000	\$ -
	Projects Total	\$ 64,500	\$ 64,500	\$ -

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
June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: June 8, 2023

TITLE: Consider Adopting Resolution 2023-10, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds from the California Department of Fish and Wildlife for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area for Fiscal Year 2023-2024

STAFF RECOMMENDATION: Staff recommends the Board: Adopt Resolution 2023-10.

SUMMARY: The California Department of Fish and Wildlife (CDFW) Office of Spill Prevention and Response (OSPR) in compliance with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 established five regional Harbor Safety Committees (HSC) throughout California as described in California Government Code 8670.23. Each HSC is responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each of California's major harbors and must produce an annual Harbor Safety Plan (HSP) encompassing all vessel traffic within the harbor. These functions are essential to the consistent achievement of maritime safety and the prevention of major marine oil pollution incidents.

DISCUSSION: To ensure that HSCs have the necessary resources to execute their designated duties, the OSPR Administrator has made grant funds available in each region to provide an executive secretariat to act as the coordinator for facilitating all communications between HSCs, subcommittees, and the OSPR. The CDFW has approved the Humboldt Bay Harbor, Recreation and Conservation District to conduct the Secretariat Services for the HSC of the Humboldt Bay Area, and to receive payment for these services.

Secretariat activities are performed continuously on an annual basis, and mainly consist of facilitating and hosting bi-monthly HSC meetings; Administrative support to the HSC; and editing, publication, and distribution of the annual Humboldt Bay HSP. The maximum reimbursement for the performance of all duties required by the agreement is \$21,274 per fiscal year. No matching funds are required.

ATTACHMENTS:

- A** Resolution 2023-10
- B** Secretariat Grant Agreement

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

RESOLUTION NO. 2023-10

**A RESOLUTION TO AUTHORIZE THE EXECUTION OF A GRANT AGREEMENT
AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND
WILDLIFE FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY
COMMITTEE OF THE HUMBOLDT BAY AREA FOR FISCAL YEAR 2023-2024**

WHEREAS, the People of the State of California have enacted the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 covering all aspects of marine oil spill prevention and response in California. The provisions of the Act are implemented by the Administrator who heads the Office of Spill Prevention and Response; and

WHEREAS, California Government Code section 8670.23 directs the Administrator to establish a Harbor Safety Committee for the Humboldt Bay Area; and

WHEREAS, The Administrator has made grant funds available to provide an executive secretariat to ensure that Harbor Safety Committees have all resources necessary to execute their designated duties; and

WHEREAS, the Humboldt Bay Harbor, Recreation and Conservation District is the Port Authority for Humboldt Bay and is a member of the Harbor Safety Committee of the Humboldt Bay Area; and

WHEREAS, the Humboldt Bay Harbor, Recreation and Conservation District, as a qualified local government agency, validly existing and in good standing under the laws of California, applied to the California Department of Fish and Wildlife to conduct Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area; and

WHEREAS, the California Department of Fish and Wildlife has approved the Humboldt Bay Harbor, Recreation and Conservation District to conduct the Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area and to receive payment for said services; and

WHEREAS, the California Department of Fish and Wildlife requires a Resolution from the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District approving and authorizing the financial assistance of the Secretariat Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District hereby:

1. Accepts the award of a Harbor Safety Committee Secretariat Services Grant in the amount of \$21,274.00 from the California Department of Fish and Wildlife Office of Spill Prevention and Response; and

2. Certifies that the Humboldt Bay Harbor, Recreation and Conservation District has reviewed, understands, and agrees to the provisions contained in the grant agreement; and
3. Delegates the authority to the Executive Director, or his/her designee, to execute the grant agreement and any subsequent amendments with the State of California for the purposes of this grant, and to execute all other documents needed in connection with the Secretariat Services Grant Program.

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 June 2023, 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. 2023-10 entitled,

**A RESOLUTION TO AUTHORIZE THE EXECUTION OF A GRANT AGREEMENT
AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND
WILDLIFE FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY
COMMITTEE OF THE HUMBOLDT BAY AREA FOR FISCAL YEAR 2023-2024**

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 June 2023; 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 June 2023.

