

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

**DATE:** November 12, 2020

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

**PLACE:** Join Zoom Meeting  
<https://us02web.zoom.us/j/3432860852>

Meeting ID: 343 286 0852  
One tap mobile  
(669) 900-9128, 343 286 0852# US

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

**2. Public Comment**

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

**3. Move to Closed Session**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease and sublease of District's lease interest by District under lease between the District and Mario's Marina LLC dated April 1, 2016 for the real property commonly known as Mario's Marina in Shelter Cove (APN: 108-171-023-000), Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Mario's Marina and Shelter Cove Fisherman's Preservation, Inc. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-111-006 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Chris Brungardt, RTI Infrastructure, INC. Under negotiation: price and payment terms.

## **Agenda for November 12, 2020 Regular Board Meeting**

- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Number 401-031-061 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director. Negotiating party: Pete Jackson, Green Diamond Resource Company. Under negotiation: price and payment terms.
4. **Call to Order Regular Session at 6:00 P.M. and Roll Call**
5. **Pledge of Allegiance**
6. **Report on Closed Session**
7. **Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the **various issues NOT itemized on this Agenda**. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public NOT appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.*
8. **Consent Calendar**
  - a) Adopt Minutes for October 8, 2020 Regular Board Meeting
  - b) Adopt Minutes for October 28, 2020 Special Board Meeting
  - c) Receive District Financial Reports for September 2020
  - d) Adopt Amended Minutes to Correct Administrative Error
  - e) Accept Donation in the Amount of \$23,000 from Sequoia Investments XI, LLC, Samoa Dunes II, LLC and Samoa Dunes I, LLC towards the acquisition of the Dog Ranch Properties.
9. **Communications, Reports and Correspondence Received**
  - a) Executive Director's Report
  - b) Staff Reports
  - c) District Counsel and District Treasurer Reports
  - d) Commissioner and Committee Reports
  - e) Correspondence Received

**10. Unfinished Business**

**a) Adopt Resolution 2020-15 Establishing User Fees for the Discharge of Effluent Out the 1 ½ Mile RMT II Ocean Outfall Pipe**

*Recommendation:* Staff recommends that the Board: Adopt Resolution NO 2020-15 adopting the fee structure for the discharge of effluent of the ocean outfall for the Samoa Peninsula Wastewater Treatment Plant (WWTP).

*Summary:* On June 19<sup>th</sup>, the Board reviewed a draft ocean outfall rate study. The rate study analyzed the District's costs to maintain the 1 ½ mile ocean outfall pipe and to upgrade the pumps, controls, and headworks to discharge up to 30 million gallons per day (MGD) of discharge as well as operation, inspection, and maintenance costs. Resolution NO. 2020-15 only establishes fees for the Samoa WWTP. Fees for the Nordic Aquafarms and other users would continue to be analyzed and fees would come back to the Board for approval.

**b) Consideration of Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands (aka Dog Ranch).**

*Recommendation:* Staff recommends that the Board: Approve execution of the Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands (aka Dog Ranch).

*Summary:* The Samoa Dunes and Wetlands property is owned by Friends of the Dunes. The Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands will allow for cooperative management of the property by federal, state and local agencies. The District would provide up to \$22,500 of funding over three years for management of the property.

**11. New Business**

**a) Discussion Regarding Lease between Harbor District and Mario's Marina and Sublease between Harbor District and Shelter Cove Fishing Preservation Incorporated, Shelter Cove (APN 108-171-023-000)**

*Recommendation:* Staff recommends that the Board: Direct the Executive Director to work with the Shelter Cove Subcommittee, property owner, Shelter Cove Fishing Preservation Incorporated (SCFPI), and Resort Improvement District (RID) to determine the best pathway to ensure that the property benefits the community of Shelter Cove.

*Summary:* The Harbor District leases an area in Shelter Cove from Mario's Marina that is used for boat storage, launching, fish cleaning and other services that supports commercial and recreational fishing. The area is subleased to and operated by SCFPI. The lease and sublease both expire on March 31, 2020. District staff is seeking Board direction regarding the lease and sublease.

**b) Consideration of Term Sheet related to Harbor District Management of the Tuluwat Island Wetland Mitigation Project**

*Recommendation:* Staff recommends that the Board: Approve execution of the Tuluwat Island Wetland Mitigation Project term sheet.

*Summary:* Caltrans and District staff developed a term sheet that outlines basic terms and conditions for the District to (1) manage a solicitation for competitive proposals to conduct salt marsh restoration activities on Tuluwat Island; and (2) manage implementation of the awarded contract. District staff is requesting Board consideration of executing the term sheet.

**c) Consideration of Letter Supporting US Coast Guard Operations**

*Recommendation:* Staff recommends that the Board: Approve a letter affirming the District's support for the US Coast Guard's Humboldt Bay presence.

*Summary:* The US Coast Guard leases berthing and office space from the Harbor District at Woodley Island Marina. The Board is to consider sending the Coast Guard a letter recognizing the importance of the Coast Guard's presence and affirming the District's commitment to provide facilities and resources that will allow for the Coast Guard's continued success.

**12. Future Agenda Items**

**13. Adjournment**

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

**October 8, 2020**

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

**REGULAR SESSION – 6:02 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  MARKS  
                  HIGGINS  
                  KULLMANN

ABSENT:       DOSS – Arrived at 6:15 P.M.

QUORUM:       YES

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Uri Driscoll and Kent Sawatsky.

**CONSENT CALENDAR**

- a) Adopt Minutes for September 10, 2020 Regular Board Meeting
- b) Receive District Financial Reports for July 2020
- c) Receive District Financial Reports for August 2020
  - I. COMMISSIONER MARKS MOVED TO APPROVE CONSENT CALENDAR ITEMS A-C. COMMISSIONER HIGGINS SECONDED.
  - II. Chair Kullmann opened the item to public comment. No one commented.
  - III. Chair Kullmann moved the discussion back to the Commission.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes:   DALE, HIGGINS, KULLMANN, MARKS  
Noes:   NONE  
Absent: DOSS  
Abstain: NONE

**COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report
- b) Staff Reports
  - I. Staff presented on recent District Activities

- c) District Counsel and District Treasurer Reports
  - I. No report
- d) Commissioner and Committee Reports
  - I. Commissioners reported on recent activities and subcommittees
- e) Correspondence Received
  - I. None

**UNFINISHED BUSINESS - NONE**

**NEW BUSINESS**

- a) **Consider Adopting Resolution 2020-13: A Resolution Declaring Various Items as Surplus Property and for the Sale of Surplus Personal Property Belonging to the Humboldt Bay Harbor, Recreation, and Conservation District**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Kent Sawatsky commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2020-13: A RESOLUTION DECLARING VARIOUS ITEMS AS SURPLUS PROPERTY AND FOR THE SALE OF SURPLUS PERSONAL PROPERTY BELONGING TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTICT.

COMMISSIONER MARKS SECONDED.

MOTION WAS AMMENDED TO INCLUDE ADDITIONS/SUBTRACTIONS FROM THE LIST OF ITEMS FOR SALE AS WELL AS AUTHORIZATION FOR DISPOSAL OF UNSOLD ITEMS.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

- b) **Consider Adopting Resolution 2020-14: A Resolution Authorizing the Submittal of an Application for US Environmental Protection Agency Brownfield Grant Funding**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Kent Sawatsky and Uri Driscoll commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER MARKS MOVED TO ADOPT RESOLUTION 2020-14: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR US ENVIRONMENTAL PROTECTION AGENCY BROWNFIELD GRANT FUNDING.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE  
Absent: NONE  
Abstain: NONE

**c) Amendment No. 3 to Ordinance 8, An Ordinance of the Board of Commissioners Amending the Conflict of Interest Code of the Humboldt Bay Harbor, Recreation and Conservation District**

- I. District Counsel presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Kent Sawatsky and Uri Driscoll commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MOVED TO AMEND ORDINANCE 6.  
COMMISSIONER DOSS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**FUTURE AGENDA ITEMS**

- a) Billboard Ordinance No. 7
- b) CA Endangered Species Act for Long Fin Smelt
- c) Sediment Reuse from WIM Dredging
- d) Brown Act Training
- e) Shelter Cove Agreement, 2<sup>nd</sup> Phase
- f) Trail Around the Bay - Rail Corridor Issues and the effect of the county's plan on transportation/shipping around the bay. Perhaps someone from the county could do a presentation.

**ADJOURNMENT – 7:15 P.M.**

APPROVED BY:

RECORDED BY:

\_\_\_\_\_  
Patrick Higgins  
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**

**October 28, 2020**

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

**SPECIAL SESSION – 5:01 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  DOSS  
                  MARKS  
                  HIGGINS  
                  KULLMANN

ABSENT:        NONE

QUORUM:       YES

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting’s agenda: No one commented.

**BUSINESS**

**a) Consider Authorizing the Submittal of an Application for the Community Power Resiliency Allocation to Special Districts Program Grant Funding**

- I. Executive Director presented the item for Red Tank Dock only, no longer considering Woodley Island Marina.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. No one commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER MARKS MOVED TO AUTHORIZE THE SUBMITTAL OF AN APPLICATION FOR THE COMMUNITY POWER RESILIENCY ALLOCATION TO SPECIAL DISTRICTS PROGRAM GRANT FUNDING.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes:     DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes:     NONE

Absent:   NONE

Abstain:  NONE

**ADJOURNMENT – 5:12 P.M.**



***Draft Minutes for October 28, 2020 Special Board Meeting***

APPROVED BY:

RECORDED BY:

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

\_\_\_\_\_  
Mindy Hiley  
Director of Administrative Services

## HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

For The Months Ended September 30, 2020 and August 31, 2020

	<u>9/30/20</u>	<u>8/31/20</u>
<b><u>Account Balances</u></b>		
Checking	\$ 97,763	\$ 19,708
Savings	15,411	7,497
Tariff	428,056	498,056
County Treasury	179,178	139,178
Cash on hand	1,300	1,449
<b>Total Cash</b>	<b><u>721,708</u></b>	<b><u>665,888</u></b>
Add: Accounts Receivable (less doubtful accounts)	641,170	618,671
Less: Accounts Payable	(386,417)	(222,134)
Available Cash and Receivables	<u>\$ 976,461</u>	<u>\$1,062,425</u>
<b><u>Change in Cash Balance</u></b>		
Balance, Beginning of Month	\$ 665,888	\$ 709,636
Monthly Deposits	266,735	197,462
Monthly Payments	(210,915)	(241,210)
Balance, End of Month	<u>\$ 721,708</u>	<u>\$ 665,888</u>
<b><u>Monthly Payments Summary</u></b>		
Significant/Unusual Expenses:		
Humboldt Bay Development Assoc lease payment		\$ 50,649
Sub-total, Significance/Unusual Expenses	-	50,649
General operating expenses and other misc. expense	\$ 210,915	190,561
Total Cash Payments	<u>\$ 210,915</u>	<u>\$ 241,210</u>
<b><u>Monthly Deposits Summary</u></b>		
Significant/Unusual Revenues:		
Property taxes and interest income	\$ 40,000	
Sub-total, Significant/Unusual Revenues	40,000	-
General revenues	\$ 226,735	\$ 197,462
Total Cash Receipts	<u>\$ 266,735</u>	<u>\$ 197,462</u>

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

**Profit & Loss**

11/06/20

September 2020

Accrual Basis

	Sep 20
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Discount	44.27
<b>Dredging Revenue</b>	
41318 · Dredging Surcharge - T	9,448.92
<b>Total Dredging Revenue</b>	9,448.92
<b>Float Replacement Account</b>	
41418 · Float Replacement	6,162.86
<b>Total Float Replacement Account</b>	6,162.86
<b>Utility Surcharge</b>	
40409 · Utility Surcharge - NT	3,470.25
40418 · Utility Surcharge, Marina Dock	5,040.26
<b>Total Utility Surcharge</b>	8,510.51
<b>Tax Revenue</b>	
43809 · TIMBER YIELD TAX GUAR G/NT	1,000.00
43609 · HOMEOWNERS EXEMPT G/NT	1,167.00
43509 · Property Tax Revenues	90,122.00
<b>Total Tax Revenue</b>	92,289.00
<b>Other Revenue</b>	
45909 · Other Revenue - NT	31.00
45908 · Other Revenue - T	40.00
<b>Total Other Revenue</b>	71.00
<b>Interest Revenue</b>	
43109 · Interest Income - NT	13,479.00
43108 · Interest Income - T	188.04
<b>Total Interest Revenue</b>	13,667.04
<b>Rent Income</b>	
41108 · Rents, Tidelands Leases - T	32,492.12
40318.1 · Transient Rentals - T	4,591.27
40519 · Equipment Rent - NT	80.00
40809 · Yard Rent - NT	3,736.00
41309 · Storage - NT	10,502.15
41409 · Upland Rent - NT	
41409.2 · Redwood Terminal 2 - NMTC	5,007.69
41409 · Upland Rent - NT - Other	77,556.69
<b>Total 41409 · Upland Rent - NT</b>	82,564.38
40218 · Slip Rents - T	46,049.81
<b>Total Rent Income</b>	180,015.73
<b>Fees</b>	
40108 · PERMITS-T	500.00
41818 · Late Charges/Interest - T	800.00
45608 · Chevron - Ports O&M - T	8,087.50
41819 · Late Charges/Interest - NT	50.00
40808 · Pilotage Services - T	22,000.00
<b>Total Fees</b>	31,437.50
<b>Sales</b>	
40119 · Concession Sales - NT	583.50
<b>Total Sales</b>	583.50
<b>Donations</b>	
46519 · Donations - Lighthouse	1.00

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

## Profit &amp; Loss

11/06/20

September 2020

Accrual Basis

	Sep 20
Total Donations	1.00
Total Income	342,231.33
Gross Profit	342,231.33
Expense	
Personnel Expenses	
Salaries/Wages	
50100 · Salaries & Wages - NT	59,174.15
50108 · Salaries & Wages - T	401.44
Total Salaries/Wages	59,575.59
Payroll Burden	
6560 · Workers' Comp	2,924.59
50500 · Payroll Benefits, Other - NT	6,210.15
50508 · Payroll Benefits, Other - T	320.05
Total Payroll Burden	9,454.79
Commissioners Fees	
50200 · Commissioner's Salaries - NT	1,470.00
50208 · Commissioner's Salaries - T	630.00
Total Commissioners Fees	2,100.00
Total Personnel Expenses	71,130.38
Communications	
51400 · Communications - NT	1,974.17
51408 · Communications - T	419.01
Total Communications	2,393.18
Conference & Meetings	
51500 · Conferences & Meetings - NT	395.35
Total Conference & Meetings	395.35
Dues, Subscriptions & Licences	
51600 · Dues & Subscriptions - NT	18,233.20
51608 · Dues & Subscriptions - T	125.25
Total Dues, Subscriptions & Licences	18,358.45
Elections & Government Fees	
51700 · Elections & Prop Tax Assess-NT	47,201.46
Total Elections & Government Fees	47,201.46
Insurance	
51800 · Insurance - NT	7,882.56
51808 · Insurance - T	1,055.67
Total Insurance	8,938.23
Office Supplies	
51900 · Office Supplies - NT	1,899.55
51908 · Office Supplies - T	768.50
51918 · OFFICE EXPENSE M/T	20.60
Total Office Supplies	2,688.65
Maintenance Supplies	
52010 · Maintenance Supplies - NT	1,195.24
Total Maintenance Supplies	1,195.24
Permits	
51618 · Permits - T	196.68

