COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Richard Marks

5th Division

Patrick Higgins

Humboldt Bay Harbor, Recreation and Conservation District

(707) 443-0801 P.O. Box 1030 Eureka, California 95502-1030



SUPPLEMENTAL STAFF REPORT HARBOR DISTRICT MEETING September 8, 2022

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: September 8, 2022

TITLE: Consider Adoption of Resolution No. 2022-08 thereby Adopting the "Property Acquisition and Disposition Plan for the Multipurpose Marine Terminal Master Plan"

STAFF RECOMMENDATION: Staff recommends that the Board Adopt Resolution No. 2022-08.

SUMMARY: As outlined in Exhibit 1 of the attached Resolution (see Attachment 1), the District is planning to acquire and dispose of properties in order to implement the "Multipurpose Marine Terminal Master Plan." This Supplemental Staff Report is in addition to the Staff Report which was included in the Board Packet

ATTACHMENTS:

A. Resolution 2022-08

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

RESOLUTION NO. 2022-08

A RESOLUTION ADOPTING A PROPERTY ACQUISITION AND DISPOSITION PLAN

WHEREAS, the Humboldt Bay Harbor, Recreation, and Conservation District Act (Act) created the District for the acquisition, construction, maintenance, operation, development and regulation of harbor works and improvements; for the promotion of commerce; and to improve the Humboldt Bay Harbor for navigation and commerce through any other work that is deemed necessary;

WHEREAS, the Act empowers the District to grant, franchise, lease, permit, or by fee title convey the rights and privileges of its lands for the establishment, improvement, and conduct of harbors and all other works necessary for the promotion and accommodation of commerce and navigation and for all commercial and industrial uses and purposes;

WHEREAS, to fulfill the District's Trust purposes as outlined in the Act, the District has created a Multipurpose Marine Terminal Master Plan (Master Plan); and

WHEREAS, in order to implement the Master Plan and to fulfill Trust purposes, the District will acquire and then dispose all or portions of several properties within the Master Plan area; and

WHEREAS, the District has created a Property Acquisition and Disposition Plan (Disposition Plan) for the Master Plan; and

WHEREAS, as outlined in the Disposition Plan, acquisition and/or disposition may be in the form of fee title, lease, easement, license, or other form of ownership; and

WHEREAS, those properties currently owned/controlled by the District were acquired for Trust purposes in accordance with the Act;

WHEREAS, those properties that the District intends to acquire and/or dispose of as outlined in the Disposition Plan will be acquired/disposed of for Trust purposes in accordance with the Act; and

WHEREAS, the acquisition and disposal of properties as outlined in the Disposition Plan is for trust purposes consistent with the Act, the Humboldt Bay Management Plan, the Port of Humboldt Bay Harbor Revitalization Plan, and the Ordinances of the District; and

WHEREAS, the District must comply with the Surplus Land Act, Government Code section 54220 et seq. prior to taking any action to dispose of the properties as outlined in the Disposition Plan; and

WHEREAS, Government Code section 54221(f)(1)(H) defines exempt surplus land to include land that was granted by the state in trust to a local agency or that was acquired by the local agency for trust purposes by purchase or exchange, and for which disposal of the land is authorized or required subject to conditions established by statute; and

WHEREAS, the properties outlined in the Disposition Plan will be disposed of for trust purposes consistent with the Act and, on that basis, the District desires to declare the properties exempt surplus pursuant to Government Code section 54221(f)(1)(H); and

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development ("HCD"), the District's determination that the properties are exempt surplus land must be provided to HCD for its review at least 30 days prior to disposition; and

WHEREAS, CEQA Guidelines state that local governments such as the District may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance; and

WHEREAS, as presented in the Disposition Plan, in all leases or other disposal agreements issued by the District in association with the Master Plan, the District will require a provision that will disallow: any development that is not either determined to be exempt from CEQA or covered in an approved/certified CEQA document; any change to the intensity, density, or type of uses that are not either determined to be exempt from CEQA or covered in an approved/certified CEQA document; any action that commits the District to a project; any action that restricts the District from denying a project; or any action that limits the District's choice of mitigation measures or alternatives, including a "no project" alternative.

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

SECTION 1. The Humboldt Bay Harbor, Recreation and Conservation District hereby adopts the Property Acquisition and Disposition Plan (Exhibit 1) for the Multipurpose Marine Terminal Master Plan.

