

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

ORDINANCE NO. 7

AN ORDINANCE IMPLEMENTING
CERTAIN PORTIONS OF THE
HUMBOLDT BAY MASTER PLAN

Section 19 of Appendix 2, as amended, of the Harbors and Navigation Code of the State of California provides that the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District "... shall draft a master plan for harbor and port improvement and for the use of all the tidelands and submerged lands which shall be conveyed to the district ...and other lands or areas subject to its jurisdiction." The plan herein set forth constitutes the Humboldt Bay Master Plan of the Humboldt Bay Harbor, Recreation and Conservation District.

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

ARTICLE I
GENERAL CONDITIONS

SECTION 1. The Planning and Development Policies adopted by the Board of Commissioners 13 June 1975, shall continue to serve as guides for planning and development decisions of the Board.

SECTION 2. The jurisdictional authority of the Humboldt Bay Harbor, Recreation and Conservation District for the implementation of this Master Plan for Humboldt Bay is limited to Humboldt Bay up to the mean higher high water level except for Indian, Woodley, and Daby Islands where the District jurisdiction is up to the mean high water level. Implementation of this Master Plan on the adjacent upland areas around Humboldt Bay will require cooperative efforts with other local jurisdictions.

SECTION 3. Uses that are in conflict with this Master Plan at the time of its adoption shall not be permitted to expand and shall be removed as the opportunity and ability to do so becomes available.

SECTION 4. This Master Plan shall be used to guide the decisions and actions of the Board of Commissioners of the District but should not be considered to be a rigid and unchangeable set of conditions. The process for making substantive changes to the planning objectives shall require formal action by the Board of Commissioners after a duly scheduled public hearing.

SECTION 5. The Board of Commissioners of the District shall promote industrial, commercial, and recreational developments in and around Humboldt Bay consistent with the Master Plan as adopted. In particular, areas designated as "Public Open Space" and "Agriculture" shall be maintained and protected in cooperation with other agencies.

ARTICLE II
DEFINITIONS

SECTION 1. GEOGRAPHIC AREAS

(a) Humboldt Bay. For planning purposes, Humboldt Bay shall include all waters within Humboldt Bay, County of Humboldt, State of California, as defined in Section 3. (f) of Appendix 2, as amended, of the Harbors and Navigation Code of the State of California.

(b) North Bay. North Bay shall include that part of Humboldt Bay and its tributaries north of the Eureka-Samoa Bridge inclusive of the Eureka Slough and its tributaries excepting the Eureka Channel and the adjacent uplands along the southerly shore from the Eureka-Samoa Bridge to the Highway 101 Bridge.

(c) Middle Bay. Middle Bay shall include that part of Humboldt Bay and its tributaries from and inclusive of the Eureka-Samoa Bridge and the Eureka Channel and the adjacent uplands along its southerly shore from the Eureka-Samoa Bridge to the Highway 101 Bridge thence south to and inclusive of the Entrance Channel east of a line drawn between the western limits of the north and south jetties and including the south jetty to its eastern limit and the improved and maintained portion of Hookton Channel to the northern boundary of the southwestern quarter of the southwestern quarter of the northwestern quarter of Section 20 of T. 4N and R. 1W., Humboldt Meridian.

(d) South Bay. South Bay shall include that part of Humboldt Bay and its tributaries south and west from and exclusive of the Entrance Channel and the south jetty to its eastern limit and the improved and maintained portions of Hookton Channel and the northern boundary of the southwestern quarter of the southwestern quarter of the northwestern quarter of Section 20 of T. 4N and R. 1W., Humboldt Meridian.

SECTION 2. WATER AND LAND USES

(a) Conservation Water. Use of Conservation Water areas shall generally be limited to natural resources habitat, wildlife refuges, mariculture, public access, and scenic vistas.

(b) Development Water. Use of Development Water areas shall generally be limited to access for commercial and industrial users and to improved and maintained channels.

(c) Public Open Space Land. Use of Public Open Space Land areas should generally be limited to natural resources habitat, wildlife refuges, recreation, public access, and scenic vistas.

(d) Agriculture Land. Use of Agriculture Land areas should generally be limited to crop and livestock production.

(e) Service/Commercial Land. Use of Service/Commercial Land should generally be limited to commercial activities that are dependent on proximity to the waterfront and might include enterprises such as restaurants and specialty shops.

(f) Port Related Industrial Land. Use of Port Related Industrial Land areas should generally be limited to waterfront developments requiring direct access to deepwater shipping channels.