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

## Profit &amp; Loss

11/06/20

September 2020

Accrual Basis

	Sep 20
Total Permits	196.68
<b>Utilities</b>	
52909 · Utilities - NT	21,642.58
52918 · Utilities - T	5,117.66
53000 · Water, Sewer, & Refuse - NT	9,476.55
53008 · Water, Sewer, & Refuse - T	7,637.84
Total Utilities	43,874.63
<b>Fuel</b>	
50400 · IMPUTED AUTO VALUE G/A	78.40
51208 · Vessel Fuel	188.16
51218 · Automotive, Fuel - T	376.89
51200 · Automotive, Fuel- NT	298.49
Total Fuel	941.94
<b>Accounting/Auditing Services</b>	
52500 · Accounting Fees - T	495.00
52508 · Accounting Fees - NT	165.00
Total Accounting/Auditing Services	660.00
<b>Legal Services</b>	
52300 · Legal Fees - NT	2,527.13
52308 · Legal Fees - T	842.37
Total Legal Services	3,369.50
<b>Planning Services</b>	
52208 · Planning Fees - T	53.00
52200 · Planning Fees - NT	3,034.00
Total Planning Services	3,087.00
<b>Engineering Services</b>	
52400 · Engineering Fees - NT	2,251.25
52408 · Engineering Fees - T	9,215.30
Total Engineering Services	11,466.55
<b>Other Professional/Outside Serv</b>	
52110 · OUTSIDE SERVICES M/A	195.00
52109 · Outside Services, Other - NT	1,589.00
Total Other Professional/Outside Serv	1,784.00
<b>Small Tools</b>	
52800 · Small Tools - NT	164.91
Total Small Tools	164.91
<b>Maintenance - Facilities</b>	
52708 · Repairs & Maint, Facilities - T	2,390.39
52719 · Repairs & Maint, Facilities - N	2,793.07
Total Maintenance - Facilities	5,183.46
<b>Maintenance - Equipment</b>	
52718 · Repairs & Maint, Equip - T	232.46
52710 · Repairs & Maint, Equip - NT	1,841.86
51209 · Automotive, Repairs - NT	771.36
Total Maintenance - Equipment	2,845.68
<b>Maintenance - IT</b>	
57009 · Maintenance, IT Equip - NT	601.50
Total Maintenance - IT	601.50
<b>Dredging Expense</b>	

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

## Profit &amp; Loss

11/06/20

September 2020

Accrual Basis

	<u>Sep 20</u>
55608 · Dredging Expense - T	47.40
<b>Total Dredging Expense</b>	<b>47.40</b>
<b>Rent Expense</b>	
54308 · Redwood Terminal 2 Lease Expens	17,501.00
<b>Total Rent Expense</b>	<b>17,501.00</b>
<b>Interest Expense</b>	
55119 · INTEREST EXPENSE M/NT	3,239.00
55109 · Interest Expense - NT	5,643.21
55108 · Interest Expense - T	7,862.61
<b>Total Interest Expense</b>	<b>16,744.82</b>
<b>Grant Expenses</b>	
<b>Harbor Grant Expenses</b>	
54408.1 · Harbor Grant Exp	30.00
<b>Total Harbor Grant Expenses</b>	<b>30.00</b>
<b>Conservation Grant Expenses</b>	
54408.3 · Conservation Grant Exp	17,235.00
<b>Total Conservation Grant Expenses</b>	<b>17,235.00</b>
<b>Total Grant Expenses</b>	<b>17,265.00</b>
<b>Total Expense</b>	<b>278,035.01</b>
<b>Net Ordinary Income</b>	<b>64,196.32</b>
<b>Net Income</b>	<b><u>64,196.32</u></b>

3:30 PM

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

11/06/20

As of September 30, 2020

Accrual Basis

	Sep 30, 20
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
10901 · RESTRICTED - COUNTY TREASURY	720,428.00
10600.1 · Cash in bank, Tariff BBVA	428,056.12
10700.1 · Cash in bank, Water BBVA	15,411.41
10200.1 · Cash in BBVA, Checking	91,032.91
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	6,729.63
10400 · CASH IN COUNTY - FUND 2720	143,934.08
10500 · CASH IN COUNTY - FUND 3872	35,243.42
10902 · RESTRICTED CASH OFFSET	-720,428.00
<b>Total Checking/Savings</b>	721,687.57
<b>Accounts Receivable</b>	
12000 · ACCTS RECEIVABLE	901,157.73
<b>Total Accounts Receivable</b>	901,157.73
<b>Other Current Assets</b>	
12600 · Note Receivable - NMTC	5,849,375.00
12100 · ALLOW FOR BAD DEBTS	-259,988.12
12200 · TAXES RECEIVBLE	236,867.00
12300 · INTEREST RECEIVBLE	43,138.00
12700 · PREPAID EXPENSES	105,213.58
12800 · LEASE RECEIVABLE	521.26
1499 · Undeposited Funds	20.00
<b>Total Other Current Assets</b>	5,975,146.72
<b>Total Current Assets</b>	7,597,992.02
<b>Fixed Assets</b>	
14900 · DOG RANCH PROPERTY	7,507.70
14800 · SHIPWRECK PROPERTY	50,088.05
<b>CAPITAL ASSETS, NET</b>	
16900 · Dredge	1,215,423.27
16800 · REDWOOD TERMINAL 2	2,613,169.43
16700 · AQUAPONICS PILOT FACILITY	96,036.61
16600 · TABLE BLUFF LIGHTHOUSE	361.44
16500 · HOMELAND SECURITY EQUIPMENT	2,254,007.60
16400 · REDWOOD DOCK PROPERTY	3,010,194.30
16100 · MARINA DREDGE, CONSTR IN PROGRES	809,025.14
16000 · KING SALMON	15,143.99
15900 · DREDGING COSTS	215,226.78
15800 · SHELTER COVE	2,386,247.10
15700 · FL BOAT BLDG & REPAIR FACILITY	4,302,259.53
15600 · MARINA	10,529,004.29
15500 · MARINA, RESTAURANT COMPLEX	34,100.00
15200 · OPERATING EQUIPMENT	314,098.74
15100 · OFFICE EQUIPMENT	193,303.88
15000 · AUTOMOTIVE EQUIPMENT	95,639.08
17000 · ACCUMULATED DEPRECIATION	-16,998,866.17
<b>Total CAPITAL ASSETS, NET</b>	11,084,375.01
<b>Total Fixed Assets</b>	11,141,970.76
<b>Other Assets</b>	
19000 · Deferred Outflows of PERS	270,798.00
<b>Total Other Assets</b>	270,798.00
<b>TOTAL ASSETS</b>	<b>19,010,760.78</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	

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

## Balance Sheet

As of September 30, 2020

11/06/20

Accrual Basis

	Sep 30, 20
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
20000 · ACCOUNTS PAYABLE	326,837.35
<b>Total Accounts Payable</b>	326,837.35
<b>Credit Cards</b>	
20112 · US Bank Visa	290.61
<b>Total Credit Cards</b>	290.61
<b>Other Current Liabilities</b>	
24002 · Groundlease Current Def Income	60,092.31
24000 · Ground Lease Deferred Income	3,906,000.00
<b>Payroll tax &amp; Withholding Liab</b>	
21800 · STATE DISABILITY INSURANCE	-290.73
21400 · SOCIAL SECURITY/MEDICARE TAX	-843.12
21300 · STATE UNEMPLOYMENT TAX	153.95
21200 · STATE WITHHOLDING TAX	-1,024.29
21100 · FEDERAL WITHHOLDING TAX	-2,226.00
<b>Total Payroll tax &amp; Withholding Liab</b>	-4,230.19
20100 · LEASE PAYABLE TO HBDA	759.00
20200 · NOTES PAYABLE	1,310,097.82
20400 · ACCRUED WAGES PAYABLE	21,749.14
20500 · ACCRUED INTEREST	40,560.00
20600 · ACCRUED VACATION PAYABLE	38,030.24
20800 · DEPOSITS ON HAND	
20808 · WAIT LIST DEPOSIT	2,500.00
20801 · KEY DEPOSITS ON HAND	14,360.00
20802 · PLUG DEPOSITS ON HAND	1,120.00
20803 · SLIP DEPOSITS ON HAND	50,482.98
20804 · STORAGE DEPOSITS	3,669.65
20806 · LEASE SECURITY DEPOSIT	60,433.42
20807 · STORAGE DEPOSIT - REDWOOD DOCK	2,750.26
<b>Total 20800 · DEPOSITS ON HAND</b>	135,316.31
22000 · DEFERRED LEASE INCOME	20,685.22
28000 · DEFERRED INCOME	131,588.24
28500 · OTHER DEFERRED CREDITS	723,523.92
<b>Total Other Current Liabilities</b>	6,384,172.01
<b>Total Current Liabilities</b>	6,711,299.97
<b>Long Term Liabilities</b>	
24003 · Groundlease Current Offset	-60,092.31
24001 · Gound Lease Amortization	-274,160.75
27200 · Deferred Inflows of PERS	137,634.00
27000 · Net Pension Liability	1,033,203.00
25700 · BOND PAYABLE 2014 REFINANCING	2,295,450.54
25800 · BBVA Loan Payable	1,196,035.63
25600 · Note Payable-Coast Seafoods Co.	1,004,036.29
25500 · OPEB Liability	342,799.00
25200 · ENVIRONMENTAL REMEDIATION LIAB	66,441.22
25900 · LESS CURRENT PORTION	-1,310,097.82
<b>Total Long Term Liabilities</b>	4,431,248.80
<b>Total Liabilities</b>	11,142,548.77
<b>Equity</b>	
30500 · INVESTMENT IN FIXED ASSETS	9,187,855.05
30900 · RESTRICTED FUND BALANCE	1,192,576.15
31200 · GENERAL FUND BALANCE	
31000 · FUND BALANCE - TIDELANDS TRUST	-2,314,896.20



# Humboldt Bay Harbor, Recreation & Conservation District

## Balance Sheet

As of September 30, 2020

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	<u>Sep 30, 20</u>
31200 · GENERAL FUND BALANCE - Other	-296,797.86
Total 31200 · GENERAL FUND BALANCE	-2,611,694.06
Net Income	90,543.93
Total Equity	7,859,281.07
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>19,001,829.84</u></b>

11:59 AM

Humboldt Bay Harbor, Recreation & Conservation District  
Account QuickReport

10/23/20

As of September 30, 2020

Accrual Basis

Type	Date	Num	Name	Memo	Amount
<b>10200.1 - Cash in BBVA, Checking</b>					
Liability Check	09/03/2020		QuickBooks Payroll Service	Created by Payroll Service on 09/02/...	-19,874.00
Bill Pmt -Check	09/08/2020		Petrusha, Tim	Outfall Inspection Pilotage	-2,200.00
Check	09/04/2020		QuickBooks Payroll Service	Created by Direct Deposit Service o...	-1.75
Liability Check	09/17/2020		QuickBooks Payroll Service	Created by Payroll Service on 09/16/...	-19,331.37
Liability Check	09/29/2020		QuickBooks Payroll Service	Created by Payroll Service on 09/16/...	-1,927.10
Bill Pmt -Check	09/18/2020		Hilficker Company	QuickBooks generated zero amount ...	0.00
Check	09/15/2020			Service Charge	-172.21
Liability Check	09/04/2020	EFT	State Disbursement Unit	0230000067964	-233.53
Bill Pmt -Check	09/04/2020	EFT	CalPERS 457 Program	457Match 09/04/2020	-300.00
Liability Check	09/04/2020	EFT	PERS Unfunded Accrued Liab	2233447024	-4,458.11
Liability Check	09/04/2020	EFT	CalPERS 457 Program	450348	-1,125.00
Bill Pmt -Check	09/04/2020	EFT	PERS Unfunded Accrued Liab	2233447024	-700.00
Bill Pmt -Check	09/04/2020	EFT	PERS Unfunded Accrued Liab	2233447024	-310.79
Liability Check	09/17/2020	EFT	PERS Unfunded Accrued Liab	2233447024 C. Mooers Retro Adj.	-146.26
Bill Pmt -Check	09/18/2020	EFT	CalPERS 457 Program	457Match 09/18/2020	-300.00
Liability Check	09/18/2020	EFT	CalPERS 457 Program	450348	-1,125.00
Liability Check	09/18/2020	EFT	PERS Unfunded Accrued Liab	2233447024	-4,371.80
Bill Pmt -Check	09/18/2020	EFT	PERS Unfunded Accrued Liab	2233447024	-6,042.69
Liability Check	09/18/2020	EFT	State Disbursement Unit	0230000067964	-233.53
Bill Pmt -Check	09/30/2020	EFT	Official State Social Security Admin	2233447024	-300.00
Liability Check	09/02/2020	E-pay	Employment Development Department	499-0307-3 QB Tracking # 2064590...	-1,307.44
Liability Check	09/02/2020	E-pay	Tri Counties Bank	94-2262845 QB Tracking # 2064627...	-3,078.96
Liability Check	09/15/2020	E-pay	Employment Development Department	499-0307-3 QB Tracking # -1920547...	-25.46
Liability Check	09/15/2020	E-pay	Tri Counties Bank	94-2262845 QB Tracking # -192054...	-84.28
Liability Check	09/16/2020	E-pay	Employment Development Department	499-0307-3 QB Tracking # -1877767...	-1,261.31
Liability Check	09/16/2020	E-pay	Tri Counties Bank	94-2262845 QB Tracking # -187775...	-2,942.40
Liability Check	09/16/2020	E-pay	Employment Development Department	499-0307-3 QB Tracking # -1877645...	-21.00
Liability Check	09/16/2020	E-pay	Tri Counties Bank	94-2262845 QB Tracking # -187761...	-321.30
Liability Check	09/30/2020	E-pay	Employment Development Department	499-0307-3 QB Tracking # -1817792...	-1,315.02
Liability Check	09/30/2020	E-pay	Tri Counties Bank	94-2262845 QB Tracking # -181775...	-3,069.12
Bill Pmt -Check	09/01/2020	Pymt	US Bank Corporate Payment System	4246044555706765	-86.87
Bill Pmt -Check	09/04/2020	60497	Juchtzter, Rick	Mileage for use of personal vehicle 5...	-60.30
Bill Pmt -Check	09/04/2020	60498	Pacific Coast Shellfish Growers Assoc.	Member Dues	-500.00
Check	09/04/2020	60499	Holt, Hugh	Tenant Refund	-313.00
Bill Pmt -Check	09/04/2020	60500	California Redwood Co.	Red Tank 06/18/20 - 07/16/20	-1,227.20
Bill Pmt -Check	09/04/2020	60501	Coastal Business Systems, Inc.	WIM Copier Lease 08/20/20-09/20/20	-268.22
Bill Pmt -Check	09/04/2020	60502	Francoyup-Postalia	466106100	-144.78
Bill Pmt -Check	09/04/2020	60503	Planwest Partners, Inc.		-5,093.75
Bill Pmt -Check	09/04/2020	60504	Razursharp	HUMBOLBOX	-11.92
Bill Pmt -Check	09/04/2020	60505	Security Lock & Alarm		-80.18
Bill Pmt -Check	09/04/2020	60506	Southwest Answering Service		-165.00
Bill Pmt -Check	09/04/2020	60507	Standard Insurance Company	ST 908447 0001	-202.60
Bill Pmt -Check	09/04/2020	60508	Advanced Security Systems		-391.50
Bill Pmt -Check	09/04/2020	60509	Alber's Tractor & Ag Work	Mowing	-877.50
Bill Pmt -Check	09/04/2020	60510	Almquist Lumber Co.		-103.31
Bill Pmt -Check	09/04/2020	60511	B & B Portable Toilets	RWD	-105.78
Bill Pmt -Check	09/04/2020	60512	Campton Electric Supply		-118.83
Bill Pmt -Check	09/04/2020	60513	City of Eureka (Sewer)	2001-901804-02	-4,634.83
Bill Pmt -Check	09/04/2020	60514	City of Eureka (Water)	2001-901802-01	-5,448.38
Bill Pmt -Check	09/04/2020	60515	Eureka Rubber Stamp		-32.39
Bill Pmt -Check	09/04/2020	60516	Humboldt Bay Municipal Water Dist.		-806.53
Bill Pmt -Check	09/04/2020	60517	Industrial Electric Service Co.		-125.10
Bill Pmt -Check	09/04/2020	60518	Intuit	2020 Forms 1099-NEC & 1099-MISC	-143.19
Bill Pmt -Check	09/04/2020	60519	Mission Uniform & Linen	299313	-60.03
Bill Pmt -Check	09/04/2020	60520	Pacific Gas & Electric (Non-Energy)	2072047	-404.29
Bill Pmt -Check	09/04/2020	60521	Pierson Building Center	1297	-937.11
Bill Pmt -Check	09/04/2020	60522	Pintermedia LLC		-60.00
Bill Pmt -Check	09/04/2020	60523	Times Printing Co		-259.70
Bill Pmt -Check	09/04/2020	60524	World Oil Enviromental Services	WIM	-160.00
Liability Check	09/16/2020	60527	Operating Engineers Local No. 3	94-2262845	-348.88
Check	09/18/2020	60528	Bindel, Dennis	1126 Tenant Refund	-2,670.00
Check	09/18/2020	60529	Galli, Chad	Tenant Refund	-209.82
Check	09/18/2020	60530	Holvick-Norton,Thatcher	Tenant Refund	-218.40
Check	09/18/2020	60531	Klein, Daniel	Tenant Refund	-136.50
Check	09/18/2020	60532	Krause, Jamie	Tenant Refund	-136.50
Check	09/18/2020	60533	McLaughlin, Andy	Tenant Refund	-136.50
Check	09/18/2020	60534	Miller, Jessup	Tenant Refund	-136.50
Check	09/18/2020	60535	Pierce, Martin	Tenant Refund	-20.00
Check	09/18/2020	60536	Reasoner, Dan	Tenant Refund	-40.00
Bill Pmt -Check	09/18/2020	60537	AT&T Phone	707 443-0801 071 7	-839.96
Bill Pmt -Check	09/18/2020	60538	California Redwood Co.	Red Tank 07/17/20 - 08/17/20	-663.09
Bill Pmt -Check	09/18/2020	60539	Gallagher Marine Insurance	Marine Insurance Renewal incl. Poll...	-14,110.00
Bill Pmt -Check	09/18/2020	60540	IDEMIA	Cory J Mooers, UZZY-32883Y	-125.25
Bill Pmt -Check	09/18/2020	60541	Pacific Gas & Electric (1906-4)	Acct #0670491906-4	-2,253.64
Bill Pmt -Check	09/18/2020	60542	Pacific Gas & Electric (3494-4)	6598073494-4	-152.91
Bill Pmt -Check	09/18/2020	60543	Pacific Gas & Electric (8259-4) address	0074698259-4	-7,512.22
Bill Pmt -Check	09/18/2020	60544	US Bank Corporate Payment System	4246044555706765	-782.10
Bill Pmt -Check	09/18/2020	60545	Verizon Wireless		-76.82