SECTION 2. The District hereby finds that the properties outlined in the Property Acquisition and Disposition Plan will be disposed of for trust purposes consistent with the Humboldt Bay Harbor, Recreation, and Conservation District Act and, on that basis, the District declares the properties exempt surplus pursuant to Government Code section 54221(f)(1)(H).

SECTION 3. The District will provide a copy of this Resolution to the Department of Housing and Community Development ("HCD") in compliance with the Surplus Land Act.

SECTION 4. The District will comply with the Surplus Land Act separate from this action for each property/parcel that is not intended for Trust purposes that the District acquires or disposes in the future.

SECTION 5. Adopting the Property Acquisition and Disposition Plan and the acquisition /disposition of the properties identified in the plan is determined to be exempt from CEQA per Section 15061(b)(3) "Common Sense Exemption" because the actions contemplated have no potential effects on the environment and because the Disposition Plan and the acquisition/disposition of the properties do not commit the District to any particular course of action. As allowed under CEQA Guidelines Section 15004(b), each potential future improvement, project and/or activity contemplated under the Disposition Plan will be conditioned on compliance with the California Environmental Quality Act ("CEQA"), as applicable, when sufficient physical details and other information regarding the site and proposed design and construction is available to permit meaningful environmental review.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the **8**th day of September **2022** by the following polled vote:

AVEC.

ATES.	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:	
	Greg Dale, President
	Board of Commissioners
Richard Marks, Secretary	
Board of Commissioners	

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. **2022-08** entitled,

A RESOLUTION ADOPTING A PROPERTY ACQUISITION AND DISPOSITION PLAN

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 8th day of September 2022; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of September 2022.

Richard Marks, Secretary Board of Commissioners

EXHIBIT 1: Property Acquisition and Disposition Plan for the Multipurpose Marine Terminal Master Plan

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

Humboldt Bay Harbor, Recreation and Conservation District

(707) 443-0801 P.O. Box 1030 Eureka, California 95502-1030



EXECUTIVE DIRECTOR: Larry Oetker

Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan 9/08/22

PURPOSE OF THIS PLAN

The purpose of this Plan is to outline compliance with the Surplus Land Act and to ensure full disclosure for the public. This document outlines the Humboldt Bay Harbor, Recreation and Conservation District's (District) plans to acquire all or a portion of a set of parcels/properties and to dispose of a set of parcels/properties for purposes of implementing the District's Multipurpose Marine Terminal Master Plan (see Attachment 1). The acquisition and/or disposition may be in the form of fee title, lease, easement, license, or other form of ownership. Adoption of the Resolution approving this Plan authorizes District staff to implement this Plan consistent with these principles.

OBJECTIVES OF THIS PLAN

The objective of the acquisition and disposal of lands presented below is to implement the District's Multipurpose Marine Terminal Master Plan (see Attachment 1). The Master Plan is being undertaken to fulfill the District's Trust purposes as outlined in the Humboldt Bay Harbor, Recreation, and Conservation District Act (Act) of 1970 and as amended. Therefore, the lands outlined below are being acquired and/or disposed of consistent with the Act and for trust purposes. Per the Act, the Harbor District was created for the "acquisition, construction, maintenance, operation, development and regulation of harbor works and improvements, ...for the promotion of commerce..." (Section 4) and to "...improve the Humboldt Bay Harbor for navigation and commerce through... any other work that is deemed necessary" (Section 19). The Act further empowers the District to grant, franchise, lease, permit, or by fee title convey the rights and privileges of its lands for the establishment, improvement and conduct of harbors and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation; and for all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities (Section 78).

Acquiring and then disposing of the lands presented below will further the District's trust purposes and is consistent with the purposes of the Act, including promoting commerce and commercial and industrial purposes.

MULTIPURPOSE MARINE TERMINAL MASTER PLAN

The area covered by the Master Plan for a Multipurpose Marine Terminal (Master Plan) has been utilized for maritime commerce industrial activities since the 1890's. For most of this time, the ownership was held by two companies that shared infrastructure, access easements, and utilities. New infrastructure, easements, and utilities were often constructed and/or abandoned without formally adding or removing easements or other authorization on title. Beginning in approximately 2010, the two companies began to sell off portions of their landholdings and the area is now owned by at least six different parties and there is planned and approved subdivisions that will likely result in well over 100 individual owners.