Aaron Newman, Secretary
Board of Commissioners



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
P.O. Box 944209
Sacramento, CA 94244-2090
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 6, 2023

Larry Oetker
Humboldt Bay Harbor,
Recreation and Conservation District
601 Startare Drive
Eureka, CA 95501

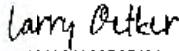
Re: Q2375061 – HARBOR SAFETY COMMITTEE SECRETARIAT SERVICES – HUMBOLDT BAY

ACKNOWLEDGEMENT OF WORK COMMENCEMENT AUTHORIZATION DISCLAIMER

Where approval from the California Department of Fish and Wildlife (CDFW) applies, the attached payable grant shall be of no force or effect until it is signed by both parties (CDFW and grantee). The signing of this payable grant by your organization does not authorize the commencement of work.

By signing this letter, your organization acknowledges and agrees not to begin work until all approvals have been obtained, the payable grant has been fully executed, and the grantee has been given authorization to begin work. Should any work begin before all approvals are obtained or authorization is given, services will be considered voluntary.

Please be advised that failure to sign and return this letter will delay approval of your payable grant.

DocuSigned by:

061A216C0D9748A...

Authorized Signature

4/11/2023

Date

Larry Oetker, Executive Director

Printed Name and Title of Person Signing



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
P.O. Box 944209
Sacramento, CA 94244-2090
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



**OFFICE OF SPILL PREVENTION AND RESPONSE
HARBOR SAFETY COMMITTEE SECRETARIAT SERVICES
HUMBOLDT BAY
GRANT AGREEMENT NUMBER – Q2375061**

GRANTOR: State of California, acting by and through
The California Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090

GRANTEE: Humboldt Bay Harbor, Recreation and Conservation District
P.O. Box 1030
Eureka, CA 95502-1030

SECTION 1 – LEGAL BASIS OF AWARD

Pursuant to State of California Budget Act, Chapter 14, Item 3600-101-0320, the California Department of Fish and Wildlife (Grantor or CDFW), and in compliance with the Oil Spill Prevention and Response Act of 1990 as described in California Government Code 8670.23, the Office of Spill Prevention and Response (OSPR) Administrator is authorized to enter into this Grant Agreement (Agreement) and to make an award to Humboldt Bay Harbor, Recreation and Conservation District (Grantee) for the purposes set forth herein. Grantee accepts the grant on the terms and conditions of this Agreement. Accordingly, Grantor and Grantee (Parties) hereby agree as follows:

SECTION 2 – GRANT AWARD

2.01 Grant: In accordance with the terms and conditions of this Agreement, including Section 5.07 – General Terms and Conditions, Grantor shall provide Grantee with a maximum of \$21,274.00 (Grant Funds) to financially support and assist Grantee’s implementation of Harbor Safety Committee Secretariat Services, Humboldt Bay (Project).

2.02 Term: The term of this agreement is July 1, 2023, or upon Grantor approval, whichever is later, through June 30, 2024.

SECTION 3 – ELIGIBLE USES OF GRANT

Only Grantee expenditures that are necessary to implement the Project, comply with applicable federal and State of California law, and made in accordance with Section 6 – Project Statement and Section 9 – Budget and Payment as set forth within this Agreement are eligible for reimbursement from the Grant Funds.

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

SECTION 4 – GRANTEE’S REPRESENTATIONS AND WARRANTIES

Grantee represents and warrants to Grantor as follows:

- 4.01 Existence and Power:** Grantee is a governmental entity, validly existing, and in good standing under the laws of California. Grantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.
- 4.02 Binding Obligation:** This Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with the Agreement’s terms.

SECTION 5 – GRANTEE’S AGREEMENTS

- 5.01 Purpose:** This Agreement is entered into by the Parties for the purpose of providing financial support to Grantee to complete the Project, specifically the activities identified within Section 6 – Project Statement.
- 5.02 Project:** Grantee shall complete activities as set forth in Section 6 – Project Statement.
- 5.03 Use of Project Funds:** Grantee agrees that only Grantee expenditures that are necessary to implement the Project, comply with applicable federal and State of California law, and made in accordance with Section 6 – Project Statement and Section 9 – Budget and Payment as set forth within this Agreement are eligible for reimbursement from the Grant Funds. Grantee acknowledges that it may not transfer Grant Funds between or among budget line items without written approval from the CDFW Grant Manager in accordance with Section 9 – Budget and Payment.
- 5.04 Payment Schedule:** Payments shall be made to Grantee according to the payment and report schedule identified in Section 8 – Reports.
- 5.05 Eligibility of Funds:** In the event that the California Budget Act does not provide sufficient appropriations to allow Grantor to fund the Project at the level specified in Section 2 – Grant Award and Section 9 – Budget and Payment of this Agreement, the Grantor reserves the right to modify this Agreement to reflect a reduction in available funds, as an alternative to termination.
- 5.06 Submission of Reports:** Grantee shall comply with the format, content, and timing requirements set out in Section 8 – Reports. Failure to submit timely and accurate reports shall be considered evidence of non-compliance with this Agreement and shall permit termination of this Agreement by Grantor.