**Humboldt Bay Harbor, Recreation & Conservation District  
Account QuickReport**

Accrual Basis

As of September 30, 2020

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	09/18/2020	60546	101Netlink	WIM	-190.00
Bill Pmt -Check	09/18/2020	60547	Eureka Glass Company, Inc.	Fields Landing Windows	-2,000.05
Bill Pmt -Check	09/18/2020	60548	Eureka Oxygen Company	Cylinder Rental	-187.28
Bill Pmt -Check	09/18/2020	60549	Napa Auto Parts		-139.42
Bill Pmt -Check	09/18/2020	60550	Shafer's Ace Hardware	1586	-55.29
Bill Pmt -Check	09/18/2020	60551	Staples Credit Plan	6035 5178 1247 5530	-1,063.91
Bill Pmt -Check	09/18/2020	60552	Thrifty Supply		-516.92
Bill Pmt -Check	09/18/2020	60553	Total Compensation Systems, Inc.	GASB75 Valuation Services	-1,620.00
Bill Pmt -Check	09/18/2020	60554	Verizon Wireless		-354.45
Bill Pmt -Check	09/18/2020	60557	ACWA JPIA	October 2020	-27,890.62
Bill Pmt -Check	09/18/2020	60558	Coast Seafood Co.	September 2020 Interest and Princip...	-13,000.00
Bill Pmt -Check	09/18/2020	60559	Englund Marine Supply		-1,178.24
Bill Pmt -Check	09/18/2020	60560	Humboldt Bay Solar Fund LLC	HB0520	-14,210.29
Bill Pmt -Check	09/18/2020	60561	Mendes Supply Company	2705	-228.75
Bill Pmt -Check	09/18/2020	60562	North Coast Laboratories, LTD	Samoa SWDS	-1,589.00
Bill Pmt -Check	09/18/2020	60563	Planwest Partners, Inc.		-2,960.64
Bill Pmt -Check	09/18/2020	60564	Recology Eel River	061097997	-402.17
Bill Pmt -Check	09/18/2020	60565	Recology Humboldt County (061218064)	061218064	-668.90
Bill Pmt -Check	09/18/2020	60566	Recology Humboldt County (A00600002...	A0060000265	-2,228.89
Bill Pmt -Check	09/18/2020	60567	Shelter Cove Fishing Preservation Inc	SC Janitorial September 2020	-2,083.33
Bill Pmt -Check	09/18/2020	60568	Shelter Cove Resort Improvement District	SC	-525.12
Bill Pmt -Check	09/18/2020	60569	SHN Consulting Engineers & Geologists		-1,658.29
Bill Pmt -Check	09/18/2020	60570	Valley Pacific Petroleum Services, Inc	114137	-667.70
Total 10200.1 · Cash in BBVA, Checking					-205,390.07
<b>TOTAL</b>					<b>-205,390.07</b>

COMMISSIONERS

1<sup>st</sup> Division

Larry Doss

2<sup>nd</sup> Division

Greg Dale

3<sup>rd</sup> Division

Stephen Kullmann

4<sup>th</sup> Division

Richard Marks

5<sup>th</sup> Division

Patrick Higgins

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



**STAFF REPORT**  
**HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** October 23, 2020

**TITLE:** Amended Minutes to Correct Administrative Error

**STAFF RECOMMENDATION:** Staff recommends that the Board: Adopt the amended minutes.

**SUMMARY:** An administrative error was discovered for closed session items for the following Assessor Parcel Numbers: 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County. Ryan Plotz, District Counsel, recused himself from these negotiations due to a conflict of interest and did not participate in these closed session items.

**DISCUSSION:** While responding to a Public Records Request, it was discovered that there had been an error in reporting the District Negotiators for the above parcel numbers on the Samoa Peninsula, Humboldt County. In order to satisfy the request and to maintain accuracy in reporting, it is requested that the Board of Commissioners adopt the attached amended minutes.

**ATTACHMENTS:**

- A) May 23, 2019 Draft Amended Minutes
- B) October 24, 2019 Draft Amended Minutes
- C) November 14, 2019 Draft Amended Minutes
- D) December 12, 2019 Draft Amended Minutes
- E) June 25, 2020 Draft Amended Minutes
- F) July 16, 2020 Draft Amended Minutes
- G) August 13, 2020 Draft Amended Minutes

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

**May 23, 2019**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date at 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION - 6:00 P.M.**

The Commission met in closed session to discuss the following items:

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Platz, District Counsel~~. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-012-021 and Lease PRC 3186.1 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Negotiating party: Inyo Networks Inc. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 307-101-002 in Fields Landing, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Negotiating party: Terra-Gen, LLC. Under negotiation: price and payment terms.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-031-040 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Under negotiation: price and payment terms.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.

**OPEN SESSION – 7:03 P.M.**

**ROLL CALL:**

PRESENT: DALE  
MARKS  
HIGGINS  
KULLMANN  
DOSS

ABSENT: NONE

QUORUM: YES

**PLEDGE OF ALLEGIANCE**

**REPORT ON EXECUTIVE CLOSED SESSION**

- a) District Counsel, Ryan Plotz reported that no action was taken.
- b) District Counsel, Ryan Plotz reported that no action was taken.
- c) District Counsel, Ryan Plotz reported that no action was taken.
- d) District Counsel, Ryan Plotz reported that no action was taken.
- e) District Counsel, Ryan Plotz reported that the Board of Commissioners unanimously authorized the Executive Director \$25,000 for engineering services to ready the property for lease. District staff will prepare the purchase order.

## **Draft Minutes for May 23, 2019 Regular Board Meeting**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None.

### **CONSENT CALENDAR**

- a) Approval of Meeting Minutes for April 25, 2019 Regular Board Meeting
- b) Approval of Meeting Minutes for May 8, 2019 Special Board Meeting
- c) Receive District Financial Reports for January 2019
- d) Receive District Financial Reports for February 2019
- e) Receive District Financial Reports for March 2019
- f) Letter of Support for North Coast Rail Authority Funding
  - I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR ITEMS A-F. COMMISSIONER HIGGINS SECONDED.
  - II. Chair Dale opened the item to public comment. No members of the public commented.
  - III. Chair Dale moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

### **COMMUNICATIONS AND REPORTS**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. No report.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on their recent activities.
- e) Others – Report on Dredging Permits for Woodley Island Marina and Fields Landing Boat Yard
  - I. Item moved to 10b.

### **UNFINISHED BUSINESS**

- a) **Update on Emergency Shoaling Conditions near Buoy 9 and letter written to USACOE**
  - I. Executive Director and Leroy Zerlang presented the item.
  - II. The Commission received the update.
  - III. Chair Dale opened the item to public comment. No one commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. No formal action was taken.
- b) **Update on Woodley Island Marina and Fields Landing Boat Yard Harbor District Dredging Permit amendments to allow upland disposal for beneficial reuse**
  - I. District Staff presented the item.
  - II. The Commission received the update.
  - III. Chair Dale opened the item to public comment. Tod Reinke rescinded his comment.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. No formal action was taken.
- c) **Consideration of Resolution 2019-06, A Resolution Establishing Findings Relative to the Permit Application by the California Department of Transportation for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project**
  - I. District Staff presented the item.
  - II. The Commission discussed the item. Commissioner Higgins requested that his written comments be entered into the record as Exhibit A attached.

**Draft Minutes for May 23, 2019 Regular Board Meeting**

- III. Chair Dale opened the item to public comment. Jason Meyer and Scott Frazier commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. COMMISSIONER DOSS MADE A MOTION TO APPROVE RESOLUTION 2019-06.  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**d) Consideration of Granting to the California Department of Transportation Permit 2018-01 for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project**

- I. District Staff presented the item
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MOVED TO GRANT PERMIT 2018-01 TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION.  
COMMISSIONER DOSS SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**NEW BUSINESS**

**a) ~~Receive a Report from Humboldt County Office of Economic Development Regarding Sameoa Peninsula Infrastructure~~**

*Humboldt County Office of Economic Development was not present.*

**b) Consideration of Resolution 2019-07, 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 2019-2020**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.
- W. COMMISSIONER KULLMANN MADE A MOTION TO APPROVE RESOLUTION 2019-07.  
COMMISSIONER DOSS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**c) Consideration of Acceptance of Permit Application 2019-02 for Filing**

- 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.
- X. COMMISSIONER HIGGINS MADE A MOTION TO ACCEPT PERMIT APPLICATION 2019-02 FOR FILING.  
COMMISSIONER DOSS SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**d) FY 2019-20 District Budget Preparation – draft goals revenues and expenditures by programmatic activity**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Scott Frazier commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. No formal action was taken.

**ADMINISTRATIVE AND EMERGENCY PERMITS**

**a) Emergency Permit E-2019-03 Caltrans Tide Gate Replacement**

- I. District Staff presented the item.
- III. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Cassie Nichols commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. No formal action required.

**ADJOURNMENT – 9:15 P.M.**

APPROVED BY:

RECORDED BY:

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Patrick Higgins  
Secretary of the Board of Commissioners

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Mindy Hiley  
Director of Administrative Services



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

**October 24, 2019**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date at 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 6:00 P.M.**

The Commission met in closed session to discuss the following items:

- a) CONFERENCE WITH LABOR NEGOTIATORS. Agency designated representatives: Larry Oetker, Executive Director. Employee organization: International Longshore and Warehouse Union Local 14, Unit A
  
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Platz, District Counsel~~. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
  
- c) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case (Coast Seafood).

**OPEN SESSION – 7:03 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  DOSS  
                  MARKS  
                  HIGGINS  
                  KULLMANN

ABSENT:        NONE  
QUORUM:       YES

**PLEDGE OF ALLEGIANCE**

**REPORT ON EXECUTIVE CLOSED SESSION:** No reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Tod Reinke, Kent Sawatsky, Stephen Bakos, Robert McCollough and Mark Condes.

**CONSENT CALENDAR**

- a) Receive District Financial Reports for August 2019
- b) Approval of Meeting Minutes for September 24, 2019 Regular Board Meeting
  - I. COMMISSIONER KULLMANN MOVED TO APPROVE THE CONSENT CALENDAR ITEMS A-B. COMMISSIONER HIGGINS SECONDED.
  - II. Chair Dale opened the item to the public comment. No members of the public commented.
  - III. Chair Dale moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes:           DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes:           NONE  
Absent:         NONE  
Abstain:        NONE

**COMMUNICATIONS AND REPORTS**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. District Counsel reported on legal activities.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on their recent activities.
- e) Others
  - I. No report.

**UNFINISHED BUSINESS**

- a) **Update regarding recently Completed Woodley Island Marina and Fields Landing Boat Yard dredging**
  - I. District staff presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Kent Sawatsky, David Helliwell, Kevin Pinto and Vivian Helliwell commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. No formal action was taken.
  
- b) **Consider Adopting Resolutions 2019-10, 2019-11, 2019-12, 2019-13, 2019-14 and 2019-15 Amending the Fee Schedule for Harbor District Properties and Operations and Amendment No. 7 to Ordinance 15 Tariff Section No. 6 Item 14 Enacting General Tariff No. 1, Establishing Rules, Regulations, Charges, and Fees, Including Harbor Fees on Vessels and Cargo in Connection with the Humboldt Harbor and Bay 38 Foot, Deep Draft Navigation Improvement Project within the Jurisdiction of the Humboldt Bay Harbor, Recreation and Conservation District, and Consent to Read by Title Only.**
  - 1. Draft Resolution 2019-10 Harbor District Office Fee Schedule
    - I. Executive Director presented the item.
    - II. The Commission discussed the item.
    - III. Chair Dale opened the item to public comment. Kent Sawatsky, Felix Huerta and Scott Frazier commented.
    - IV. Chair Dale moved the discussion back to the Commission.
    - V. COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2019-10 HARBOR DISTRICT OFFICE FEE SCHEUDLE.  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE
  
  - 2. Draft AMENDMENT NO. 7 TO ORDINANCE 15 Tariff Section No. 6 Item 14 ENACTING GENERAL TARIFF NO. 1, ESTABLISHING RULES, REGULATIONS, CHARGES, AND FEES, INCLUDING HARBOR FEES ON VESSELS AND CARGO IN CONNECTION WITH THE HUMBOLDT HARBOR AND BAY 38 FOOT, DEEP DRAFT NAVIGATION IMPROVEMENT PROJECT WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, AND CONSENT TO READ BY TITLE ONLY
  
  - 3. Ordinance 15 Amendment NO. 7 and consent to read by title only
    - I. Executive Director presented items 2 and 3 together.
    - II. The Commission discussed the item.
    - III. Chair Dale opened the item to public comment. Kent Sawatsky commented.
    - IV. Chair Dale moved the discussion back to the Commission.
    - V. COMMISSIONER KULLMANN MOVED TO ADOPT AMENDMENT NO. 7 TO ORDINACE 15 BY TITLE ONLY.  
COMMISSIONER HIGGINS SECONDED.

**Draft Minutes for October 24, 2019 Regular Board Meeting**

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

4. Draft Resolution 2019-11 Harbor Fee Schedule
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Kent Sawatsky, Kevin Pinto and Tod Reinke commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2019-11 HARBOR FEE SCHEUDLE.  
COMMISSIONER DOSS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE
  
5. Draft Resolution 2019-12 Fields Landing Boat Yard Fee Schedule
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Robert McCollough and Kevin Pinto commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2019-12 FIELDS LANDING BOAT YARD FEE SCHEDULE  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DOSS, HIGGINS, KULLMANN, MARKS  
Noes: DALE  
Absent: NONE  
Abstain: NONE
  
6. Draft Resolution 2019-13 Redwood Marine Terminal and Shelter Cove Fee Schedule
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Kent Sawatsky commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2019-13 REDWOOD MARINE TERMINAL AND SHELTER COVE FEE SCHEUDLE.  
COMMISSIONER MARKS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE
  
7. Draft Resolution 2019-14 Equipment Fee Schedule
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. No one commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2019-14 EQUIPMENT FEE SCHEUDLE.  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

**Draft Minutes for October 24, 2019 Regular Board Meeting**

Noes: NONE  
Absent: NONE  
Abstain: NONE

8. Draft Resolution 2019-15 Woodley Island Marina Fee Schedule
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Stephen Bakos, Kent Sawatsky, Mark Condes, Jan Abbot, Kevin Pinto, Kim McCollough (for Susan Penn), Vivian Helliwell, Jeanie Davis, Charlie Rockwell, and Robert McCollough commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. COMMISSIONER KULLMANN MOVED TO TABLE THE ITEM AND APPOINT A SUBCOMMITTEE TO DEAL WITH IT AND BRING IT BACK TO THE NOVEMBER MEETING.  
COMMISSIONER MARKS SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**NEW BUSINESS**

**a) Authorize the Release of a Request for Proposals to Lease the District's Fields Landing Boat Yard Site Operations**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Felix Huerta, Kevin Pinto and Tod Reinke commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER MARKS MOVED TO RELEASE A REQUEST FOR PROPOSALS TO LEASE THE DISTRICT'S FIELDS LANDING BOAT YARD SITE OPERATIONS  
COMMISSIONER KULLMANN SECONDED  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**b) Humboldt State University Pilot Seaweed Culture Project**

- I. District staff and Humboldt State University Staff Karen Grey and Rafael Cuevas-Urbe presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Mark Condes commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO AUTHORIZE STAFF TO NEGOTIATE AND EXECUTE A LEASE WITH HUMBOLDT STATE UNIVERSITY FOR A PILOT SEAWEED CULTURE PROJECT AND AUTHORIZE STAFF TO EXECUTE FUTURE MARICULTURE PRE-PERMITTEING PROJECT PROGRAM LEASES WITHOUT BOARD APPROVAL  
COMMISSIONER KULLMANN SECONDED  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**Draft Minutes for October 24, 2019 Regular Board Meeting**

**c) Cancel November and December 2019 Board Meetings**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO CANCEL THE NOVEMBER AND DECEMBER 2019 MEETINGS  
AND RESCHEDULE THEM FOR THE SECOND THURSDAY IN BOTH MONTHS  
COMMISSIONER KULLMANN SECONDED  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**ADMINISTRATIVE AND EMERGENCY PERMITS - NONE**

**ADJOURNMENT – 10:28 P.M.**

APPROVED BY:

RECORDED BY:

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Patrick Higgins  
Secretary of the Board of Commissioners

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Mindy Hiley  
Director of Administrative Services

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

**November 14, 2019**

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, Special Session at 7:00 P.M. at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 5:30 P.M.**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on closed session: Todd Van Herpe.