The Harbor District is the owner of over two miles of land in Humboldt Bay and over 100 acres in the Master Plan area. As part of the District's planning efforts, the District coordinated with the County of Humboldt, Humboldt Bay Municipal Water District, Samoa Peninsula Community Services District, and other entities. Through these efforts, all parties mutually agreed that a coordinated Master Plan and infrastructure modernization plan was required for the governmental entities to plan, develop and operate the infrastructure that is required to attract and develop new industries for the area.

Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan

In early 2021, the District developed a Master Plan for a Multipurpose Marine Terminal (see Attachment 1) and the County of Humboldt adopted a Samoa Peninsula Infrastructure Improvement District as a way to meet the Community's needs. The Master Plan was developed to further several District objectives and is consistent with the Humboldt Bay Management Plan, the Port of Humboldt Bay Harbor Revitalization Plan, and the above-referenced Act. The Master Plan includes the following components:

- 1. District-led Projects
 - a. Development of multi-tenant aquaculture facilities with an anchor tenant for an approximately 660,000 square foot recirculating indoor aquaculture facility (shown as Nordic Aquafarms), which is currently well under way.
 - b. High Technology Industries Associated recently approved and landed two of four approved Trans-Pacific Broadband Cables.
 - c. Offshore Wind Industry. The development of a heavy-lift multipurpose marine terminal with associated manufacturing, fabrication, and bulk-storage facilities and infrastructure.
 - d. Other Public Trust Purpose Projects as they may arise.
- 2. Projects led by others:
 - a. Town of Samoa Master Plan. The former company Town of Samoa has received all discretionary approvals to develop a wastewater treatment plant, Samoa Business Park, and Samoa Coast Townhomes, RV Park and other facilities. This development is currently underway.
 - b. Non-motorized Trail Network, which is partially underway and partially yet to be developed.
 - c. Forest Products. The area was historically and currently utilized by the timber industry. Some of these uses will continue, while some of these uses may be replaced if alternate development is approved by regulatory authorities.
 - d. Other Public Trust Purpose Projects as they may arise.

In order to complete the items above, the District will acquire and then dispose of all or portions of several properties as presented in Attachment 2.

PROPERTIES CURRENTLY CONTROLLED/OWNED BY DISTRICT AND COMPLIANCE WITH THE SURPLUS LAND ACT

Within the Master Plan project area, the District currently has ownership interest in a number of upland parcels and also was granted tide and submerged lands of Humboldt Bay from the State of California. Some, but not all, of the tide and submerged lands are classified with assessor parcel numbers. As with all tide and submerged lands, as well as lands directly adjacent to the current and former shoreline, detailed title research is required to determine if all or portions of the parcels are owned in fee or maintained in Trust as defined in the Humboldt Bay Harbor, Recreation, and Conservation District Act. It is the intention of the District that all properties acquired and disposed of by the District will be utilized for Trust purposes (as defined in the above citations) and each transfer will include a covenant stating that the property will revert back to the District if the property is no longer utilized for Trust Purposes. Disposition of these lands is therefore exempt from the Surplus Land Act pursuant to Gov. Code section 54221(f)(1)(H). The District will comply with the procedural requirements under the Surplus Land Act regarding "exempt surplus land." If the District proposes to dispose of a property covered by this plan in a way that does not utilize the Property for Trust Purposes, then the District will take separate action as required by the Surplus Lands Act for that individual disposal. Attachment 2 includes a table of all the properties covered under the Master Plan and identifies who currently has ownership control and will be the negotiating party.

PROPERTIES TO BE ACQUIRED

To implement the proposed Master Plan, the District plans to acquire all or a portion of the Properties identified in Attachment 2. The acquisition of all or a portion of the properties identified in Attachment 2 will be acquired by the District for Trust Purposes as defined in the Humboldt Bay Harbor, Recreation, and Conservation District Act. As is outlined below, the District intends to either retain or dispose of all or portions of these properties after acquiring them. Each acquisition will be reviewed and approved by the Board of the Humboldt Bay Harbor, Recreation, and Conservation District



Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan

prior to the transfer of ownership. It is anticipated, but not required, that the acquisitions will take place through several transactions and occur over between now and 2030.

PROPERTIES TO BE DISPOSED

To implement the proposed Master Plan, and consistent with the Trust purposes for which the lands were or will be acquired, the District will dispose all or portions of the parcels identified in Attachment 2.