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

- 5.07 General Terms and Conditions:** Public Entities General Grant Provisions (Exhibit 1.a) Notice of Economic Sanctions (Exhibit 3) are attached hereto and made a part of this Agreement.
- 5.08 Amendments:** This Agreement may only be amended in accordance with Section 5.07 – General Terms and Conditions. Grantee shall submit any request to amend any term of this Agreement in writing to the CDFW Grant Manager no later than 120 days prior to the end of the term of this Agreement. Grantee must include an explanation of and justification for any such request.
- 5.09 Labor Code Requirements; Prevailing Wage:** State grants may be subject to California Labor Code requirements, which include prevailing wage provisions. Certain State grants administered by the CDFW are not subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code. For more details, please refer to California Fish and Game Code Section 1501.5 and the Department of Industrial Relations website at <http://www.dir.ca.gov>. Grantee shall pay prevailing wage to all persons employed in the performance of any part of the Project if required by law to do so.
- 5.10 Acknowledgement of Credit:** Grantee shall include signage, to the extent practicable, informing the public that the Project received funds through the CDFW. Further, Grantee shall include appropriate acknowledgement of credit to the Office of Spill Prevention and Response (OSPR) Grant Program and its implementing agency, the CDFW, for Grantor’s financial support when using any data and/or information developed under this Agreement (e.g., in posters, reports, publications, presentations).
- 5.11 California Business and Professions Code Compliance:** Grantee shall be responsible for obtaining the services of an appropriately licensed professional or appropriately licensed professionals if required by the California Business and Professions Code, including but not limited to Section 6700 et seq. (Professional Engineers Act) and Section 7800 et seq. (Geologists and Geophysicists Act).

If Grantee fails to perform in accordance with the compliance provisions of this Agreement, Grantor shall have sole discretion to delay, interrupt, or suspend the work for which the Grant Funds are supplied.

SECTION 6 – PROJECT STATEMENT

- 6.01 Introduction:** Each Harbor Safety Committee (HSC) is responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each of California’s major harbors and producing an annual harbor safety plan (HSP). This function is considered to be essential to the consistent achievement of maritime safety and the prevention of major marine oil pollution incidents.
- 6.02 Objectives:** To ensure the HSCs are able to execute their designated duties, the OSPR Administrator has entered into grant Agreements in each region to provide an executive secretariat which will act as the coordinator for facilitating all

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

communications between the HSC, subcommittees, and the OSPR regarding the editing, publication and distribution of the annual Humboldt Bay HSP. The activities are performed continuously on an annual basis.

6.03 Project Description: Grantee will manage the Project as described below:

Grantee Program Administrator will serve as coordinator for setting up full and subcommittee meetings of the Humboldt Bay HSC. Grantee will facilitate these meetings, as well as facilitate communications between the Committee, its subcommittees, interested parties, and the OSPR.

Grantee Administrative Support will complete the various administrative tasks such as taking meeting minutes, maintaining databases, mailings, posting of notices, and safety plan distribution.

6.04 Location: Activities and meetings will primarily take place in the administration building in Humboldt County, California (Property).

6.05 Materials and Equipment: All materials (e.g., office supplies, notices, pamphlets, bulletins, harbor safety plans) necessary for the HSC will be furnished by Grantee and procured with funding provided by Grantor.

6.06 Project Implementation: Consistent with Grantee’s proposal for the Project, Grantee will complete the following tasks in accordance with Section 6.07 – Schedule of Due Dates and/or Deliverables:

Task 1 – Project Management and Administration

Grantee will provide technical and administrative services associated with performing and completing the work for this Project, including managing this Agreement, administering subcontracts, invoicing and payments, drafting and finalizing progress and final reports.

All aspects of project will be overseen by the Grantee Program Administrator and assisted by the Administrative Support.