- a) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case (CUE IV, LLC) Assessors Parcel Numbers 506-051-003, 506-051-004, 506-051-009, 506-061-026, 506-061-027, 506-112-006, 506-121-001.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Plotz, District Counsel~~. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 002-162-001, 002-161-001, 002-162-018, 014-161- 013, 014-161-014, and 014-161-006, and 014-161-007 in the Eureka, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Ted Loring. Under negotiation: price and payment terms.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-112-021,401-111-006, 401-112-030 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Nick Keeler. Under negotiation: price and payment terms.
- e) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case (Coast Seafood).

**SPECIAL SESSION - 7:05 P.M.**

**ROLL CALL:**

PRESENT:     DALE  
                  HIGGINS  
                  KULLMANN  
                  DOSS

ABSENT:       MARKS

QUORUM:      YES

**PLEDGE OF ALLEGIANCE**

**REPORT ON EXECUTIVE CLOSED SESSION – No Reportable Items**

**Draft Minutes for November 14, 2019 Special Board Meeting**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Kent Sawatsky, Ken Bates, Doby Class, Susan Penn, Kevin Collins, Mark Condes, Vivian Helliwell, and Robert McCollough.

**CONSENT CALENDAR - NONE**

**COMMUNICATIONS AND REPORTS**

- a) Executive Director's Report
  - I. No report.
- b) Staff Reports
  - I. No report.
- c) District Counsel and District Treasurer Reports
  - I. No report.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on their recent activities.
- e) Others
  - I. No report.

**UNFINISHED BUSINESS**

- a) **Consider Adopting Resolution 2019-15, A Resolution Establishing Woodley Island Marina Fee Schedule**
  - I. Executive Director presented the item.
  - II. The Commission received the update.
  - III. Chair Dale opened the item to public comment. Kent Sawatsky, Ken Bates, Mark Condes, Kevin Collins, David Helliwell, Stephen Bakos, Robert McCollough, Susan Penn, Vivian Helliwell, Doby Class and Scott Frazier commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. COMMISSIONER HIGGINS MADE A MOTION TO ADOPT RESOLUTION 2019-15 AND THE FORMATION OF A SUBCOMMITTEE TO WORK WITH TENANTS ON DREDGE SURCHARGE AND LIVEBOARD FEES.  
COMMISSIONER DOSS SECONDED  
ROLL CALL VOTE WAS CALLED. MOTION PASSED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN  
Noes: NONE  
Absent: MARKS  
Abstain: NONE
  - VI. Larry Doss and Greg Dale were selected to be on the Dredge Surcharge Fee Subcommittee.

**NEW BUSINESS - NONE**

**ADMINISTRATIVE AND EMERGENCY PERMITS - NONE**

**ADJOURNMENT – 8:25 P.M.**

APPROVED BY:

RECORDED BY:

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Patrick Higgins  
Secretary of the Board of Commissioners

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Mindy Hiley  
Director of Administrative Services

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

**December 12, 2019**

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, Closed Session met at 5:30 P.M., Special Session at 7:00 P.M. at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 5:30 P.M.**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Plotz, District Counsel~~. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 002-162-001, 002-161-001, 002-162-018, 014-161- 013, 014-161-014, and 014-161-006, and 014-161-007 in the Eureka, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Ted Loring. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-112-021, 401-111-006, 401-112-030 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Nick Keeler. Under negotiation: price and payment terms.
- d) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One case) (Glasshouse Gardens Inc)
- e) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case (Coast Seafood).
- f) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.
- g) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of portions of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-031-056 and 401-031-058 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Timber Heritage Association, Pete Oringer. Under negotiation: price and payment terms.

**SPECIAL SESSION - 7:05 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  HIGGINS  
                  KULLMANN  
                  DOSS  
                  MARKS

ABSENT:        NONE  
QUORUM:       YES



**PLEDGE OF ALLEGIANCE**

**REPORT ON EXECUTIVE CLOSED SESSION – No Reportable Items**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Tod Reinke and Robin Grey-Stewart

**CONSENT CALENDAR**

- a) Agreement for Services with the Humboldt Bay Development Association
  - I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR ITEM A. COMMISSIONER KULLMANN SECONDED.
  - II. Chair Dale opened the item to the public comment. Scott Frazier commented.
  - III. Chair Dale moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**COMMUNICATIONS AND REPORTS**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. No report.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on their recent activities.
- e) Others
  - I. No report.

**UNFINISHED BUSINESS - NONE**

**NEW BUSINESS**

- a) **Fishing Community Sustainability pre-planning**
  - I. District staff presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Lori Richmond, Jake Mitchell and Jeremy Laros commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. No formal action was taken
- b) **Update Regarding the Samoa Peninsula Infrastructure Financing**
  - I. District staff presented the item.
  - II. The Commission discussed the item.
  - III. Chair Dale opened the item to public comment. Jeremy Laros commented.
  - IV. Chair Dale moved the discussion back to the Commission.
  - V. No formal action was taken
- a) **Consideration of Resolution 2019-17, A Resolution Designating the Executive Director and Deputy Director of the Humboldt Bay Harbor, Recreation and Conservation District to be Authorized Agents to Engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services Regarding Grants and Reimbursements**
  - I. District Staff presented the item.

**Draft Minutes for December 12, 2019 Special Board Meeting**

- 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. COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2019-17 DESIGNATING THE EXECUTIVE DIRECTOR AND DEPUTY DIRECTOR OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AS AUTHORIZED AGENTS TO ENGAGE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES REGARDING GRANTS AND REIMBURSEMENTS.  
COMMISSIONER KULLMANN SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**ADMINISTRATIVE AND EMERGENCY PERMITS - NONE**

**ADJOURNMENT – 8:10 P.M.**

APPROVED BY:

RECORDED BY:

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Patrick Higgins  
Secretary of the Board of Commissioners

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Mindy Hiley  
Director of Administrative Services

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

**June 25, 2020**

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 7:00 P.M. by video conference with an option for teleconference.

**CLOSED SESSION – 5:10 P.M.**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: Kent Sawatsky.

- a) CONFERENCE WITH LABOR NEGOTIATORS. Agency designated representatives: Larry Oetker, Executive Director. Employee organization: Operating Engineers Local Union No. 3, AFL-CIO.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Plotz, District Counsel~~. Negotiating party: Security National. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Number 401-031-056-000 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party Timber Heritage Association. Under negotiation: price and payment terms.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease of real property adjacent and northeast of APN 506-121-001-000 in Arcata Bay, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party Hog Island Oyster Company and Humboldt Bay Oyster Company. Under negotiation: price and payment terms.

**REGULAR SESSION - 7:00 P.M.**

**ROLL CALL:**

PRESENT: DALE  
KULLMANN  
DOSS  
MARKS

ABSENT: HIGGINS – Arrived at 7:10 P.M.  
QUORUM: YES

**REPORT ON EXECUTIVE CLOSED SESSION –** No reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Uri Driscoll, Kent Sawatsky, and Scott Frazier (asked to remove item 7b from Consent Calendar).

**COMMUNICATIONS AND REPORTS**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. No report.

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- d) Commissioner and Committee Reports
  - I. Commissioners reported on their recent activities.
- e) Others
  - I. No report.

**CONSENT CALENDAR**

- a) Receive District Financial Reports for March 2020
- b) Receive District Financial Reports for April 2020
- c) Receive District Financial Reports for May 2020
- d) Adopt Minutes for April 23, 2020 Regular Board Meeting
- e) Adopt Minutes for April 29, 2020 Special Board Meeting
- f) Adopt Minutes for May 14, 2020 Special Board Meeting
- g) Adopt Minutes for May 28, 2020 Regular Board Meeting
- h) Adopt Minutes for June 11, 2020 Special Board Meeting
- i) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Pat Burns, dba Comet Fisheries/North Coast River Adventures.
- j) Approve salary schedules for CalPERS audit compliance

I. COMMISSIONER MARKS MOVED TO APPROVE CONSENT CALENDAR ITEMS A and C-J.  
COMMISSIONER DOSS SECONDED.

II. Chair Kullmann opened the item to the public comment. No one commented.

III. Chair Kullmann moved the discussion back to the Commission.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

I. COMMISSIONER DOSS MOVED TO APPROVE CONSENT CALENDAR ITEM B.  
COMMISSIONER MARKS SECONDED.

II. Chair Kullmann opened the item to the public comment. Scott Frazier commented.

III. Chair Kullmann moved the discussion back to the Commission.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**NEW BUSINESS**

- a) **Consider Adopting Resolution No. 2020-07, A Resolution Adopting the Final Fiscal Year 2020-21 Humboldt Bay Harbor, Recreation and Conservation District Budget and Goals**

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Kullmann opened the item to public comment. Kent Sawatsky commented.

IV. Chair Kullmann moved the discussion back to the Commission.

V. COMMISSIONER DALE MOVED TO ADOPT RESOLUITON NO. 2020-07, A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2020-21 HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BUDGET AND GOALS.  
COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**b) Consider Amending Ordinance 6, An Ordinance Establishing Procedures for the Conduct of Meetings, Elections of Officers and the Passage or Approval of Ordinances and Resolutions for the Humboldt Bay Harbor, Recreation and Conservation District**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Kent Sawatsky commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MOVED TO AMEND ORDINANCE 6.  
COMMISSIONER DALE SECONDED.
- VI. No formal action taken, motion was rescinded, and Board of Commissioners directed Executive Director to draft an Amendment to Ordinance 6.

**c) Report on Draft Redwood Marine Terminal II Ocean Outfall Rate Study**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Kent Sawatsky and Chris Watt commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
- V. Report only, no formal action was taken.

**d) Humboldt Bay Oyster Company Lease Amendment and Approval of Sublease from Humboldt Bay Oyster Company to Hog Island Oyster Company**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Kent Sawatsky and Scott Frazier commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MOVED APPROVE PROPOSED AMENDMENTS TO HUMBOLDT BAY OYSTER COMPANY PARCEL A TIDELAND LEASE AND PARCEL B TIDELAND LEASE AND TO APPROVE A SUBLEASE FROM HUMBOLDT BAY OYSTER COMPANY TO HOG ISLAND OYSTER COMPANY WITHIN THE AREA OF HUMBOLDT BAY OYSTER COMPANY'S PARCEL A TIDELAND LEASE AND PARCEL B TIDELAND LEASE.  
COMMISSIONER MARKS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE

**PERMITS – NONE**

**ADJOURNMENT – 8:28 P.M.**

APPROVED BY:

RECORDED BY:

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

\_\_\_\_\_  
Mindy Hiley  
Director of Administrative Services

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

**July 16, 2020**

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 via video conference with a teleconference option.

**CLOSED SESSION – 5:00 PM**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: Kent Sawatsky and Felix Huerta.

- a) CONFERENCE WITH LABOR NEGOTIATORS. Agency designated representatives: Larry Oetker, Executive Director. Employee organization: Operating Engineers Local Union No. 3, AFL-CIO.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Plotz, District Counsel~~. Negotiating party: Security National. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential sale / lease of the dredge Nehalem located at Fields Landing, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Under negotiation: price and payment terms.

**SPECIAL SESSION – 6:02 P.M.**

**ROLL CALL:**

PRESENT: DALE  
DOSS  
MARKS  
HIGGINS  
KULLMANN

ABSENT: NONE

QUORUM: YES

**REPORT ON EXECUTIVE CLOSED SESSION:** The Board of Commissions met on above items A & B, no reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None

**BUSINESS**

**a) Woodley Island Marina 2020 Dredging Contract**

- I. District Staff presented the item.
- II. The Commission discussed the item.
- I. The Commission discussed a letter from FFC submitted before the meeting (Attachment A).
- III. Chair Kullmann opened the item to public comment. Scott Frazier, Kent Sawatsky, Corey Allbritton, Danny Roles and Jeff Hunterlock commented.
- IV. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO FOLLOW THE STAFF RECOMMENDATION AND ENTER INTO A CONTRACT WITH FIGAS CONSTRUCTION FOR EXECUTION OF THE BASE BID FOR DREDGING OF 7,192 CUBIC YARDS (CY) OF MATERIAL FROM WOODLEY ISLAND MARINA FOR A COST NOT TO EXCEED \$377,680, ENTER INTO A CONTRACT WITH FIGAS CONSTRUCTION FOR EXECUTION OF THE FULL OPTION BID FOR DREDGING OF 4,308 CY OF MATERIAL FROM

**Draft Minutes for July 16, 2020 Special Board Meeting**

WOODLEY ISLAND MARINA FOR A COST NOT TO EXCEED \$172,320 AND APPROVE ADDITIONAL EXPEDITURES FROM THE DISTRICT DREDGING FUND UP TO 10% OF THE AWARDED BASE AND OPTION BID FOR UNFORSEEN COSTS NOT TO EXCEED \$55,000. COMMISSIONER DOSS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN

Noes: MARKS

Absent: NONE

Abstain: NONE

**b) Nehalem Dredge Lease and/or Sale**

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Kullmann opened the item to public comment. Kent Sawatsky commented.

IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER MARKS MOVED TO AUTHORIZE STAFF TO RELEASE AN RFP TO LEASE OR SELL THE NEHALEM DREDGE.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITH NO DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**PERMITS - NONE**

**ADJOURNMENT – 7:52 P.M.**

APPROVED BY:

RECORDED BY:

\_\_\_\_\_  
Patrick Higgins

Secretary of the Board of Commissioners

\_\_\_\_\_  
Mindy Hiley

Director of Administrative Services

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

**August 13, 2020**

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 via video conference with a teleconference option.

**CLOSED SESSION – 5:00 PM**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: Rich Tobin.

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director ~~and Ryan Plotz, District Counsel~~. Negotiating party: Security National and Friends of the Dunes. Under negotiation: price and payment terms.
- b) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Humboldt Fisherman's Marketing Association, Inc. et al. v. Humboldt Bay Harbor, Recreation, and Conservation District, Court of Appeal, First District, Court Case No. A158634.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-112-021 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: DG Fairhaven LLC. Under negotiation: price and payment terms.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-112-021 and 401-112-024 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Nordic Aquafarms California LLC Under negotiation: price and payment terms.

**SPECIAL SESSION – 6:08 P.M.**

**ROLL CALL:**

PRESENT: DALE  
DOSS  
MARKS  
HIGGINS  
KULLMANN

ABSENT: NONE

QUORUM: YES

**REPORT ON EXECUTIVE CLOSED SESSION:** The Board of Commissions met on above items A-D, no reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None

**BUSINESS**

- a) **Consider Adopting Resolution 2020-10, Accepting Grant Funding; Resolution of Deed Acceptance; Resolution Authorizing the Transfer Property To Friends of the Dunes And Other Required Actions Associated With The Acquisition Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California Commonly Referred To As The Dog Ranch.**



**Draft Minutes for August 13, 2020 Special Board Meeting**

- I. Executive Director presented the item with input from Mike Cipra the Executive Director of Friends of the Dunes, Tim Callison from Security National and Michael Bowen from the Coastal Conservancy.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Uri Driscoll, Mike VanHattem, Nancy Ihara, Carol Kruger, Ray Rosveld, Susan Penn, Suzie Fortner, Emily Walters, Aldaron Laird, Benjamin Lairdier, Carla Osborn, Carol Ralph, Carol Vander Meer, John St. Marie, Dale Preston, Jessie, Emily Sinkhorn, Jennifer Savage, Rich Tobin, Kathie Kelly, Kenny Carswell, Kristen Orth, Linda Alm and Loriel Caverly commented.
- IV. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2020-10 ACCEPTING GRANT FUNDING FOR THE PURCHASE OF THE DOG RANCH PROPERTY AND TRANSFER OF THE PROPERTY TO FRIENDS OF THE DUNES, ADOPT RESOLUTION 2020-11, A RESOLUTION TO ACCEPT A GRANT DEED FOR THE PURCHASE OF THE DOG RANCH PROPERTY, AND TO ADOPT RESOLUTION 2020-12 AUTHORIZING AMENDMENTS TO THE PURCHASE AND SALES AGREEMENT OF THE DOG RANCH PROPERTY AND AN AGREEMENT TO TRANSFER REAL PROPERTY UPON SALE TO FRIENDS OF THE DUNES.  
COMMISSIONER DALE SECONDED.