CEQA CONSIDERATIONS

The District intends to acquire and/or dispose of all or a portion of the lands included within the Master Plan properties in Attachment 2. A wide variety of development and uses currently occur on the properties. The District and its tenants will not engage in any development or increase the intensity, density, or uses of any properties unless and until such activities are determined to be either exempt from CEQA or covered in an approved/certified CEQA document, as applicable. In compliance with CEQA Guidelines section 15004(b)(2)(A) and (b)(4), future development of the Master Plan area is therefore contingent on CEQA review. Acquisition and/or disposal of the lands and implementation of this Disposition Plan is not meant to commit the District to any definite course of action prior to CEQA review. If the District enters into a lease or other disposal agreement, the District will include provisions to ensure that the agreement does not:

- allow any development that is not either determined to be exempt from CEQA or covered in an approved/certified CEQA document;
- allow any change to the intensity, density, or type of uses that are not either determined to be exempt from CEQA
 or covered in an approved/certified CEQA document;
- commit the District to a project;
- restrict the District from denying a project; or
- limit the District's choice of mitigation measures or alternatives, including a "no project" alternative.

This is consistent with the CEQA Guidelines, which state that the District "...may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance."

A sample of the type of language that will be included in the lease is presented here:

"The actions contemplated by this lease have no potential effects on the environment. Each potential improvement, project and/or activity listed in this lease has been or will be fully evaluated in compliance with the California Environmental Quality Act ("CEQA"), as applicable, when sufficient physical details and other information regarding the site and proposed design and construction is available to permit meaningful environmental review. As set forth in Section XX below, Lessee's use of the site is expressly conditioned upon compliance with CEQA. This Agreement does not, and is not intended to, bind or commit Lessor, or any other public agency, to a definite course of action or limit in any manner the discretion of Lessee or any other public agency, as applicable, in connection with consideration of permits or entitlements for projects described in this Lease Agreement, including, without limitation, all required environmental review, all required public notice and proceedings, consideration of comments received, and Lessor's or other public agencies' evaluation of mitigation measures and alternatives, including the "no project" alternative. In addition, Lessee acknowledges and agrees that Lessor may impose certain mitigative measures (potentially outside the scope of CEQA recommendations) intended to address potential negative impacts of a proposed project on Lessee's infrastructure and operations, and that Lessee's failure to implement such mitigative measures to Lessee's reasonable satisfaction could result in a rejection of authorization by Lessor's Board of Directors to proceed with the transaction contemplated by this Agreement..."