Task 2 – Secretariat Services

The Grantee Program Administrator, assisted by the Administrative Support, will provide secretariat services, along with associated expendable materials and supplies to the HSC.

Task 3 – HSC Meetings

The Grantee Program Administrator, assisted by the Administrative Support, will organize and plan for bimonthly full HSC meetings, as well as any subcommittee or ad hoc HSC meetings. All meetings and HSC business shall be conducted in accordance with the California Brown Act, Public Records Act, and the Federal Americans with Disabilities Act.

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Task 4 – Database Maintenance

With assistance from an Information Technology Subcontractor (Subcontractor 1), the Grantee Program Administrator, assisted by the Administrative Support, will maintain a complete database of all HSC members and alternates, agency liaisons, advisors, Chairs of the other four HSCs, and all parties who have attended a meeting or expressed interest in HSC's business. The Grantee Program Administrator, assisted by the Administrative Support, may periodically purge the database by deleting parties who have requested to be removed. This HSC database will be used for all mail distributions, notifications and/or contacts. Grantee will work with a Subcontractor 1 to maintain the HSC database.

Task 5 – Meeting Schedule

Annually, the Grantee Program Administrator, assisted by the Administrative Support, will prepare and circulate the current-year meeting schedule to all parties identified in the HSC database.

Task 6 – Meeting Attendance

The Grantee Program Administrator, assisted by the Administrative Support, will travel to and attend all full HSC meetings, as well as any subcommittee or ad hoc HSC meetings. The Grantee Program Administrator, assisted by the Administrative Support, will prepare meeting agendas and minutes.

Task 7 – Meeting Materials

The Grantee Program Administrator, assisted by the Administrative Support, will prepare and circulate meeting materials including, but not limited to, meeting notices, agendas, minutes, correspondence, announcements, and handout materials. Meeting materials should be received by the parties identified in the HSC database at least five working days prior to an upcoming meeting. In order to be in compliance with the Brown Act, in no case shall parties receive materials less than 72 hours prior to an upcoming meeting. Electronic communications may be used, but requests for paper media will be accommodated.

Task 8 – Meeting Information

The Grantee Program Administrator, assisted by the Administrative Support, will post HSC meeting announcements and agendas in a conspicuous, publicly accessible space at the offices of the Humboldt Bay Harbor Recreation and Conservation District.

Task 9 – Correspondence

The Grantee Program Administrator, assisted by the Administrative Support, will prepare and circulate correspondence as required by the HSC. At the Program Administrator's request, circulate notices of HSC vacancies, and any public hearings or workshops that OSPR may be conducting in the local area.

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Task 10 – Committee Roster

The Grantee Program Administrator, assisted by the Administrative Support, will maintain a current HSC roster (a subset of the HSC database) of all HSC members and alternates, agency liaisons, and advisors. The Grantee Program Administrator, assisted by the Administrative Support, will provide a copy of the roster to all parties identified in the HSC database at least once a year, or when significant changes occur.

Task 11 – Record Maintenance

The Grantee Program Administrator, assisted by the Administrative Support, will store and maintain, in an orderly manner, a paper record of all meeting materials (as referenced above), HSC-generated documents, and any other materials which support HSC business, or were provided at HSC meetings. This is the official HSC record which is deemed to be State property and shall be transferred to OSPR upon request by the Project Manager.

Task 12 – HSC Database

Subcontractor 1 will annually publish and circulate the current HSP as approved by the HSC, as well as any revisions of addendums, to all parties identified in the HSC database. Use of electronic media is preferred, but requests for paper copies will be accommodated.

Task 13 – Bollard Pull Testing

The Grantee Program Administrator, assisted by the Administrative Support, will maintain copies of current bollard pull test certificates issued by the International Association of Classification Societies for tugboats, which escort tank vessels in Humboldt Bay in accordance with state regulations.

Task 14 – Media Contacts

The Grantee Program Administrator, assisted by the Administrative Support, will direct all media contacts for work performed under this agreement to OSPR's public information officer.

Task 15 – Acknowledgement of the Media

The Grantee Program Administrator, assisted by the Administrative Support, will acknowledge the support of the State of California whenever publicizing the work under this agreement in any media form.

Task 16 – Information Requests

Media and public requests for public documents, such as agendas and approved minutes, will be addressed directly by the Grantee Program Administrator, assisted by the Administrative Support.