ROLL CALL VOTE WAS CALLED SEPARATELY FOR EACH RESOLUTION.

RESOLUTION 2020-10, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: DOSS

RESOLUTION 2020-11, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: DOSS

RESOLUTION 2020-12, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: DOSS

**b) Review and Provide Direction on the Samoa Peninsula Fire, Industrial Water, Wastewater, and other infrastructure that serves the Harbor District and other properties on Humboldt Bay.**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Tim Callison, Kenny Carswell, Carol Vander Meer, and Carla Osborn commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
- V. Chair Kullmann appointed Commissioner Doss and Commissioner Marks to the subcommittee.

**c) Approval of the Second Amendment to the Lease Agreement with Nordic Aquafarms California LLC at the District's Redwood Marine Terminal II Property APN's 401-112-021 and 401-112-024**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. No one commented.
- IV. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER MARKS MOVED TO APPROVE THE SECOND AMENDMENT TO THE LEASE AGREEMENT WITH NORDIC AQUAFARMS.  
COMMISSIONER DOSS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE

**Draft Minutes for August 13, 2020 Special Board Meeting**

Absent: NONE  
Abstain: NONE

**d) Cancel Regular August 27, 2020 Board Meeting**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. No one commented.
- IV. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER MARKED MOVED TO CANCEL THE REGULAR MEETING OF THE BOARD OF COMMISSIONER SCHEDULED FOR AUGUST 27, 2020.  
COMMISSIONER DALE SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**PERMITS - NONE**

**FUTURE AGENDA ITEMS**

- a) Report from Peninsula Subcommittee
- b) Billboards
- c) Long Fin Smelt permit

**ADJOURNMENT – 8:32 P.M.**

APPROVED BY:

RECORDED BY:

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Patrick Higgins  
Secretary of the Board of Commissioners

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Mindy Hiley  
Director of Administrative Services

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

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



**STAFF REPORT – HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** November 6, 2020

**Title:** **Accept Donation in the Amount of \$23,000 From Sequoia Investments XI, LLC, Samoa Dunes II, LLC, and Samoa Dunes I, LLC towards the acquisition of the Dog Ranch Properties**

**STAFF RECOMMENDATION:** Staff recommends that the Board:

1. Accept the Donation in the amount of \$23,000
2. Authorize the Executive Director to sign all documents associated with this donation.

**BACKGROUND:** On May 31, 2019 the District entered into a Real Property Purchase Agreement to acquire the 356-acre Dog Ranch property. As part of the purchase agreement the District agreed to acknowledge a donation amount equal to the difference between the “Purchase Price” and the final “Cash Payment” that the seller received for the sale. The \$23,000 donation value was calculated based on the difference between the \$2,018,000 value which was outlined in the Purchase and Sales Agreement and the updated appraised value and final sales price. \$1,180,000 (Dog Ranch) + \$815,000 (Poovey Track) = \$1,995,000; \$2,018,000 - \$1,995,000 = \$23,000.

**DISCUSSION:** On August 13, 2020, at a properly noticed Board meeting, the Board adopted Resolutions 2020-10, 2020-11, and 2020-12 which, among other items, approved a Transfer Agreement with the Friends of the Dunes. On October 15, 2020 escrow closed and the property is now under the ownership and management of the Friends of the Dunes.

Staff would like to thank Security National for their generous donation to the larger Humboldt community. The 356-acre Dog Ranch property is a beautiful piece of property and this donation will be enjoyed by the Humboldt community in perpetuity. This acquisition went through many ups and downs but Security National consistently stepped up to the plate and met or exceeded every expectation.

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

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



**STAFF REPORT – HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** November 6, 2020

**TITLE:** **Adopt Resolution 2020-15 Establishing User Fees for the Discharge of Effluent Out the 1 ½ Mile RMT II Ocean Outfall Pipe**

**STAFF RECOMMENDATION:** Staff recommends that the Board: Adopt Resolution NO 2020-15 adopting the fee structure for the discharge of effluent of the ocean outfall for the Samoa Peninsula Wastewater Treatment Plant (WWTP).

**BACKGROUND:** On June 19<sup>th</sup>, the Board reviewed a draft ocean outfall rate study. The rate study analyzed the District’s costs to maintain the 1 ½ mile ocean outfall pipe and to upgrade the pumps, controls, and headworks to discharge up to 30 million gallons per day (MGD) of discharge as well as operation, inspection, and maintenance costs. Resolution NO. 2020-15 only establishes fees for the Samoa WWTP. Fees for the Nordic Aquafarms and other users would continue to be analyzed and fees would come back to the Board for approval.

**DISCUSSION:** The current users DG Fairhaven and the Samoa WWTP discharge less than a combined one MGD by gravity flow and do not require large pumps for discharge. Nordic Aquafarms has submitted permits with the Water Board to discharge up to 12.5 MGD. Effluent discharges at these volumes will require the use of large pumps and the estimated capital cost to upgrade the system is approximately \$565,000.

Description	Units	Quantity	Unit Cost	Cost
Pumping Station				
Piping Valves, and misc. equipment		1	50,000	50,000
Electrical		1	35,000	35,000
Instrumentation and controls		1	40,000	40,000
MH-5 Pumps3	LS	2	220,000	440,000
			<b>TOTAL</b>	<b>\$565,000</b>

The District has contracted for dive inspection and maintenance services on the 1 ½ mile outfall pipe in 2015, 2016, 2017, 2019 and 2020 and has good estimates of the cost to inspect and maintain the outfall portion of the system. In addition, the District conducted approximately 500,000-gallon flushing tests in November 2019, January 2020, and September 2020 to test the capacity of the system to prepare for the Town of Samoa and Nordic Aquafarms discharges. The following table outlines the 10-year inspection and maintenance costs with an average annual cost projected at \$81,000 per year.

Description	Units	Quantity	Unit Cost	Cost
Dive Inspection				
Expose Diffuser Section	Days(1)	3	20,000	60,000
Clear Diffuser Internally	Days	3	20,000	60,000
Inspect, Take CP Readings, Install Cathodic Protection	Days	3	20,000	60,000
Internal Jet Fabrication & Consumables	LS	1	5,000	5,000
Anodes 22 lbs. ea		24	250	6,000
Inclement Weather Contingency (20%)	LS	2	20,000	36,000
Mobilization/Demobilization	LS(2)	1	15,000	15,000
Contingency (15%)		1		36,300
Engineering (15%)		1		36,300
			<b>Total Cost</b>	<b>314,600</b>

Three scenarios were evaluating in the rate study:

1. Revenue requirement for discharge under gravity flow without utilizing the pumping station.
2. Revenue requirement for discharge requiring the use of the pumping station assuming a tenant pays all costs to rebuild the pumps, controls and other systems.
3. Revenue requirement for discharge requiring the use of the pumping station assuming the District borrows funds to pays all costs to rebuild the pumps, controls and other systems.

As part of the outreach efforts, a variation of scenario 2 was discussed with Nordic Aquafarms. In this alternative instead of rebuilding the existing pumps, controls, and other systems which were designed to discharge 30 MGD. Nordic Aquafarms would construct and operate the discharge system internally within their proposed recirculating aquaculture facility and then pump directly into the ocean outfall pipe. When other large user come online, they would either operate their own separate pumping systems similar to DG Fairhaven, Samoa WWTP and Nordic Aquafarms or the District would upgrade the large system at that time.

**ATTACHMENTS:**

- A. Resolution NO. 2020-15
- B. Draft Redwood Marine Terminal II Ocean Outfall Discharge Rate Study

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

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*Resolution 2020-15*

**A RESOLUTION ESTABLISHING  
USER FEES FOR THE DISCHARGE OF EFFLUENT OUT THE  
1 ½ MILE RMT II OCEAN OUTFALL PIPE**

**WHEREAS**, the Humboldt Bay Harbor, Recreation and Conservation District provides a number of services; and

**WHEREAS**, by the authority provided in Appendix II of the California Harbors and Navigation Code, Section 35 and codified in Harbor District Ordinance 4, 9, 14 and 16, the Board of Commissioners may set fees for various Harbor District services; and

**WHEREAS**, the Harbor District desires to standardize and annualize the review and action regarding the various fees for Harbor District services; and

**WHEREAS**, the lease agreement for discharge of treated wastewater effluent with the Samoa Peninsula Community Services District specifies that the fee would be established by the Board after consideration of a rate study.

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

1. The user fee shall be based on the total discharge amount authorized by the NPDES Permit from the Samoa Peninsula Wastewater Treatment Plant as this is the outfall capacity that the District reserving.
2. The annual user fee for the first 7,500 gallons per day (GPD) shall be fixed at \$6,000. Annual discharges above 7,500 GPD shall for each 1000 GPD be incremental:

<b>7,001 - 350,000 GPD (\$/1000 GPD)</b>	<b>350,001 - 1,000,000 GPD (\$/1000 GPD)</b>	<b>1,000,001- 3,000,000 GPD (\$/1000 GPD)</b>	<b>3,000,001 - 6,000,000 GPD (\$/1000 GPD)</b>	<b>Greater than 6,000,001 GPD (\$/1000 GPD)</b>
\$ 240.90	\$ 40.15	\$ 5.48	\$ 1.83	\$ 1.83

3. The connection engineering review fee shall be \$5,000
4. The fees are to be effective November 13, 2020.

**PASSED AND ADOPTED THIS 12<sup>TH</sup> DAY OF NOVEMBER 2020, BY THE FOLLOWING POLLED VOTE:**

**AYES:**

**NOES:**

**ABSENT:**

**ATTEST:**

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**Stephen Kullmann, President  
Board of Commissioners**

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**Pat Higgins, 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. 2020-15 entitled,

**A RESOLUTION ESTABLISHING  
USER FEES FOR THE DISCHARGE OF EFFLUENT OUT THE 1 ½ MILE RMT  
II OCEAN OUTFALL PIPE**

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 day of 12th day of November 2020; 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 12th day of November, 2020.

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



Redwood Marine Terminal II, Humboldt Bay, California  
Ocean Outfall Discharge Rate Study  
Draft – June 17, 2020

## 1. Introduction

The Humboldt Bay Harbor District (District) owns and operates an ocean outfall with a potential capacity to discharge up to 40 million gallons of water per day (gpd) through the 144 diffuser ports. Note that at 40 MGD, the average instantaneous flow rate would be equal to approximately 28,000 gallons per minute. Currently, the District has three leases to discharge wastewater: 1) DG Fairhaven, 2) Town of Samoa, and 3) Nordic Aquafarms. DG Fairhaven which is permitted by the North Coast Water Quality Control Board (NCWQCB) to discharge up to 350,000 gpd. DG Fairhaven is connected to the outfall pipe approximately 400 feet below the main pumping station and operated under gravity flow.

The Town of Samoa Wastewater Treatment Plant is permitted by NCWQCB to discharge 54,000 gpd. The Town of Samoa plant is currently under construction and will connect at the same location as DG Fairhaven and operate under gravity flow. The Nordic Aquafarms has not yet received their discharge permits, however, their lease agreement authorizes up to 6 million gpd. The Nordic Aquafarms discharge will require the use of the two large 350 horsepower discharge pumps, and therefore, they will required to connect at the main pumping facility which was historically utilized by the former pulp mill. There are other proposed users of the outfall and the District is developing this rate study to identify appropriate rates for commercial and government users.

The following is a description of (1) revenue requirements for ongoing outfall operations based on different levels of use and funding options; and (2) required rates to meet revenue requirements. The numbers presented are draft and likely to change as more information becomes available. For example, the District's outfall dive inspection company that has historically provided services has announced their retirement and new estimates are being gathered. The District has contracted for dive inspection and maintenance services in 2015, 2016, 2017, and 2019 and received cost estimates for a 2020 dive so the expenses estimated are based on historical costs. These were also compared against recent cost estimates to dive and inspect the Simpson outfall pipes at the former Fairhaven Pulp Mill. In addition, the District conducted flushing tests in November 2019 and January 2020 to test the capacity of the system to prepare for the Town of Samoa and Nordic Aquafarms discharges. As more information is received, more accurate cost estimate for ongoing outfall maintenance and numbers will be updated to reflect that estimate.

## 2. Revenue Requirements

Utility owners establish user fees to generate sufficient revenue to pay all operating costs, cover debt service on outstanding loans, provide cash to make ongoing capital improvements, provide a cash reserve for unexpected repairs and to meet all loan requirements, and provide cash reserves for increasing capacity as use increases. Revenue requirements will differ depending on the level of outfall use. Once discharge exceeds the gravity flow capacity of the system, funding will be required to rebuild the two existing pumps and for pumping operations. Table 1 presents revenue requirements without pumping (Phase 1). Table 2 presents revenue requirements with pumping, assuming that pump rebuilding will be paid for by a tenant using the outfall (Phase 2, Scenario 1). Table 3 presents revenue requirements with pumping, assuming that the District secures a loan to pay for pump rebuilding (Phase 2, Scenario 2).

## 2.1. Operation and Maintenance

Operations and maintenance (O&M) may be defined as the continuing activities required to keep the outfall facility and its components functioning in accordance with design objectives while maintaining compliance with discharge requirements.

More specifically for the purpose of establishing a user fee system, O&M requirements consist of those expenditures associated with the day-to-day operations of the outfall system and its components, and are made up of costs related to such items as personnel, other utility uses (power, telephone), supplies, training, equipment repair, permit requirements, requirements for State Lands Commission, etc.

O&M revenue requirements are established based on years of experience, and any unusual changes that may have been instituted in any particular year and are considered to be relatively inflexible when analyzing the overall revenue requirements of a utility.

## 2.2. Debt Service

The District has no existing debt service associated with the outfall. However, once the system exceeds gravity flow and the pumping station is required to be upgraded, the District may need to take on debt service to capitalize those expenditures. Table 3 presents revenue requirements with pumping, assuming that the District secures a loan to pay for pump rebuilding (Phase 2, Scenario 2).

## 2.3. System Replacement

Replacement costs include all expenditures required for a facility to operate for its design life. Replacement costs do not include costs associated with major, structural rehabilitations; or facility expansions or upgrades to meet future user demands or upgrade treatment. Replacement costs do include such items as pumps, motors, telemetry and electrical controls, vehicles, radios, etc. Items associated with replacement costs are often termed "Short-lived Assets." The primary short-lived asset associated with the outfall is the effluent pumps.

Replacement costs are typically based, at a minimum, on either: a five-year capital improvement planning (CIP) cycle or a replacement fund equal to the sum of the straight-line depreciation (based on current costs) of the assets (excluding structural facilities, such as, buildings, ponds, pipes, etc). The pumps are projected to have a ten year useful life.

Costs for cleaning and rehabilitation of the ocean outfall are based on diving company rates for a 10-hour day, operating from the HBHRCD's Fire 1 vessel. The daily rate has been averaged to include the weekend rate, due to the uncertain nature of daily conditions. The estimate includes three days for exposing the diffuser section; ten days for clearing the diffuser internally; and five days to inspect, take a cathodic protection reading, and install anodes for cathodic protection. An additional 30-percent contingency for inclement weather delays has been applied in order to hedge against the frequent unstable operating weather. As previously stated, the current diving company will not be able to service the outfall pipe after 2020 and the District is pursuing estimates from other companies. Figures will be updated to reflect more accurate estimates.

## 2.4. Reserves

In order to maintain financial stability and self-sufficiency and to achieve both long- and short-term capital and operational needs into the future, it is recommended that the District maintain financial-reserve funds. The financial reserve funds are typically used for the following:

- general operating reserves
- replacement reserves for short-lived capital improvements and emergency maintenance
- debt reserve fund required by most long-term debt, to provide a reserve that will ensure payment
- capital reserve fund (optional)General Operating Reserve Fund

An operating reserve compensates for cash flow variations. There can be a significant length of time between when a system provides a service and when a customer may pay for the service rendered. In addition to timing, the volume of cash flow can be affected by weather and seasonal demand patterns. Wastewater agencies in California normally operate with reserves of between 10 and 50 percent of annual revenue requirements. A 45-day (approximately 6 weeks) operating reserve is a frequently used industry norm. The operating reserve can also cover costs of unplanned expenses, other than emergencies, such as, increase in electrical or operational costs, costs caused by leaks, extra callouts, late payments, etc.