ATTACHMENTS

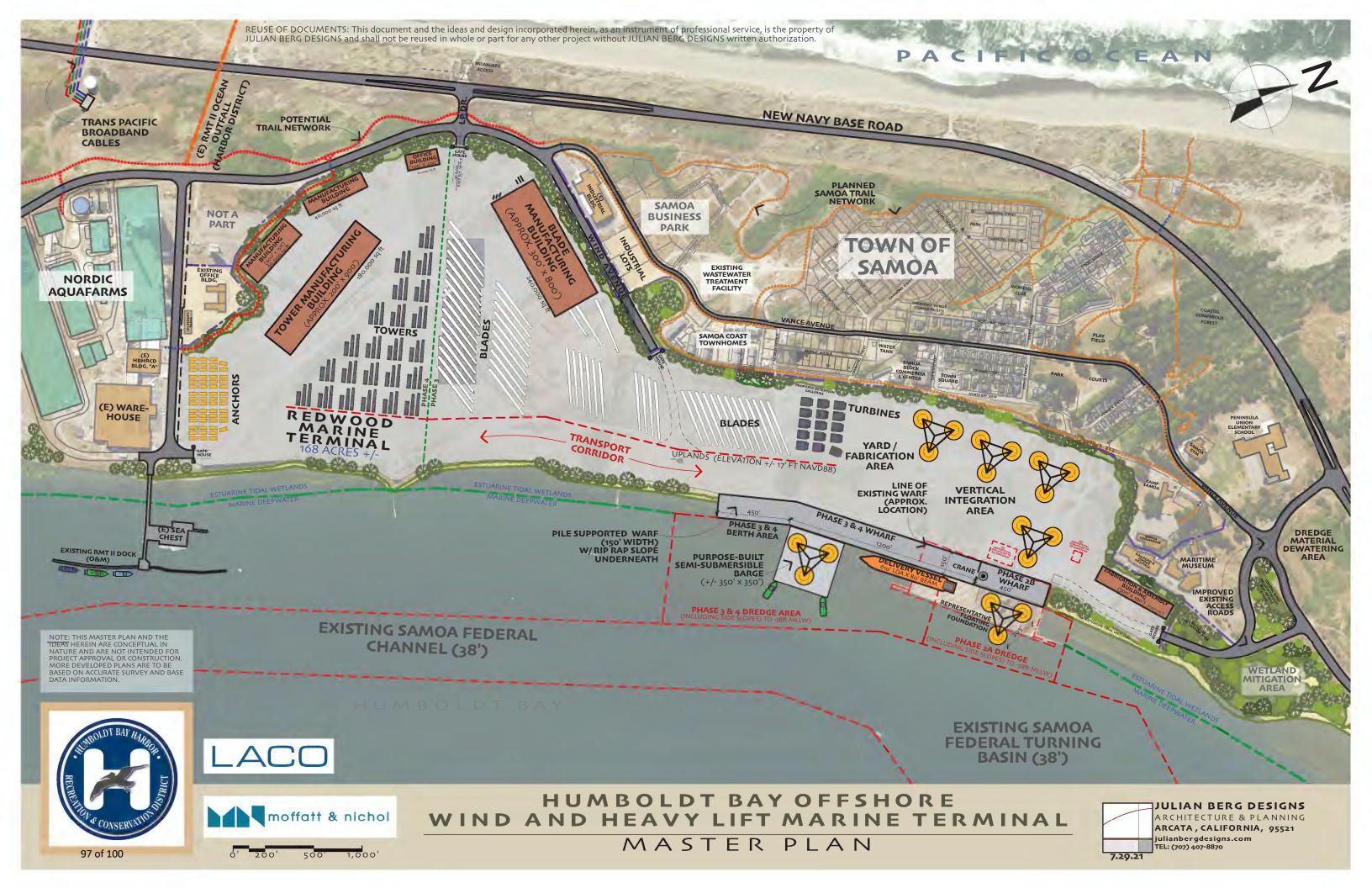
Attachment 1: Multipurpose Marine Terminal Master Plan

Attachment 2: Summary Table: Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan



Attachment 1: Multipurpose Marine Terminal Master Plan





Attachment 2:

Summary Table: Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan



Parcel Summary Table: Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan

APN	Current Owner
401-111-006-000	Humboldt Bay Harbor
401-111-005-000	Humboldt Bay Municipal Water Dist
401-122-005-000	Schneider Dock & Intermodal Facility Incorporated
401-031-041-000	Humboldt Bay Harbor Rec & Cons Dist
401-031-045-000	Friends Of The Dunes
401-122-004-000	Schneider Dock & Intermodal Facility Incorporated
401-112-011-000	California State Of
401-112-012-000	California State Of
401-112-013-000	California Redwood Company
401-112-024-000	Humboldt Bay Development Association Inc
401-112-021-000	Humboldt Bay Development Association Inc
401-112-029-000	Sniper Enterprises Llc Co
401-112-030-000	North Wind Management Llc Co
401-031-016-000	Peninsula Union School Dist
401-031-078-000	Humboldt Bay Harbor Rec & Conv Dist
401-031-014-000	Northwestern Pacific Railroad Co
401-021-031-000	Friends Of The Dunes
401-321-001-000	Samoa Pacific Group Llc
401-031-083-000	Samoa Pacific Group Llc
401-322-002-000	Samoa Pacific Group Llc
401-322-001-000	Samoa Pacific Group Llc
401-321-002-000	Samoa Pacific Group Llc
401-321-005-000	Samoa Pacific Group Llc
401-322-003-000	Samoa Pacific Group Llc
401-321-003-000	Samoa Pacific Group Llc
401-321-004-000	Samoa Pacific Group Llc
401-322-004-000	Samoa Pacific Group Llc
401-322-005-000	Samoa Pacific Group Llc
401-321-006-000	Samoa Pacific Group Llc
401-322-006-000	Samoa Pacific Group Llc
401-322-007-000	Samoa Pacific Group Llc
401-321-007-000	Samoa Pacific Group Llc
401-321-008-000	Samoa Pacific Group Llc
401-322-008-000	Samoa Pacific Group Llc
401-322-009-000	Samoa Pacific Group Llc
401-322-010-000	Samoa Pacific Group Llc
401-031-077-000	Humboldt Bay Harbor Rec & Conv Dist
401-323-003-000	Samoa Pacific Group Llc
401-323-002-000	Samoa Pacific Group Llc
401-323-001-000	Samoa Pacific Group Llc
401-335-002-000	Samoa Pacific Group Llc
401-335-003-000	Samoa Pacific Group Llc