(g) Water Related Industrial Land. Use of Water Related Industrial Land areas should generally be limited to waterfront developments requiring direct access for shallow draft vessels or requiring industrial cooling water.

(h) Nonwater Related Industrial Land. Use of Nonwater Related Industrial Land areas should generally be limited to waterfront developments dependent upon but not requiring direct access to the waterfront.

SECTION 3. AREAS OF REGULATORY JURISDICTION

(a) All tide, submerged and other lands granted to (Section 5.5 (a) of Appendix 2, as amended, of the Harbors and Navigation Code of the State of California) or owned by the District shall be within the jurisdiction of the District.

(b) All lands and overlying waters of Humboldt Bay including all rivers, sloughs, estuaries, and areas tributary to Humboldt Bay subject to tidal action (defined by the District as being the elevation of mean higher high water) as of 17 April 1973 (Section 5.5 (b) of Appendix 2, as amended, of the Harbors and Navigation Code of the State of California) shall be within the jurisdiction of the District in accordance with the following more specific designations:

1. those portions of Indian, Woodley, and Daby Islands bayward of the mean high tide line (Section 5.5 (b) of Appendix 2, as amended, of the Harbor and Navigation Code of the State of California).
2. bayward of any functional and authorized tidal gate or tidal control structure.
3. that portion of Jolly Giant Creek south of Fourth Street, Arcata.
4. that portion of Jacoby Creek west of Old Arcata Road.
5. that portion of Fay Slough west of Old Arcata Road.
6. that portion of Freshwater Slough west of Old Arcata Road.

7. that portion of Ryan Slough north of Myrtle Avenue, Eureka.
8. that portion of First Slough north of Myrtle Avenue, Eureka.
9. that portion of Second Slough north of Myrtle Avenue, Eureka.
10. that portion of Coopers Gulch Slough east of V Street, Eureka.
11. that portion of Swain Slough west of Pine Hill Road, Eureka.
12. that portion of Elk River north of Senestaro Ranch pumping station.
13. that portion of Salmon Creek west of Highway 101.

ARTICLE III
PLANNING DESIGNATIONS

SECTION 1. North Bay

(A) Water. The waters of North Bay shall be designated as follows:

1. "Conservation":
 - a) all waters of North Bay.

(B) Land. The adjacent uplands of North Bay should be designated as follows:

1. "Public Open Space":
 - a) all adjacent uplands (jointly designated as "Agriculture") excepting from and including the Highway 101 Bridge crossing Eureka Slough along the north side of Eureka Slough to and including Murray Field.
2. "Agriculture":
 - a) all adjacent uplands (jointly designated as "Public Open Space") excepting from and including the Highway 101 Bridge crossing Eureka Slough along the north side of Eureka Slough to and including Murray Field.
3. "Non water Related Industrial":
 - a) from and including the Highway 101 Bridge crossing Eureka Slough along the north side of Eureka Slough to and including Murray Field.

SECTION 2. MIDDLE BAY

(A) Water. The waters of Middle Bay should be designated as follows:

1. "Conservation":
 - a) the area east of the improved and maintained channels from King Salmon north to and including Elk River.
 - b) the area around Indian Island shoreward of the Samoa and Arcata Channels.
2. "Development":
 - a) all areas of Middle Bay excepting those areas specifically designated as "Conservation".

(B) Land. The adjacent uplands of Middle Bay should be variously designated with the following designations:

1. "Public Open Space":
 - a) Indian Island.
 - b) the north westerly two-thirds of Woodley Island adjacent to the Arcata Channel.
 - c) the South Jetty and the North Spit from the Entrance Channel and the North Jetty north to a line equidistant between the northern and southern boundaries of Section 32 of T. 5N and R. 1W, Humboldt Meridian (located north of the Samoa Boat Ramp).
 - d) north west of Buhne Drive, King Salmon.
 - e) the Elk River Spit from the Highway 101 Bridge south and west to the northern boundary of the southwestern quarter of the southwestern quarter of Section 4 of T. 4N and R. 1W, Humboldt Meridian (located near Spruce Point).
2. "Agriculture":
 - a) from the northern boundary of the southeastern quarter of the southeastern quarter of Section 5 of T. 4N and R. 1W, Humboldt Meridian (located near Spruce Point) southwest (toward King Salmon) to the northern boundary of the

southeastern quarter of Section 8 of T. 4N and R. 1W, Humboldt Meridian.