A 20% operating reserve, based upon the projected O&M budget, would be approximately \$20,900. For budgeting purposes, this reserve fund will be built up over a five-year period. The five-year annual contribution would be approximately \$4,200.

#### 2.4.1. Replacement Reserve Fund

A capital improvement reserve is for short-lived capital improvements, including system rehabilitation, equipment replacement, as well as on-hand cash for emergency equipment replacement, if necessary. Short-lived assets for the purpose of this report are those assets that will require replacement prior to the end of the anticipated financing cycle for the project. For this report that period is 30 years.

#### 2.4.2. Debt Reserve Fund

A debt reserve fund is required by most long-term debt, to provide a reserve that will ensure payment. If money was borrowed to build the system, money will have to be placed into a debt service reserve account until an agreed upon dollar amount is reached. A debt service reserve is in addition to a loan repayment. The debt service reserve helps ensure timely payments can be made even if there is a financial emergency. Debt service is considered in a scenario where the District secures a loan to rebuild the effluent pumps (Table 3).

#### 2.4.3. Capital Reserve Fund

It is encouraged to establish a capital reserve fund. This fund is intended to provide funds for replacement of facilities after they serve their useful life. The capital reserve fund includes: connection fees, capacity charges, development charges, wastewater impact fees and any other charge imposed on new construction. Wastewater agencies in California normally operate with reserves of between 10 and 50 percent of annual revenue requirements.

### 2.5. Total Revenue Requirements

Total revenue costs are shown in Tables 1-3 and are dependent on the rate of discharge and the funding source used to rebuild the pumps. Depending on these factors, total revenue requirements during year 1 range from \$147,870 to \$385,450 per year. It is assumed that the revenue requirement will increase by 2% annually.

Table 1. Revenue requirement for discharge under gravity flow without utilizing the pumping station (Phase 1).

Item	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Personal Services</b>					
Attorney	\$500	\$510	\$520	\$531	\$541
Auditor (Portion of Dist. Cost for Annual Audit)	\$250	\$255	\$260	\$265	\$271
Bookkeeping/CPA Consult	\$1,000	\$1,020	\$1,040	\$1,061	\$1,082
Engineering	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
O&M Staff (Salaries & Benefits, 10% FTE)	\$6,250	\$6,375	\$6,503	\$6,633	\$6,765
<b>TOTAL PERSONAL SERVICES</b>	<b>\$13,000</b>	<b>\$13,260</b>	<b>\$13,525</b>	<b>\$13,796</b>	<b>\$14,072</b>
<b>Materials and Services</b>					
Bond, Dues, Publications	\$1,000	\$1,020	\$1,040	\$1,061	\$1,082
General Supplies, Lab, Permitting & Monitoring	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
Training, Transportation, Travel	\$0	\$0	\$0	\$0	\$0
Periodic Inspection	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
Liability Insurance	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
State Lands Commission Rent	\$450	\$459	\$468	\$478	\$487
Electrical	\$0	\$0	\$0	\$0	\$0
Contracted Maintenance Services	\$3,000	\$3,060	\$3,121	\$3,184	\$3,247
<b>TOTAL MATERIALS AND SERVICES</b>	<b>\$19,450</b>	<b>\$19,839</b>	<b>\$20,236</b>	<b>\$20,640</b>	<b>\$21,053</b>
<b>Reserves</b>					
General Operating Reserve	\$4,200	\$4,284	\$4,370	\$4,457	\$4,546
Replacement Reserve Dive Inspections	\$81,220	\$82,844	\$84,501	\$86,191	\$87,915
Replacement Reserve Pumping Station	\$0	\$0	\$0	\$0	\$0
Debt Service	\$0	\$0	\$0	\$0	\$0
Capital Reserve	\$30,000	\$30,600	\$31,212	\$31,836	\$32,473
<b>TOTAL RESERVES</b>	<b>\$115,420</b>	<b>\$117,728</b>	<b>\$120,083</b>	<b>\$122,485</b>	<b>\$124,934</b>
<b>Total Estimated Annual Revenue Requirement</b>					
Personal Services	\$13,000	\$13,260	\$13,525	\$13,796	\$14,072
Materials and Services	\$19,450	\$19,839	\$20,236	\$20,640	\$21,053
Reserves	\$115,420	\$117,728	\$120,083	\$122,485	\$124,934
<b>TOTAL</b>	<b>\$147,870</b>	<b>\$150,827</b>	<b>\$153,844</b>	<b>\$156,921</b>	<b>\$160,059</b>

Table 2. Revenue requirement for discharge requiring the use of the pumping station assuming a tenant pays all costs to rebuild the pumps, controls and other systems. (Phase II, Scenario 1).

Item	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Personal Services</b>					
Attorney	\$500	\$510	\$520	\$531	\$541
Auditor (Portion of Dist. Cost for Annual Audit)	\$250	\$255	\$260	\$265	\$271
Bookkeeping/CPA Consult	\$1,000	\$1,020	\$1,040	\$1,061	\$1,082
Engineering	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
O&M Staff (Salaries & Benefits, 10% FTE)	\$6,250	\$6,375	\$6,503	\$6,633	\$6,765
<b>TOTAL PERSONAL SERVICES</b>	<b>\$13,000</b>	<b>\$13,260</b>	<b>\$13,525</b>	<b>\$13,796</b>	<b>\$14,072</b>
<b>Materials and Services</b>					
Bond, Dues, Publications	\$1,000	\$1,020	\$1,040	\$1,061	\$1,082
General Supplies, Lab, Permitting & Monitoring	\$25,000	\$25,500	\$26,010	\$26,530	\$27,061
Training, Transportation, Travel	\$500	\$510	\$520	\$531	\$541
Periodic Inspection	\$20,000	\$20,400	\$20,808	\$21,224	\$21,649
Liability Insurance	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
State Lands Commission Rent	\$450	\$459	\$468	\$478	\$487
Electrical	\$20,000	\$20,400	\$20,808	\$21,224	\$21,649
Contracted Maintenance Services	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
<b>TOTAL MATERIALS AND SERVICES</b>	<b>\$76,950</b>	<b>\$78,489</b>	<b>\$80,059</b>	<b>\$81,660</b>	<b>\$83,293</b>
<b>Reserves</b>					
General Operating Reserve	\$4,200	\$4,284	\$4,370	\$4,457	\$4,546
Replacement Reserve Dive Inspections	\$81,220	\$82,844	\$84,501	\$86,191	\$87,915
Replacement Reserve Pumping Station	\$79,100	\$80,682	\$82,296	\$83,942	\$85,620
Debt Service	\$0	\$0	\$0	\$0	\$0
Capital Reserve	\$30,000	\$30,600	\$31,212	\$31,836	\$32,473
<b>TOTAL RESERVES</b>	<b>\$194,520</b>	<b>\$198,410</b>	<b>\$202,379</b>	<b>\$206,426</b>	<b>\$210,555</b>
<b>Total Estimated Annual Revenue Requirement</b>					
Personal Services	\$13,000	\$13,260	\$13,525	\$13,796	\$14,072
Materials and Services	\$76,950	\$78,489	\$80,059	\$81,660	\$83,293
Reserves	\$194,520	\$198,410	\$202,379	\$206,426	\$210,555
<b>TOTAL</b>	<b>\$284,470</b>	<b>\$290,159</b>	<b>\$295,963</b>	<b>\$301,882</b>	<b>\$307,919</b>

Table 3. Revenue requirement for discharge requiring the use of the pumping station assuming the District borrows funds to pay all costs to rebuild the pumps, controls and other systems. (Phase II, Scenario 2).

Item	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Personal Services</b>					
Attorney	\$500	\$510	\$520	\$531	\$541
Auditor (Portion of Dist. Cost for Annual Audit)	\$250	\$255	\$260	\$265	\$271
Bookkeeping/CPA Consult	\$1,000	\$1,020	\$1,040	\$1,061	\$1,082
Engineering	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
O&M Staff (Salaries & Benefits, 10% FTE)	\$6,250	\$6,375	\$6,503	\$6,633	\$6,765
<b>TOTAL PERSONAL SERVICES</b>	<b>\$13,000</b>	<b>\$13,260</b>	<b>\$13,525</b>	<b>\$13,796</b>	<b>\$14,072</b>
<b>Materials and Services</b>					
Bond, Dues, Publications	\$1,000	\$1,020	\$1,040	\$1,061	\$1,082
General Supplies, Lab, Permitting & Monitoring	\$25,000	\$25,500	\$26,010	\$26,530	\$27,061
Training, Transportation, Travel	\$500	\$510	\$520	\$531	\$541
Periodic Inspection	\$20,000	\$20,400	\$20,808	\$21,224	\$21,649
Liability Insurance	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
State Lands Commission Rent	\$450	\$459	\$468	\$478	\$487
Electrical	\$20,000	\$20,400	\$20,808	\$21,224	\$21,649
Contracted Maintenance Services	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
<b>TOTAL MATERIALS AND SERVICES</b>	<b>\$76,950</b>	<b>\$78,489</b>	<b>\$80,059</b>	<b>\$81,660</b>	<b>\$83,293</b>
<b>Reserves</b>					
General Operating Reserve	\$4,200	\$4,284	\$4,370	\$4,457	\$4,546
Replacement Reserve Dive Inspections	\$81,220	\$82,844	\$84,501	\$86,191	\$87,915
Replacement Reserve Pumping Station	\$79,100	\$80,682	\$82,296	\$83,942	\$85,620
Debt Service (\$812,000 @ 4.5% for 10 years)	\$100,980	\$103,000	\$105,060	\$107,161	\$109,304
Capital Reserve	\$30,000	\$30,600	\$31,212	\$31,836	\$32,473
<b>TOTAL RESERVES</b>	<b>\$295,500</b>	<b>\$301,410</b>	<b>\$307,438</b>	<b>\$313,587</b>	<b>\$319,859</b>
<b>Total Estimated Annual Revenue Requirement</b>					
Personal Services	\$13,000	\$13,260	\$13,525	\$13,796	\$14,072
Materials and Services	\$76,950	\$78,489	\$80,059	\$81,660	\$83,293
Reserves	\$295,500	\$301,410	\$307,438	\$313,587	\$319,859
<b>TOTAL</b>	<b>\$385,450</b>	<b>\$393,159</b>	<b>\$401,022</b>	<b>\$409,043</b>	<b>\$417,223</b>

### 3. Rates Analysis

#### 3.1. Existing Revenue

Currently, the only user of the outfall is DG Fairhaven, which discharges approximately 170,000 gallons per day and pays approximately \$82,000 per year. This payment equates to a cost of \$1.32 per thousand gallons of water discharged.

#### 3.2. Recommended Fees

The future use levels of the Districts' ocean outfall are uncertain. Speculation related to future use of the outfall is limited to entities that have seriously considered its use. Potential users of the outfall would discharge aquaculture and domestic wastewater. Because of the large disparity in discharge quantities between anticipated and current users, and considering the current rate being paid by DG Fairhaven, we recommend a rate system based on a base fee along with declining block rates. We propose different rates for commercial and governmental entities. Depending on the scenario, the Harbor District would start to break even on an annual basis in year 5 or 6.

##### 3.2.1. Declining Block Rates

A declining block rate structure is recommended, as shown in Tables 4-6.

Table 4. Rate structure for commercial organizations.

Source	Max GPD	Projected GPD FY 2020-21	Base up to 7,500 GPD (\$/1000 GPD)	7,001 - 350,000 GPD (\$/1000 GPD)	350,001 - 1,000,000 GPD (\$/1000 GPD)	1,000,001 - 3,000,000 GPD (\$/1000 GPD)	3,000,001 - 6,000,000 GPD (\$/1000 GPD)	Greater than 6,000,001 GPD (\$/1000 GPD)							
<b>DAILY</b>			\$17	\$1	\$0.22	\$0.03	\$0.01	\$0.01							
<b>MONTH</b>			\$500	\$40	\$7	\$1	\$0.30	\$0.30							
<b>ANNUAL</b>			\$6,000	\$482	\$80	\$11	\$4	\$4	<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6+</b>
DG Fairhaven	350,000	170,000	\$6,000	\$78,293					\$84,293	\$84,293	\$85,978	\$87,698	\$89,452	\$91,241	\$93,066
Leachfield Taylor and Coast	7,350	7,350	\$6,000						\$6,000		\$6,000	\$6,120	\$6,242	\$6,367	\$6,495
Nordic Aquafarms	6,000,000	3,000,000	\$6,000	\$165,017	\$52,195	\$21,900	\$10,950		\$256,062					\$245,112	\$250,014
<b>Total</b>	<b>6,357,350</b>	<b>3,177,350</b>	<b>\$18,000</b>	<b>\$243,309</b>	<b>\$52,195</b>	<b>\$21,900</b>	<b>\$10,950</b>	<b>\$0</b>	<b>\$346,354</b>	<b>\$84,293</b>	<b>\$91,978</b>	<b>\$93,818</b>	<b>\$95,694</b>	<b>\$342,720</b>	<b>\$349,574</b>

Table 5. Rate structure for governmental organizations.

Source	Max GPD	Projected GPD FY 2020-21	Base up to 7,500 GPD (\$/1000 GPD)	7,001 - 350,000 GPD (\$/1000 GPD)	350,001 - 1,000,000 GPD (\$/1000 GPD)	1,000,001 - 3,000,000 GPD (\$/1000 GPD)	3,000,001 - 6,000,000 GPD (\$/1000 GPD)	Greater than 6,000,001 GPD (\$/1000 GPD)							
<b>DAILY</b>			\$17	\$1	\$0.11	\$0.02	\$0.01	\$0.01							
<b>MONTH</b>			\$500	\$20	\$3	\$0.45	\$0.15	\$0.15							
<b>ANNUAL</b>			\$6,000	\$241	\$40	\$5	\$2	\$2	<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6+</b>
Town of Samoa WWTP	350,000	26,000	\$6,000	\$4,457					\$10,457	\$10,457	\$10,666	\$10,879	\$11,097	\$11,319	\$11,545
Samoa WWTP	85,000	85,000		\$14,213					\$14,213						\$14,213
Other Government User <sup>1</sup>	30,000,000	15,000,000	\$6,000	\$82,508	\$26,098	\$10,950	\$10,950	\$16,425	\$152,931						\$168,847
<b>Total</b>	<b>30,435,000</b>	<b>15,111,000</b>	<b>\$12,000</b>	<b>\$101,178</b>	<b>\$26,098</b>	<b>\$10,950</b>	<b>\$10,950</b>	<b>\$16,425</b>	<b>\$177,601</b>	<b>\$10,457</b>	<b>\$10,666</b>	<b>\$10,879</b>	<b>\$11,097</b>	<b>\$11,319</b>	<b>\$194,605</b>

<sup>1</sup>The City of Eureka wastewater plant or another user may tie in to the system.

<b>Total User Fee</b>	<b>\$94,749</b>	<b>\$102,644</b>	<b>\$104,697</b>	<b>\$106,791</b>	<b>\$354,038</b>	<b>\$544,179</b>
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Table 6. Comparison of total user fees (commercial and governmental) and revenue requirements.

		Year					
		1	2	3	4	5	6
	<b>Total User Fee</b>	<b>\$94,749</b>	<b>\$102,644</b>	<b>\$104,697</b>	<b>\$106,791</b>	<b>\$354,038</b>	<b>\$544,179</b>
<b>Revenue Requirement</b>	<b>Phase 1</b>	<b>\$147,870</b>	<b>\$150,827</b>	<b>\$153,844</b>	<b>\$156,921</b>	<b>N/A</b>	<b>N/A</b>
	<b>Phase 2, Scenario 1</b>	<b>\$284,470</b>	<b>\$290,159</b>	<b>\$295,963</b>	<b>\$301,882</b>	<b>\$307,919</b>	<b>\$314,078</b>
	<b>Phase 2, Scenario 2</b>	<b>\$385,450</b>	<b>\$393,159</b>	<b>\$401,022</b>	<b>\$409,043</b>	<b>\$417,223</b>	<b>\$425,568</b>



COMMISSIONERS

1<sup>st</sup> Division

Larry Doss

2<sup>nd</sup> Division

Greg Dale

3<sup>rd</sup> Division

Stephen Kullmann

4<sup>th</sup> Division

Richard Marks

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**STAFF REPORT**  
**HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** November 6, 2020

**TITLE:** **Consideration of Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands (aka Dog Ranch).**

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**STAFF RECOMMENDATION:** Staff recommends that the Board: Approve execution of the Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands (aka Dog Ranch).