APN	Current Owner
401-331-011-000	Samoa Pacific Group Llc
401-331-012-000	Samoa Pacific Group Llc
401-331-013-000	Samoa Pacific Group Llc
401-331-014-000	Samoa Pacific Group Llc
401-341-001-000	Samoa Pacific Group Llc
401-345-022-000	Samoa Pacific Group Llc
401-342-009-000	Samoa Pacific Group Llc
401-342-008-000	Samoa Pacific Group Llc
401-342-007-000	Samoa Pacific Group Llc
401-342-006-000	Samoa Pacific Group Llc
401-342-001-000	Samoa Pacific Group Llc
401-341-007-000	Samoa Pacific Group Llc
401-341-004-000	Samoa Pacific Group Llc
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401-341-002-000	Samoa Pacific Group Llc
401-342-004-000	Samoa Pacific Group Llc
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401-343-006-000	Samoa Pacific Group Llc
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401-343-003-000	Samoa Pacific Group Llc
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401-343-004-000	Samoa Pacific Group Llc
401-343-002-000	Samoa Pacific Group Llc
401-343-001-000	Samoa Pacific Group Llc
401-341-008-000	Samoa Pacific Group Llc
401-341-005-000	Samoa Pacific Group Llc
401-341-006-000	Samoa Pacific Group Llc
401-031-079-000	Samoa Vance Ave Lp Lp
401-345-001-000	Samoa Pacific Group Llc
401-345-002-000	Samoa Pacific Group Llc
401-345-003-000	Samoa Pacific Group Llc
401-345-006-000	Samoa Pacific Group Llc
401-345-005-000	Samoa Pacific Group Llc
401-345-004-000	Samoa Pacific Group Llc
401-345-008-000	Samoa Pacific Group Llc
401-344-011-000	Samoa Pacific Group Llc
401-345-013-000	Samoa Pacific Group Llc
401-345-016-000	Samoa Pacific Group Llc
401-344-002-000	Samoa Pacific Group Llc

Parcel Summary Table: Property Acquisition and Disposition Plan: Multipurpose Marine Terminal Master Plan

401-334-007-000 Samoa Pacific Group Llc 401-334-006-000 Samoa Pacific Group Llc 401-334-005-000 Samoa Pacific Group Llc 401-334-004-000 Samoa Pacific Group Llc 401-334-009-000 Samoa Pacific Group Llc 401-334-011-000 Samoa Pacific Group Llc 401-334-011-000 Samoa Pacific Group Llc 401-334-003-000 Samoa Pacific Group Llc 401-334-002-000 Samoa Pacific Group Llc 401-334-001-000 Samoa Pacific Group Llc 401-332-001-000 Samoa Pacific Group Llc 401-332-001-000 Samoa Pacific Group Llc 401-332-001-000 Samoa Pacific Group Llc 401-332-004-000 Samoa Pacific Group Llc 401-332-004-000 Samoa Pacific Group Llc 401-333-004-000 Samoa Pacific Group Llc 401-333-004-000 Samoa Pacific Group Llc 401-333-004-000 Samoa Pacific Group Llc 401-333-000-000 Samoa Pacific Group Llc 401-333-000-000 Samoa Pacific Group Llc 401-333-000-000 Samoa Pacific Group Llc 401-333-005-000 Samoa Pacific Group Llc <th>401-334-008-000</th> <th>Samoa Pacific Group Llc</th>	401-334-008-000	Samoa Pacific Group Llc
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401-345-021-000	Samoa Pacific Group Llc
401-344-010-000	Samoa Pacific Group Llc
401-031-039-000	Northwestern Pacific Railroad Co
401-345-007-000	Samoa Pacific Group Llc
401-031-061-000	California Redwood Company
401-031-067-000	Recology Humboldt County
401-031-072-000	North Wind Management Llc Co
401-031-071-000	Sniper Enterprises Llc Co
401-031-040-000	Humboldt Bay Harbor Rec & Cons Dist
401-031-054-000	California Redwood Company
401-031-080-000	Samoa Vance Ave Lp Lp
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401-335-001-000	Samoa Pacific Group Llc
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