Q2375061**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT****6.07 Schedule of Due Dates and Deliverables:**

<u>Task</u>	<u>Description</u>	<u>Deliverables</u>	<u>Estimated Completion Dates</u>
1	Project Management and Administration	Quarterly Progress Reports	September 29, 2023 December 29, 2023 March 29, 2024
		Monthly Invoices	Due within 30 days following each calendar month following grant execution.
		Final Report	June 28, 2024
		Final Invoice	June 28, 2024
5	Meeting Schedule	Annually prepare and circulate HSC meeting schedule	June 14, 2024
6	Meeting Attendance	Provide secretariat services. Attend HSC meetings every other month on the third Thursday	July 2023 September 2023 November 2023 January 2024 March 2024 May 2024
7	Meeting Materials	HSC materials and meeting minutes shall be posted	No later than 14 days after each meeting
12	HSC Database	Prepare and submit Humboldt Bay Area HSP	June 14, 2024

SECTION 7 – CONTACTS

The point of contact may be changed at any time by either party by providing a 10 day advance written notice to the other party. The Parties hereby designate the following points of contact during the Term of this Agreement:

CDFW Grant Manager:		Grantee Project Manager:	
Name:	Reuben Macaspac	Name:	Larry Oetker
Title:	Oil Spill Prevention Specialist	Title:	Executive Director
Address:	P.O. Box 944209 Sacramento, CA 94244-2090	Address:	601 Startare Drive Eureka, CA 95501
Phone:	(916) 375-5928	Phone:	(707) 443-3401
Email:	Reuben.macaspac@wildlife.ca.gov	Email:	Loetker@humboldtby.org

Direct all administrative inquiries to:

Q2375061**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

CDFW Grant Coordinator:		Grantee Project Coordinator:	
Name:	Julia-Malia Olea	Name:	Amber Shehan
Title:	Contract/Grant Coordinator	Title:	Office Assistant II
Address:	P.O. Box 944209 Sacramento, CA 94244-2090	Address:	601 Startare Drive Eureka, CA 95501
Phone:	(916) 216-1303	Phone:	(707) 443-0801 ext. 124
Email:	julia-malia.olea@wildlife.ca.gov	Email:	ashehan@humboldtby.org

SECTION 8 – REPORTS

8.01 Progress Reports: Grantee shall submit Quarterly Progress Reports that comply with the requirements below to the CDFW Grant Manager. The CDFW Grant Manager will provide Grantee with a sample Progress Report upon request.

Requirements: The Progress Reports will consist of one hard copy or one electronic PDF copy. The Progress Reports shall describe specific grant activities that are not captured in the meeting minutes such as: accomplishments achieved; problems and solutions; and any pertinent information that may become available to the HSC during the quarter. Since the grant is for one year, Progress Reports are required for the first three quarters only. The fourth quarter Progress Report will serve as the Final Report.

8.02 Final Report: Grantee shall submit a Final Report by the date listed in Section 6.07 – Schedule of Due Dates and/or Deliverables. The report shall summarize the life of this Agreement and describe the work and results pursuant to Section 6 – Project Statement. The Final Report will consist of one hard copy or one electronic PDF copy. As stated above, the fourth quarter Progress Report will serve as the final report. It shall contain all items required in the quarterly report as well as a brief summation of all project activities performed throughout the complete term of the grant. The Final Report will be submitted, electronically, to the CDFW Grant Manager upon completion of the Project tasks. The CDFW Grant Manager will provide Grantee a sample Final Report template, upon request.

8.03 Document Accessibility: CDFW follows the Web accessibility standards of California Government Code Sections 7405 and 11135, and the Web Content Accessibility Guidelines (WCAG). Since all Office of Spill Prevention and Response Harbor Safety Committee Secretariat Services Grant Program Final Reports will be posted to CDFW’s website, grantees must ensure that the WCAG standards for adequate accessibility to people with disabilities are met for all Reports and associated submittals. Final Reports, and all associated documents, should be submitted as Word Documents for ease of editing to meet WCAG standards.

SECTION 9 – BUDGET AND PAYMENT

9.01 Budget Details and Funding Summary: Grantor will provide an amount not to exceed \$21,274.00 as detailed in the Line-Item Budget Detail (Budget) below.

Q2375061**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

Grantee will provide Grantor accurate records of all cost share with Grantee's Final Report.