**SUMMARY:** The Samoa Dunes and Wetlands property is owned by Friends of the Dunes. The Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands will allow for cooperative management of the property by federal, state and local agencies. The District would provide up to \$22,500 of funding over three years for management of the property.

**DISCUSSION:** The Samoa Dunes and Wetlands is a 356-acre series of non-contiguous parcels on either side of Highway 255 on the Samoa Peninsula. The area was recently purchased by the District with public funds and transferred in escrow to the Friends of the Dunes for interim management. It is expected that a federal Agency will assume ownership and management responsibilities before 2024.

The Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands provides a means of implementing basic land management and law enforcement at the site. This will be achieved through a cooperative effort between the District, Humboldt County Sheriff's Office, California Department of Fish and Wildlife, Bureau of Land Management, State Coastal Conservancy and Friends of the Dunes.

Through Resolution 2020-12, the District Board approved a transfer agreement of the property to Friends of the Dunes. The approved transfer agreement includes a schedule of District payments for management of property. The District's primary role under the MOU is related to these payments. As detailed in the transfer agreement and approved in Resolution 2020-12, the District would disburse \$7,500 on or before January 15, 2022; \$7,500 on or before January 15, 2023; and \$7,500 on or before January 15, 2024. If the property transfers to the long-term owner prior to these dates, the District would not be responsible for future payments.

**ATTACHMENTS:**

- A. Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands

COOPERATIVE MANAGEMENT AND LAW ENFORCEMENT  
MEMORANDUM OF UNDERSTANDING

Between the  
BUREAU OF LAND MANAGEMENT, ARCATA FIELD OFFICE  
and  
THE HUMBOLDT COUNTY SHERIFF’S OFFICE  
and  
THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
and  
THE US FISH AND WILDLIFE SERVICE  
and  
THE STATE COASTAL CONSERVANCY  
and  
THE HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT  
and  
THE FRIENDS OF THE DUNES

**PURPOSE**

This Memorandum of Understanding (MOU) provides for the enhanced protection of persons, property and resources on land commonly known as the Samoa Dunes and Wetlands (aka Dog Ranch and Poovey Tract). The Samoa Dunes and Wetlands (“SDW”) is a 356-acre series of non-contiguous parcels on either side of Highway 255 on the Samoa Peninsula, Humboldt County. The area was recently purchased by the Humboldt Bay Harbor Recreation and Conservation District (“District”) with public funds, and transferred in escrow to the Friends of the Dunes (“Friends”) for interim management. The parties to this MOU are working jointly and cooperatively to transfer the property fee simple from Friends to the Bureau of Land Management (“BLM”) before 2024.

This MOU provides a means of implementing basic land management and law enforcement at SDW. The stated goal of the partners to this MOU is to provide an active management presence, including stewardship and law enforcement personnel. This presence will be achieved through a cooperative effort by various agencies, funders and others, including the Humboldt County

Sheriff's Office ("HCSO"), California Department of Fish and Wildlife ("CDFW"), BLM, State Coastal Conservancy ("SCC"), the District, and Friends.

## **AUTHORITY**

**Bureau of Land Management:** This MOU falls under the general authority of Section 307 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579). Section 303(d) of FLPMA grants specific law enforcement authority to the Secretary of the Interior to assist local law enforcement officials in enforcing local laws and regulations, as they carry out their primary responsibility of assuring adequate law enforcement for the public land areas and resources under jurisdiction for the BLM. The current proposal to transfer the property in fee to the federal estate establishes a probable future "interest" in the property, and such lands are considered "public lands" as defined in Section 103 of FLPMA. This makes applicable to those lands the enforcement provisions authorized pursuant to that law, including those contained in Title 43 of the Code of Federal Regulations.

**California Department of Fish and Wildlife:** This MOU falls under the authority of the California Penal Code, Section 830.2: The following persons are peace officers whose authority extends to any place in the state:

- (e) Employees of the Department of Fish and Game designated by the director, provided that the primary duty of those peace officers shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code, which authorizes DFG to enter into cooperative agreements with federal agencies to promote wildlife management, conservation and research.

**Humboldt County Sheriff's Office:** California State Government Code, Supplementary Fire or Police Protection, Section 55631, Local Agency (as used in this article, "local agency" means neighboring city, county, county fire or police protection district, federal government or any federal department or agency); and Section 55632, Contract for Fire or Police Protection (the legislative body of any local agency may contract with any other local agency for the furnishing of fire or police protection to such other local agency). As authorized by Section 303 (d) of the FLPMA, the BLM has entered into an MOU with the Humboldt County Sheriff's Office, granting to BLM law enforcement personnel authority to enforce applicable state law or county ordinances within Humboldt County, CA.

**U.S. Fish and Wildlife Service:** This MOU falls under the general authority of Section 307 of FLPMA. Section 303(d) of FLPMA grants specific law enforcement authority to the Secretary of the Interior to assist local law enforcement officials in enforcing local laws and regulations. An interagency MOU between the US Fish and Wildlife Service (USFWS) and BLM exists that authorizes cross designation of law enforcement authority between the two agencies.

## **OPERATIONS**

### **Bureau of Land Management**

The BLM agrees to work with Friends and the SCC to resolve issues and identify opportunities in working toward the most beneficial long-term ownership and management of the SDW property.

The BLM agrees to assume joint responsibility in all aspects of law enforcement at SDW with the HCSO. The BLM Law Enforcement Ranger assigned to the area will be responsible for an annual coordination meeting with the other three law enforcement-responsible agencies and the interim landowner (Friends). A central file of all incidents, citations, warnings and other law enforcement documents will be maintained at the local BLM Office. An annual law enforcement summary report will be prepared and will be available upon request.

BLM agrees to provide on-the-ground presence by law enforcement or other staff a minimum of one day every two weeks, with physical entry onto the property on all or a portion of the patrol route that is established by CDFW and Friends through the mapping of existing roads and routes on the property (see Map Exhibit 1). All days may be shared with the other parties through advance coordination. The BLM agrees to assist Friends when Friends' staff notices violations that require law enforcement presence and intervention.

### **Humboldt County Sheriff's Office**

The HCSO agrees to assume joint responsibility in law enforcement at SDW and to provide a law enforcement presence at SDW through random drive-by patrols on Vance Avenue and on the one established road (Gopher Lane) on the property. The patrols may be shared with the other parties through advance coordination. All documented incidents and crimes will be provided to the BLM Law Enforcement Ranger at the time they occur or soon after. Humboldt County Sheriff's Office agrees to assist Friends when Friends' staff notices violations that require law enforcement presence and intervention. HCSO agrees to work in partnership with Friends to schedule, as appropriate and available, Sheriff's Work Alternative Program (SWAP) work days that can assist with stewardship of the SDW property, when Friends can coordinate and pay for the SWAP crew.

### **California Department of Fish and Wildlife**

CDFW Northern Region agrees to provide on-the-ground presence at SDW a minimum of one day every two weeks, with physical entry onto the property on a patrol route that is established by CDFW and Friends through the mapping of existing roads and routes on the property (see Map Exhibit 1). All days may be shared with the other parties through advance coordination. CDFW Law Enforcement Division agrees to assist BLM and HCSO when Friends' staff notices violations that require law enforcement presence and intervention. CDFW Northern Region also agrees to provide technical assistance to Friends in order meet monitoring requirements of the grant agreements with SCC, the CA Natural Resources Agency (CNRA), and the Wildlife Conservation Board, or as other permitting requirements arise.

### US Fish and Wildlife Service

The USFWS agrees to provide support through the use of staff, trucks and equipment as available and necessary to remove dumped trash from the SDW property. Friends staff will coordinate with USFWS in advance to schedule and assist with ad hoc cleanups. The USFWS also agrees to provide technical assistance to Friends in order meet monitoring requirements of the grant agreements with SCC, the CA Natural Resources Agency (CNRA), and the Wildlife Conservation Board, or as other permitting requirements arise.

### Humboldt Bay Harbor Recreation and Conservation District

The Humboldt Bay Harbor Recreation and Conservation District (“District”) agrees to provide up to \$22,500 of District funding to Friends according to a schedule established between the two parties in their purchase and sale agreement, and expeditiously pass through any additional funding to Friends from the conservation funding agencies that is identified as appropriate by all parties.

### State Coastal Conservancy

The State Coastal Conservancy (SCC) agrees to serve as the lead entity for acquisition and transfer of the property from the current owner to the Humboldt Bay Harbor and Recreation District and to Friends of the Dunes, and to work diligently following that transaction to transfer the property to the federal estate. In addition, SCC agrees to contribute \$30,000 over two to three years towards a management fund to assist with access management during the period of time preceding transfer to the federal estate.

### Friends of the Dunes

Friends of the Dunes (“Friends”), a 501 (c) 3 nonprofit dedicated to conserving the natural diversity of coastal environments through community-supported education and stewardship programs, agrees to be the interim landowner of the property until a suitable long-term owner can be identified. The length of time Friends can serve as a property owner under this agreement will be dependent on an adequate stewardship fund to conduct monitoring and public access activities. While Friends shall have no law enforcement capabilities, it agrees to have a dedicated staff member to coordinate and be in communication with law enforcement agencies and partners identified in this MOU to help ensure that illegal activities do not compromise the natural resource values of the property. Friends agrees to conduct property patrols at least once every two weeks, or more often as funding permits, to monitor for unauthorized activities, to alert appropriate partners of unauthorized activities, and to document actions. Friends agrees to schedule periodic public guided walks as is safe and appropriate during the term of its ownership, and will explore the continuation of these public access opportunities after transfer of title as funding and landowner consent allow. Friends agrees to work to identify partnering community volunteer organizations to assist with periodic property cleanups and patrols, and agrees to organize these activities while keeping partners to the MOU informed about scheduled volunteer work days and activities. Friends does not plan to pursue a Coastal Development

permit for the SDW property, which means that for this interim period of ownership there will not be permanent signage, trail infrastructure, or habitat restoration activities.

The MOU parties mutually agree to provide the maximum assistance and coordination possible, within the availability of funds and established laws, regulations and policies governing the respective agencies that will assure the protection of persons and property at SDW.

All parties to this MOU mutually agree to meet on a semi-annual basis to discuss law enforcement issues and management concerns of the SDW.

None of the parties shall be liable to the others or its agents or employees for any loss, damage, personal injury, or death occurring as a consequence of the performance of this MOU.

Nothing in this MOU shall be construed as obligating the BLM, HCSO, CDFW, USFWS or other parties to the MOU to expend money or resources in excess of appropriations authorized by law.

**TERM OF MOU**

The period of this MOU shall be from the date the District acquires the property from Security National through September 30, 2025, unless terminated by any party upon thirty (30) days written notice to the others. This MOU may be renewed and extended for periods of time not to exceed three years. It may be revised by a written amendment, signed and dated by all parties.

**SIGNATURES**

10/30/2020

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Molly Brown, Field Manager  
Arcata Field Office, Bureau of Land Management

Date

*William Honsal*

10/30/2020

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William Honsal, Sheriff  
Humboldt County Sheriff's Office

Date

10/30/2020

---

Tina Bartlett, Regional Manager  
California Department of Fish and Wildlife, Northern Region

Date

*Cashell Villa*

10/30/2020

Cashell Villa, Project Leader

Date

Humboldt Bay National Wildlife Refuge Complex, US Fish and Wildlife Service

*Sam Schuchat*

10/30/2020

Sam Schuchat, Executive Officer  
California State Coastal Conservancy

Date

10/30/2020

Larry Oetker, Executive Director  
Humboldt Bay Harbor, Recreation and Conservation District

Date

*Michael Cipra*

10/30/2020

Mike Cipra, Executive Director  
Friends of the Dunes

Date



SIGNATURES

*Molly Brown*

*10/6/20*

Molly Brown, Field Manager  
Arcata Field Office, Bureau of Land Management

Date

William Honsal, Sheriff  
Humboldt County Sheriff's Office

Date

Tina Bartlett, Regional Manager  
California Department of Fish and Wildlife, Northern Region

Date

Cashell Villa, Project Leader  
Humboldt Bay National Wildlife Refuge Complex, US Fish and Wildlife Service

Date

Sam Schuchat, Executive Officer  
California State Coastal Conservancy

Date

Larry Gerker, Executive Director  
Humboldt Bay Harbor, Recreation and Conservation District


Date

Mike Cipra, Executive Director  
Friends of the Dunes

Date


# Samoa Dunes and Wetlands Conservation Property

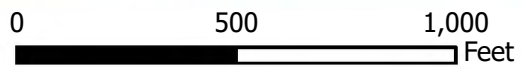


Park here 

New Navy Base Rd

255

-  Historical Camps
-  Dog Ranch Parcels
-  Patrol Route
-  Poovey Track Parcels



COMMISSIONERS

1<sup>st</sup> Division

Larry Doss

2<sup>nd</sup> Division

Greg Dale

3<sup>rd</sup> Division

Stephen Kullmann

4<sup>th</sup> Division

Richard Marks

5<sup>th</sup> Division

Patrick Higgins

Humboldt Bay  
Harbor, Recreation and Conservation District  
(707)443-0801  
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Eureka, California 95502-1030



**STAFF REPORT**  
**HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** November 5, 2020

**TITLE: Discussion Regarding Lease between Harbor District and Mario’s Marina and Sublease between Harbor District and Shelter Cove Fishing Preservation Incorporated, Shelter Cove (APN 108-171-023-000)**

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**STAFF RECOMMENDATION:** Staff recommends that the Board: Direct the Executive Director to work with the Shelter Cove Subcommittee, property owner, Shelter Cove Fishing Preservation Incorporated (SCFPI), and Resort Improvement District (RID) to determine the best pathway to ensure that the property benefits the community of Shelter Cove.

**SUMMARY:** The Harbor District leases an area in Shelter Cove from Mario’s Marina that is used for boat storage, launching, fish cleaning and other services that supports commercial and recreational fishing. The area is subleased to and operated by SCFPI. The lease and sublease both expire on March 31, 2020. District staff is seeking Board direction regarding the lease and sublease.

**DISCUSSION:** The lease allows the District to operate facilities at the site including the boat launch, charter boat license agreements, boat storage, marina building operation, a fish purchasing station and a fish cleaning station. The Harbor District subleases the same area to SCFPI, which allows SCFPI to operate the facilities listed above.

The initial term of the lease between the Harbor District and Mario’s Marina ends on March 31, 2021. The District has the option to enter a renewal term. The sublease between the Harbor District and SCFPI also ends on March 31, 2021. District staff is seeking direction from the Board regarding the lease and sublease. The lease between the Harbor District and Mario’s Marina and the sublease between the Harbor District and SCFPI are available at [humboldtby.org](http://humboldtby.org)

## COMMISSIONERS

1<sup>st</sup> Division

Larry Doss

2<sup>nd</sup> Division

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**STAFF REPORT**  
**HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** November 4, 2020

**TITLE:** **Consideration of Term Sheet related to Harbor District management of the Tuluwat Island Wetland Mitigation Project**

**STAFF RECOMMENDATION:** Staff recommends that the Board: Approve execution of the Tuluwat Island Wetland Mitigation Project term sheet.

**SUMMARY:** Caltrans and District staff developed a term sheet that outlines basic terms and conditions for the District to (1) manage a solicitation for competitive proposals to conduct salt marsh restoration activities on Tuluwat Island; and (2) manage implementation of the awarded contract. District staff is requesting Board consideration of executing the term sheet.

**DISCUSSION:** Salt marsh restoration on Tuluwat Island is required as mitigation for wetland impacts associated with the Caltrans U.S. Route 101 Safety Corridor Project, City of Arcata Humboldt Bay Trail North Project and Humboldt County Humboldt Bay Trail South Project. The project would involve removal of the non-native plant species *Spartina densiflora* on approximately 178 acres and related monitoring and reporting. Attachment A is a term sheet drafted by Caltrans and District staff. Execution of the term sheet would allow the District's Executive Director to execute a cooperative agreement with Caltrans that is within the terms and conditions of the term sheet. As described in the term sheet, the project would consist of two phases. During Phase 1, the District would manage a solicitation for competitive proposals to conduct the work. During Phase 2, the District would manage the awarded project. The District would be compensated for all staff costs, direct expenses and a 15% overhead fee.

Over 90% of Humboldt Bay's historic salt marsh area has been converted to other land types. The project would increase the habitat value of Tuluwat Island salt marsh by removing the non-native, invasive plant species *Spartina densiflora*, allowing native plants and wildlife to recolonize the site.