3. "Service/Commercial":

a) King Salmon south and east of Buhne Drive to the northern boundary of the southwestern quarter of the northwestern quarter of the northwestern quarter of Section 17 of T. 4N and R. 1W, Humboldt Meridian (located at the north end of Fields Landing).

b) the south easterly one-third of Woodley Island adjacent to Eureka Channel.

4. "Nonwater Related Industrial":

a) from the northern boundary of the southwestern quarter of the southwestern quarter of Section 33 of T. 5N and R. 1W, Humboldt Meridian (located south of Bucksport) south to the Highway 101 Bridge crossing Elk River.

5. "Water Related Industrial":

a) from the Highway 101 Bridge crossing Eureka Slough west and south to the western boundary of the northeastern quarter of the northeastern quarter of the southeastern quarter of Section 21 of T. 5N and R. 1W, Humboldt Meridian (located southwest of the Eureka Boat Basin).

b) from the northern boundary of the southeastern quarter of Section 8 of T. 4N and R. 1W, Humboldt Meridian (located near Spruce Point) southwest to the north end of Buhne Drive, King Salmon.

6. "Port Related Industrial":

a) from the northern boundary of Section 32 of T. 5N and R. 1W, Humboldt Meridian (located north of the Samoa Boat Ramp) north to and including the Eureka-Samoa Bridge on the North Spit.

b) from the boundary of the northeastern quarter of the northeastern quarter of the southeastern quarter of Section 21 of T. 5N and R. 1W, Humboldt Meridian (located southwest of the Eureka Boat Basin) south to the northern boundary of the southwestern quarter of the southwestern quarter of Section 33 of T. 5N and R. 1W, Humboldt Meridian (located south of Bucksport).

c) from the northern boundary of the southwestern quarter of the northwestern quarter of the northwestern quarter of Section 17 of T. 4N

and R. 1W, Humboldt Meridian, (located at the north end of Fields Landing) south to the northern boundary of the southwestern quarter of the southwestern quarter of the northwestern quarter of Section 20 of T. 4N and R. 1W, Humboldt Meridian, (located at the south end of Fields Landing).

SECTION 3. SOUTH BAY

(A) Water. The waters of South Bay shall be designated as follows:

1. "Conservation":

a) all waters of South Bay.

(B) Land. The adjacent uplands of South Bay should be designated as follows:

1. "Public Open Space":

a) all adjacent uplands (jointly designated as "Agriculture").

2. "Agriculture":

a) all adjacent uplands (jointly designated as "Public Open Space").

ARTICLE IV OPERATIONAL POLICIES

SECTION 1. GENERAL PROPERTY ACQUISITION AND USE POLICIES

(a) The District shall acquire uplands as they are available and the District is able to acquire them for the purposes of the proper development and management of Humboldt Bay.

(b) The District shall acquire tidelands and submerged lands within Humboldt Bay as they become available and the District is able to acquire them.

(c) The District shall negotiate with the Cities of Eureka and Arcata for the orderly transfer to the District of tidelands and submerged lands granted to the Cities.

(d) The District shall seek the definition of the boundaries of all properties granted to the District (Section 78 (i) of Appendix 2, as amended, of the Harbors and Navigation Code of the State of California), shall resolve all contested boundaries, and shall take appropriate action with respect to any identified trespassers on District property.

(e) Use of areas within the jurisdiction of the District shall be in accordance with the planning designations of this Master Plan except that less intensive and nonindustrial uses may be permitted in areas designated for more intensive and industrial uses but the reverse shall not be permitted.

(f) District properties may be leased to private interests so long as the leased properties are used consistent with the other elements of this Master Plan.

(g) To the extent that it is practicable, the leasing of District owned tide and submerged lands shall be limited to that which is directly bayward of properties owned or controlled by the lessee and shall have boundaries which are generally perpendicular to the shoreline.

SECTION 2. NAVIGATION

(a) Maintenance and improvement of existing navigational channels shall be supported and encouraged.

(b) Harbor pilotage and towage shall be regulated by the District.

(c) Non-commercial public use of navigational channels shall be controlled consistent with the need to minimize hazards to shipping activities.

SECTION 3. INDUSTRIAL ACTIVITIES AND DEVELOPMENTS

(a) Industrial developments that are related should be located in proximity to each other to the extent that it is possible and practicable.

(b) Efforts to introduce and develop new industries, particularly those that manufacture wood products, shall be encouraged and supported.