Line-Item Budget Detail	
A. PERSONNEL SERVICES	
Program Administrator (\$50/hour @ 33hours)	\$1,650.00
Administrative Support (\$30/hour @ 350hours)	\$10,500.00
Subtotal Personnel Services	\$12,150.00
Staff Benefits 25% (If Applicable)	\$3,037.50
Total Personnel Services	\$15,187.50
B. OPERATING EXPENSES: GENERAL	
Field Supplies (List Grantee field supplies in Section 6.05 – Materials and Equipment)	\$4,651.50
Travel (Not to exceed state reimbursement rates)	\$1,000.00
Subtotal Operating Expenses: General	\$5,651.50
C. OPERATING EXPENSES: SUBCONTRACTORS	
HSC Website Maintenance (Subcontractor 1) (\$36.25/month @ 12 months)	\$435.00
Subtotal Operating Expenses: Subcontractors	\$435.00
D. OPERATING EXPENSES: EQUIPMENT	
Not Applicable	\$0.00
Subtotal Operating Expenses: Equipment	\$0.00
E. INDIRECT COSTS	
Indirect Charge Rate 0% (Applies to Sections A + B only)	\$0.00
F. GRAND TOTAL (A+B+C+D+E)	\$21,274.00

9.01.1 Budget Flexibility: Grantee must submit all budget line-item revision requests, in writing, to the CDFW Grant Manager, prior to implementing any changes. All proposed budget changes require prior approval from the CDFW Grant Manager, regardless of budgetary impact.

Informal Budget adjustments between existing line items may be permitted. Any revision to the Line-Item Budget Detail must comply with Section 5.08 – Amendments. Considerations for informal Budget adjustments, if granted, must include:

1. Revisions that are consistent with the purpose, objectives, and description of the Project as detailed in Section 6 – Project Statement;
2. Revisions that do not increase or decrease the total Agreement amount;
3. Revisions that do not substitute key personnel; and
4. Line-item shifts **within** a budget category (e.g., Field Supplies to Travel) of up to \$25,000 or 10% of the Agreement amount, whichever is less.

Q2375061**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

Formal Budget adjustments will be considered by the Grantor, with prior approval from the CDFW Grant Manager. An amendment to the Agreement is required if a formal Budget adjustment is approved. Considerations for formal amendments, if granted, include:

1. Shifting Grant Funds between budget categories (e.g., Personnel Services to Operating Expenses);
2. Increasing or decreasing the total Agreement amount;
3. Substituting key personnel; or
4. Line-item shifts **within** a budget category (e.g., Field Supplies to Travel) that exceed \$25,000 or 10% of the Agreement amount, whichever is less.

9.02 Payment Provisions:

- 9.02.1 Disbursements:** Grantor will disburse Grant Funds to Grantee not more frequently than monthly in arrears, upon receipt of an original itemized invoice and any required mandatory documentation as identified in Section 6.07 – Schedule of Due Date and/or Deliverables.

Grant disbursements will be mailed to the following Grantee address:

Grantee Name:	Humboldt Bay Harbor Recreation and Conservation District
Attention:	Larry Oetker
Address:	P.O. Box 1030 Eureka, CA 95502-1030

- 9.02.2 Invoice Documentation:** Each invoice for payment must be accompanied by a written description, not to exceed two pages in length, of Grantee's performance under this Agreement since the time the previous such report was prepared. The report shall describe the types of activities and specific accomplishments during the period for which the payment is being made rather than merely listing the number of hours worked during the reporting period. If there is cost share involved with the project, the final invoice must include a budget summary of cost share expenditures by fund source. The CDFW Grant Manager will provide Grantee with a sample invoice template upon request. The Final Invoice is due in accordance with Section 6.07 – Schedule of Due Dates and/or Deliverables. The invoice package must be either mailed hard copy or electronic submission to CDFW Grant Manager contact located in Section 7 – Contacts.

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Requirements: The invoice shall contain the following information:

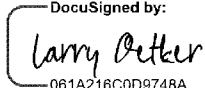
1. The word "Invoice" should appear in a prominent location at the top of the page(s);
2. Printed name of Grantee on company letterhead;
3. Grantee's business address, including P.O. Box, City, State, and Zip Code;
4. Name of the CDFW Region/Division being billed;
5. The invoice date and the time period covered; i.e., the term "from" and "to";
6. This Agreement number and the sequential number of the invoice (i.e., Q2375061-Invoice 1);
7. The invoice must be itemized using the categories and following the format of the Budget;
8. The total amount due. This should be in a prominent location in the lower right-hand portion of the last page and clearly distinguished from other figures or computations appearing on the invoice. The total amount due shall include all costs incurred by Grantee under the terms of this grant;
9. The original signature of Grantee; and
10. Grantee must provide supporting documentation for the invoice and actual receipts.