The project is the largest mitigation project of its type to date in Humboldt Bay. Mitigation opportunities are limited in Humboldt Bay and the project's success may create a precedent that will allow for future similar projects.

**ATTACHMENTS:**

- A. Tuluwat Island Wetland Mitigation Project term sheet.

Eureka-Arcata Corridor Project  
Humboldt Bay Area Mitigation  
Humboldt County, U.S. Route 101, PM 79.9 - 86.3  
EA: 01-36601  
Project ID: 0114000065  
Term Sheet

## **TULUWAT ISLAND WETLAND MITIGATION PROJECT**

### **TERM SHEET**

This TERM SHEET, ENTERED INTO EFFECTIVE ON \_\_\_\_\_, 2020, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as “CALTRANS,” and the Humboldt Bay Harbor, Recreation and Conservation District, referred to herein as “HBHRCD.” CALTRANS and HBHRCD, referred to herein as the “PARTIES.”

This TERM SHEET is a nonbinding agreement outlining the PARTIES understanding of the basic terms and conditions under which a future legally binding agreement between the PARTIES will be made.

CALTRANS intends to construct improvements to U.S. Route 101 in Humboldt County, within the Safety Corridor, between the Cities of Eureka and Arcata from PM 79.9 to PM 86.3, consisting of several safety construction projects as follows: Tide Gate Replacement (01-0C930); Jacoby Creek Bridge Replacement (01-0E000); Extension of Acceleration/Deceleration Lanes and Lighting Improvements (01-0F220); Guardrail and Cable Rail Safety Barrier (01-0C970); and Indianola Interchange and Airport Road Improvements (01-36600), collectively referred to as ROADWAY PROJECTS. The ROADWAY PROJECTS will collectively result in permanent impacts to 10.25 acres of coastal wetlands.

The City of Arcata, in cooperation with CALTRANS as the National Environmental Policy Act (NEPA) Lead Agency, has constructed the Arcata Bay Trail North Project, also known as the Humboldt Bay Trail North Project, hereinafter “ABTN PROJECT.” The ABTN PROJECT has resulted in impacts to 2.26 acres of coastal wetlands. The County of Humboldt, in cooperation with CALTRANS as the NEPA Lead Agency, intends to construct the Humboldt Bay Trail South Project, hereinafter “HBTS PROJECT.” The HBTS PROJECT will result in impacts to 6.10 acres of coastal wetlands.

The ROADWAY PROJECTS, ABTN PROJECT and HBTS PROJECT, which are collectively referred to as PROJECTS, will impact a total of 18.61 acres of coastal wetlands. Therefore, to mitigate for PROJECTS’ impacts to 18.61 acres of coastal wetlands impacts, a mitigation project was developed to eradicate approximately 178 acres of Spartina in Humboldt Bay within the salt

marsh on Tuluwat Island. The project is more particularly described in the proposed final Wetland Mitigation Plan, herein referred to as “WMP.”

PARTIES have discussed details pertaining to the Tuluwat Island Wetland Mitigation Project, referred to herein in as “MITIGATION PROJECT,” including the roles and responsibilities of each agency, obligation to follow the California Coastal Commission (CCC) approved WMP including the requirement to meet the established success criteria, and associated costs for project implementation and monitoring and maintenance. The PARTIES recognize that CALTRANS shall present HBHRCD with a formal legally binding Cooperative Agreement, referred to herein as “AGREEMENT,” addressing additional terms of the contract in the near future. Until that time, the PARTIES understand the general terms of the future AGREEMENT as follows:

1. The PARTIES agree that the contract to work to complete the MITIGATION PROJECT will be separated into two “phases” consisting of:
  - a. Phase 1: Through an AGREEMENT, CALTRANS contracts with HBHRCD to develop and circulate a solicitation, such as a Request for Proposals (RFP) or Request for Qualifications (RFQ), for an entity experienced in the removal of dense-flowered cordgrass (*Spartina densiflora*, “Spartina”) to write Site-Specific Spartina Removal Plans for the work to be completed on Tuluwat Island and complete the requirements as outlined in the WMP. Following administrative review and in coordination with CALTRANS, HBHRCD selects a contractor.
  - b. Phase 2: CALTRANS amends the AGREEMENT with HBHRCD to contract with a Spartina removal entity to write Site-Specific Spartina Removal Plans and complete the requirements as outlined in the WMP.
2. CALTRANS will contract with HBHRCD to complete Phase 1 of the MITIGATION PROJECT through an AGREEMENT that includes the following:
  - a. Costs - \$23,734 (see attached Phase 1 Draft Budget)
  - b. Payment Schedule – PARTIES will agree to the following:
    - HBHRCD will invoice CALTRANS for the total costs to complete Phase 1, thereof the amount not to exceed \$23,734, within 30 days after the execution of the AGREEMENT.

- CALTRANS will provide the total costs to complete Phase 1 within 45 days after receipt of HBHRCD's signed initial invoice thereof the amount not to exceed \$23,734.
- c. Tasks – HBHRCD, or its subcontractors, will undertake the following tasks to complete Phase 1:
- HBHRCD, or its subcontractors, will create and advertise an RFP/RFQ for an experienced Spartina removal entity to write Site-Specific Spartina Removal Plans for the mitigation project area on Tuluwat Island and complete tasks/requirements outlined in the WMP.
  - Following administrative review by HBHRCD staff, HBHRCD will provide CALTRANS all submitted proposals along with the Spartina removal contractor selected by HBHRCD to complete Phase 2 tasks.
- d. Timeline - Phase 1 will be completed once HBHRCD preliminarily selects a Spartina removal contractor, or approximately 90 days after the execution of the AGREEMENT.
- e. Deliverables - As part of Phase 1, HBHRCD agrees to provide CALTRANS the following:
- Completed solicitation
  - Documentation of solicitation advertisement/distribution
  - MITIGATION PROJECT proposals
  - Preliminary selection of contractor by HBHRCD staff
3. Following completion of Phase 1, the PARTIES will agree to amend the AGREEMENT to include the tasks and associated costs to complete Phase 2 of the MITIGATION PROJECT. HBHRCD will provide CALTRANS the following:
- a. Overall budget to implement and manage Phase 2 of the MITIGATION PROJECT.
4. CALTRANS will amend the AGREEMENT with HBHRCD to contract with a selected Spartina removal entity to include tasks and costs to complete Phase 2 of the MITIGATION PROJECT. The AGREEMENT will include the following:



- a. Costs – As part of the amendment process for Phase 2, and as described in #3 above, following the completion of Phase 1, HBHRCD will provide CALTRANS a budget to complete Phase 2 tasks.
  
- b. Payment Schedule – PARTIES will agree to the following:
  - As a down payment for the work to be completed, HBHRCD will submit an initial invoice to CALTRANS for an amount equivalent to 20% of total projected Project costs within 30 days after the execution of an amended AGREEMENT for Phase 2. The amount HBHRCD will invoice CALTRANS will be 20% of total Project costs including costs for Phases 1 and 2. Therefore, for a Phase 2 down payment total, HBHRCD will consider Phase 1 costs and invoice for the remainder of funds to be equivalent to 20% of total Project costs.
  - CALTRANS will provide HBHRCD an amount equivalent to 20% of total Project costs to complete Phase 2 within 45 days after the execution and approval of an amended AGREEMENT.
  - After the initial invoice, HBHRCD will prepare and submit to CALTRANS monthly billing statement in arrears for HBHRCDs’ actual expenditures incurred pursuant to the MITIGATION PROJECT.
  
- c. Tasks – HBHRCD, or its subcontractors, will undertake the following tasks to complete Phase 2:
  - Completion of WMP Section 1.4 (Site-Specific Spartina Removal Plan Components)
    - At least two (2) weeks prior to implementation of Spartina removal, HBHRCD, or its subcontractors, will create Site-Specific Spartina Removal Plans and submit to CALTRANS for review and submittal to the CCC.
  
  - Completion of WMP Section 2.1 (Implementation Plan)
    - HBHRCD, or its subcontractors, will perform the initial treatment work consisting of initial Spartina removal and the monitoring and maintenance for the first two (2) years. In addition, HBHRCD, or its subcontractors, would perform the five-year monitoring and maintenance of Spartina to pursue the MITIGATION PROJECT’S success criteria as described in Section 3.1 of the WMP.

- Completion of WMP Section 3.2.2 (Monitoring and Reporting Responsibilities of HBHRCD)
  - HBHRCD, or its subcontractors, will follow monitoring protocols outlined in the WMP that will occur during initial treatment as well as during the five-year monitoring and maintenance period. HBHRCD, or its subcontractors, will prepare annual monitoring reports documenting Spartina removal activities, monitoring results, and field verification and submit to Caltrans for review and submittal to the CCC. Details pertaining to the required information and timelines for monitoring report are listed in Section 3.2.2 of the WMP.
  
- d. Requirements – HBHRCD, or its subcontractors, will agree to follow the additional requirements in order to successfully implement the MITIGATION PROJECT:
  - The PARTIES will work in coordination with the Wiyot Tribe, herein referred to as the “TRIBE,” for access to Tuluwat Island. CALTRANS has obtained a right of entry (Access Agreement) from the TRIBE to enter onto the property, known as Tuluwat Island, where the WMP will be implemented. HBHRCD agrees that HBHRCD and its subcontractors, will comply with all the terms and conditions thereof. If additional property rights and/or rights of entry are required to implement sections 1.4, 2.1, and 3.2.2 of the WMP, CALTRANS will acquire such rights. Any additional rights acquired shall also include rights for CALTRANS, HBHRCD personnel and its subcontractors. CALTRANS shall provide HBHRCD a copy of all additional rights acquired by CALTRANS.
  - To comply with environmental approval and/or resource agency permits and/or approvals set forth in Section 1.3 of the WMP. If additional environmental approvals and/or resource agency agreements, permits, and/or approvals are required to implement sections 1.4, 2.1, and 3.2.2 of the WMP, CALTRANS will work with HBHRCD in obtaining said approvals, agreements, and permits and the PARTIES will fully comply therewith. The PARTIES will provide each other a copy of all additional approvals, agreements, and permits acquired.
  - That HBHRCD and its subcontractors will take all necessary precautions when implementing the WMP in order to avoid and minimize ground disturbing activities that may impact known archaeological and cultural resources through the use of exclusion areas and alternative methods of Spartina removal in sensitive areas

(ESA-Environmentally Sensitive Area). HBHRCD, or its subcontractors, further agrees to provide an archaeological monitor as well as tribal monitor, which tribal monitor will be selected by the TRIBE, in accordance with the Access Agreement and the Cultural Resource Protection Plan.

- To use one hundred percent (100%) of CALTRANS' funds in order to satisfy HBHRCD's obligation and responsibilities set forth in the AGREEMENT.
  - To begin work within 30 days of receipt of the initial payment.
- e. Timeline –CALTRANS is required to achieve the MITIGATION PROJECT success criteria for the initial treatment and maintenance and monitoring periods by the timeline established in the WMP and agreed upon by the CCC, end of Year 7. HBHRCD will ensure that the selected Spartina removal entity will adequately perform the contracted services as required to satisfy Sections 1.4, 2.1, and 3.2.2 of the WMP and to ultimately meet the established performance/success criteria for the MITIGATION PROJECT. If performance criteria are not met by the end of the initial treatment period (Year 3), HBHRCD and CALTRANS will meet to discuss adaptive management strategies and associated terms and conditions as outlined in #6 below.
5. Following submission of deliverables listed in #3 and approval of an amended AGREEMENT containing, but may not be limited to, details listed in #4, HBHRCD will obtain HBRCDD Board approval to enter into a contract with an entity experienced in Spartina removal as stated in Special Condition 5.B.5 of CALTRANS' Coastal Development Permit 1-18-1078. HBHRCD will provide CALTRANS the following:
- a. Executed contract with Spartina removal entity
6. In the event that the monitoring results are not being met following the initial treatment period (Year 3), the PARTIES will meet to determine why the performance criteria have not been met, what additional adaptive management strategies are needed and how those additional adaptive management strategies will be implemented. The PARTIES will then enter into an amendment to the AGREEMENT, if needed, to set forth the terms and conditions for implementing the additional adaptive management strategies required pursuant to Section 3.3.1 of the WMP.

The PARTIES recognize that this TERM SHEET represents a preliminary understanding of the PARTIES and shall form the basis of a binding agreement in the future.

**California Department of Transportation**

**Humboldt Bay Harbor, Recreation  
and Conservation District**

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Matthew Brady, District 1 Director

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Stephen Kullmann, Board Chair

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Jeff Pimental, Project Manager

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Larry Oetker, Executive Director

COMMISSIONERS  
 1<sup>st</sup> Division  
 Larry Doss  
 2<sup>nd</sup> Division  
 Greg Dale  
 3<sup>rd</sup> Division  
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 Patrick Higgins

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



October 23, 2020

Tim Nelson  
 Caltrans, District 1  
 PO Box 3700  
 Eureka, CA 95502

**RE: Draft Budget for Indian Island Spartina Removal Solicitation**

Dear Mr. Nelson,

As we have discussed, the Harbor District developed a draft budget for us to conduct a solicitation for Spartina control and related tasks on Indian Island. Our work would include writing a solicitation, advertising the solicitation, reviewing the proposals, presenting the proposals to the Harbor District Board of Commissioners, and selecting a proposal for future contracting (assuming there is an acceptable proposal). The draft budget is below. This may change as we work with you to refine specific details of the scope of work, but it should be close if not final. Please let me know if you have questions or recommended changes.

		Staff					SHN	Direct Expenses	Total
		HBHD Director	HBHD Deputy Director	HBHD Admin Director	HBHD Legal Counsel				
	Hourly Rate	\$96	\$76	\$52	\$180	\$125	N/A	N/A	
Task and Hours	Develop RFP	2	10	5	6	60	\$0	\$9,789	
	Publishing	0	1	3	0	8	\$1,000	\$2,233	
	Review	8	8	8	3	10	\$300	\$3,880	
	Contracting	1	6	5	5	20	\$300	\$4,511	
	Board Meeting	0.5	2	0.5	0	0	\$0	\$225	
							Total	\$20,638	
							Overhead (15%)	\$3,096	
							Grand Total	\$23,734	

Thank you,

Adam Wagschal, Deputy Director  
 707-496-2088  
 awagschal@humboldtby.org

COMMISSIONERS

1<sup>st</sup> Division

Larry Doss

2<sup>nd</sup> Division

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**STAFF REPORT**  
**HARBOR DISTRICT MEETING**  
**November 12, 2020**

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

**FROM:** Larry Oetker, Executive Director

**DATE:** November 5, 2020

**TITLE:** **Consideration of Letter Supporting US Coast Guard Operations**

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**STAFF RECOMMENDATION:** Staff recommends that the Board: Approve a letter affirming the District's support for the US Coast Guard's Humboldt Bay presence.

**SUMMARY:** The US Coast Guard leases berthing and office space from the Harbor District at Woodley Island Marina. The Board is to consider sending the Coast Guard a letter recognizing the importance of the Coast Guard's presence and affirming the District's commitment to provide facilities and resources that will allow for the Coast Guard's continued success.

**ATTACHMENTS:**

- A. Draft letter from the District to the US Coast Guard dated November 12, 2020.



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

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

November 12, 2020

United States Coast Guard  
Gregory C. Klampt  
601 Startare Drive  
Eureka, CA 95501

**RE: Support for US Coast Guard Presence at Woodley Island Marina**

Dear Mr. Klampt,

On behalf of the Humboldt Bay Harbor District Board of Commissioners, I am writing to express our gratitude and support for the presence of the US Coast Guard and US Coast Guard Cutter Barracuda at the Woodley Island Marina. Of course, the Coast Guard is valued for providing safety to the community. Additionally, similar to the commercial fishing fleet, the presence of the Coast Guard is an important part of the local culture.

We are committed to ensuring that Woodley Island Marina provides the facilities and resources to allow for your team's continued success. This includes:

- Continuing to work with the Army Corps of Engineers to ensure that the Eureka Channel is adequately dredged for Coast Guard operations.
- Continuing to prioritize dredging of the Coast Guard Cutter Barracuda's berth.
- Establishing a secured perimeter around the Coast Guard Cutter Barracuda's berth.
- Maintaining the power system for the Coast Guard Cutter Barracuda.

We also want to thank the local Coast Guard staff for participating in cross-trainings with District staff. We look forward to further advancing this partnership to collaboratively deploy the District's Fire Boat and Port Authority Boat to assist with rescues and other emergencies.

The Harbor District commissioners and staff stand by ready to respond to your current and future needs.

Sincerely,

Stephen Kullmann  
Board President