(c) The feasibility of establishing a Foreign Trade Zone at Humboldt Bay shall be studied.

(d) Fossil fuel storage facilities shall be restricted to areas designated as "Port Related Industrial".

(e) Industries using bay water as a source of cooling water or discharging heated waters into the bay shall be located in areas designated as "Water Related Industrial".

(f) Efforts to improve and diversify the fishing industry shall be supported and encouraged.

(g) Efforts to satisfy berthing facility requirements of fishing vessels shall be encouraged and supported.

(h) Improvement of transportation capabilities including shipping, rail, highway, and air carriers shall be encouraged and supported.

SECTION 4. PUBLIC ACCESS

(a) Public access to the bay including launching ramps, recreational sites, scenic vistas, and fishing piers shall be maintained, acquired, and encouraged.

(b) Obstructions shall not be permitted to be placed bayward of public right-of-ways that extend to the shoreline.

(c) Vehicles shall be restricted to designated roads and areas.

SECTION 5. RECREATION AND TOURISM

(a) Efforts to improve and expand facilities and services for tourists and recreationists including motels, hotels, restaurants, recreational vehicle parks, campgrounds, picnic sites, historical and archaeological sites, scenic vistas, fishing piers, launching ramps, and berthing for recreational boats shall be encouraged and supported.

(b) The improvement of the appearance and utility of bay front developments shall be encouraged and supported.

(c) Development of the Humboldt Bay National Wildlife Refuge to include adequate and reasonable facilities and provisions for recreational use shall be encouraged.

SECTION 6. MARICULTURE

(a) The use of Humboldt Bay for mariculture shall be encouraged.

(b) Environmental conditions required for mariculture shall be maintained to the extent that they are consistent with other requirements and conditions.

SECTION 7. EDUCATION AND RESEARCH

(a) The use of Humboldt Bay for education and research shall be permitted and encouraged.

SECTION 8. DREDGING, DIKING, AND FILLING

(a) Diking, exclusive of the maintenance and repair of existing dikes, and filling shall be avoided whenever and wherever possible and only permitted after full consideration of potential damages and benefits and alternative methods of accomplishing the project objectives has determined the proposed diking and filling is essential.

(b) Dredging shall be limited to maintenance and improvement of navigational channels and areas designated for water related developments.

(c) Disposal of dredge spoils from within the jurisdiction of the District shall be regulated by the District.

SECTION 9. ENVIRONMENTAL QUALITY

(a) Maintenance and improvement of environmental quality shall be primary objectives for the use and development of all areas of Humboldt Bay and not just those areas designated as "Conservation Water" and "Public Open Space Lands".

(b) The discharge of physical, biological, or chemical pollutants that are detrimental to the natural environment of Humboldt Bay shall be eliminated and prohibited.

(c) Studies of the Humboldt Bay environment and of existing potential sources of pollution in Humboldt Bay shall be encouraged and supported.

(d) Efforts to provide facilities for the removal of bilge water, sewage, and other potential pollutants from boats shall be encouraged and supported.

(e) Transfers of petroleum products that might increase the danger of spills shall be limited to the extent that it is possible and practicable.

(f) Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.

(g) Advantage shall be taken of every opportunity to remove debris, rubbish, and other hazardous and unsightly materials and structures from Humboldt Bay and the shoreline of the bay in order to restore the natural state of the bay to the extent that it is practicable and possible.

THIS ORDINANCE PASSED AND ADOPTED THIS 16 DAY OF September, 1976,
BY THE BOARD OF HARBOR COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: Commissioner Davenport
Commissioner Startare
Commissioner Ridenhour

ABSENT: Commissioner Gast
Commissioner Christensen

Signature On File
WILLIAM J. STARTARE, President

ATTEST:

Signature on File
RICHARD L. RIDENHOUR, Secretary

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 Ordinance is a true and correct copy of Ordinance No. 7, entitled "AN ORDINANCE IMPLEMENTING CERTAIN PORTIONS OF THE HUMBOLDT BAY MASTER PLAN" as regularly adopted at the legally convened meeting of the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District, duly held on the 16th day of September, 1976; further, that such Ordinance has been duly recorded in the journal of proceedings in my office and is in full force and effect.

In witness whereof, I have hereunder set my hand this 16 day of September, 1976.

Signature On File

RICHARD L. RIDENHOUR, Secretary
Board of Commissioners

(Seal)