Q2375061

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of Grantor date set forth below the signature.

AUTHORIZED AGENT FOR GRANTEE

By: 
Signature: _____
061A216C0D9748A...

Printed Name: Larry Oetker

Title: Executive Director

Date: 4/11/2023

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

By:
Signature: _____

Printed Name: Amy Mowrer

Title: Branch Chief, Business Management Branch

Date: _____

This Agreement is exempt from DGS-OLS approval, per SCM 4.06.

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
June 8, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: June 1, 2023

TITLE: Consider Adopting Resolution No. 2023-11, A Resolution of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District Accepting the Real Property in the County of Humboldt Designated as Assessor Parcel Number 401-031-083 and Authorizing the Executive Director and/or President of the Board of Commissioners to Fund and Close Escrow

STAFF RECOMMENDATION: Staff recommends the Board: Adopt Resolution No. 2023-11 and accept Real Property in the County of Humboldt, designated as Assessor Parcel Number 401-031-083, and authorize the Executive Director and/or President of the Board of Commissioners to fund and close escrow.

SUMMARY: By way of that certain Agreement for the Purchase and Sale of Real Property, Samoa Pacific Group, Owner, agreed to convey to the Humboldt Bay Harbor, Recreation, and Conservation District (“District”), as assignee to the Humboldt Bay Development Association, certain real property designated as Assessor Parcel Number 401-031-083, for the total purchase price of \$3,000,000.

ATTACHMENTS:

A. Resolution No. 2023-11

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

RESOLUTION NO. 2023-11

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACCEPTING THE REAL PROPERTY IN THE COUNTY OF HUMBOLDT DESIGNATED AS ASSESSOR PARCEL NUMBER 401-031-083 AND AUTHORIZING THE EXECUTIVE DIRECTOR AND/OR PRESIDENT OF THE BOARD OF COMMISSIONERS TO FUND AND CLOSE ESCROW

WHEREAS, Samoa Pacific Group LLC (“Owner”) owns certain real property located on the Samoa Peninsula, Humboldt County, State of California, generally described as Humboldt APN 401-031-083 and particularly described as Lot 135, as shown on Tract Map 665, recorded on August 18, 2021, in Book 25 of Maps, Pages 127-141, in the Office of the Recorder for the County of Humboldt (the “Property”); and

WHEREAS, by way of that certain Agreement for the Purchase and Sale of Real Property, Owner agreed to convey the Property to the Humboldt Bay Harbor, Recreation, and Conservation District (“District”), as assignee to the Humboldt Bay Development Association, for the total purchase price of \$3,000,000; and

WHEREAS, the Harbors and Navigation Code authorizes the District to acquire any real property within the district by negotiated agreement; and

WHEREAS, Owner intends to execute a Grant Deed conveying the Property to the District and the District agrees to accept the Grant Deed from Owner once executed;

WHEREAS, by way of this Resolution, the Board desires to authorize the Executive Director of the District and/or the President of the Board of Commissioners to execute all documents necessary to effectuate the close of escrow for the acquisition of the Property and to take any and all necessary actions related thereto.

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

1. The Executive Director of the District and/or the President of the Board of Commissioners is hereby authorized to execute all documents (including, without limitation, a Certificate of Acceptance) necessary to effectuate the close of escrow for the acquisition of the Property and to take any and all necessary actions related thereto.

2. The District authorizes and directs the escrow officer to close escrow by recordation of the Grant Deed.

PASSED, APPROVED AND ADOPTED this 8th day of June, 2023, by the following polled vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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. 2023-11 entitled,

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACCEPTING THE REAL PROPERTY IN THE COUNTY OF HUMBOLDT DESIGNATED AS ASSESSOR PARCEL NUMBER 401-031-083 AND AUTHORIZING THE EXECUTIVE DIRECTOR AND/OR PRESIDENT OF THE BOARD OF COMMISSIONERS TO FUND AND CLOSE ESCROW

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 June 2023; 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 June 2023.

Aaron Newman, Secretary
Board of Commissioners