

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

DATE: January 24, 2019

TIME: Executive Closed Session – 6:00 PM
Regular Session – 7:00 PM

PLACE: Woodley Island Marina Meeting Room

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

1. **Call to Order at 6:00 P.M.**
2. **Move to Executive Closed Session**
 - a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Paul Brisso, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
 - b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 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 Paul Brisso, District Counsel. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
3. **Call to Order Regular Session at 7:00 P.M. and Roll Call**
4. **Pledge of Allegiance**
5. **Election of Board President, Vice President and Secretary**

Summary: District Ordinance No. 6, Article II Officers, Section 6 states: "The President, Vice-President and Secretary shall be elected at the annual meeting of the Board of Commissioners of the District from among the members of said Board of Commissioners, and shall hold office for one year or until their successors are elected and qualified. All Officers shall serve during the pleasure of the Board of Commissioners of the District."
6. **Report on Executive 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. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

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8. Consent Calendar

- a) Receive District Financial Reports for November 2018 (Supplemental information will be released)
- b) Approval of Meeting Minutes for December 11, 2018 Special Board Meeting
- c) Approval of Permit and Agreement Renewal to Brian Saxton to Operate Humboats Kayak Adventures
- d) Appoint Larry Oetker as representative for Port Authority to Harbor Safety Committee

9. Communications and Reports

- a) Executive Director's Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Others - Update on Intertidal Mariculture Environmental Impact Report

10. Unfinished Business

11. New Business

- a) **Award a Contract to the Lowest Responsive and Responsible Bidder for the Humboldt Bay Piling Removal Project Accounts for Collections**

Recommendation: Staff recommends the Board: Award a contract for the Humboldt Bay Piling Removal Project to the lowest responsive and responsible qualified bidder.

Summary: The District released an Invitation for Bids for the Humboldt Bay Piling Removal Project on January 7, 2019, with a bid opening scheduled for 2:00pm January 23, 2019 in the Woodley Island Marina Conference Room. Work comprises the removal via vibratory extraction of twenty-one (21) derelict pilings in Humboldt Bay in the vicinity of Red Tank Dock and Redwood Marine Terminal II. This project is a required mitigation measure for the Mariculture Pre-permitting Project and is scheduled for completion in March 2019.

- b) **Consideration of Approval of Amendment # 1 to Permit 13-03 to the Humboldt Bay Harbor, Recreation and Conservation District for the Mariculture Pre-Permitting Project**

Recommendation: Staff recommends the Board: Approve the amendment to Permit 13-03 to the Harbor District for the Mariculture Pre-Permitting Project.

Summary: The Humboldt Bay Mariculture Pre-Permitting Project (Project) is regulated via permits from the California Coastal Commission, the U.S. Army Corps of Engineers (USACE), the North Coast Regional Water Quality Control Board (NCRWQCB), and the Harbor District itself. As a pre-requisite to permit applications to these agencies for the Project, the District prepared an Environmental Impact Report (EIR) that assessed the potential environmental impacts of the Project and outlined mitigation measures to reduce any impacts to less than significant. During the permit approval process, the removal of twenty-one (21) derelict pilings from Humboldt Bay was included as an additional benthic habitat mitigation measure as a condition of approval. This specific mitigation measure was not originally included in the Final EIR for the Project, or in the original District Permit 13-03.

- c) **Consideration of Resolution 2019-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers' Compensation Coverage**

Recommendation: Staff recommends the Board: Adopt Resolution 2019-01 for the Governing Body.

Summary: The Special District Risk Management Authority (SDRMA) recently informed the District that Workers' Compensation members need to pass a new Resolution if they would like to either continue or start covering their Governing Body members and/or volunteers. If adopted, such persons will be deemed as employees for workers' compensation benefit. The Resolution permits the Governing Body to designate the categories of persons who the District desires to "deem" to be employees for this purpose by checking the boxes associated with those categories

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on the Resolution. Any persons designated will need to be listed under the Workers' Compensation Program and must pay an annual premium to enable coverage

d) Update of the January 2019 Shoaling Conditions Near the Entrance to Humboldt Bay

Recommendation: Staff recommends the Board: Receive an update on the shoaling conditions and provide direction as appropriate.

Summary: The Humboldt Bay Bar Pilots conducted an unofficial survey on Friday, January 11th aboard the District's Port Authority Boat and found areas of shoaling north of centerline in the Entrance Channel. Depths of approximately 38 feet were found near the beginning of the dolosse which prompted a 34 foot draft restriction, based on a +6 foot tide, until official soundings are performed. During the unofficial survey, the Pilots identified an additional area of concern on the corner of the Entrance Channel near the buoy 9 location. Buoy 9 is missing from its station as a result of one of the earlier storms and has been recovered by the Coast Guard. Depths of approximately 20-22 feet were found in this location impeding east side of the channel. Humboldt Bay Commercial Fisherman and other mariners have reported unsafe conditions. On Thursday, January 17, the Coast Guard closed Humboldt, Noyo, and Crescent City Harbors due to sever winter storm conditions.

e) Review of Ordinance No. 16 Pilotage. An Ordinance Establishing Standards, Policies and Practices for Pilot Competency, Qualification, Profession Growth and Enforcement

Recommendation: Staff recommends the Board: Review Ordinance No. 16.

Summary: The State of California through the Harbors and Navigation Code, delegated to the HBHRCD authority to provide for, supervise and license bar pilots operating out of Humboldt Bay. Ordinance NO. 16 outlines the District's regulations regarding Pilots. Due to sever declines in ship traffic, the privately held Humboldt Bar Pilot's Association was dissolved in 2006 and Captain John Powell and Captain Tim Petrusha became employees of the District. In 2014 an agreement was reached where Captain Powell retired from the District and operated as a sole proprietary operation called Humboldt Bay Pilots. Captain Petrusha, continued employment with the District, providing secondary bar pilot services to maintain his certification and license. In January 2019, Captain Petrusha ended his employment with the District and Intends to operate as a private Pilot on Humboldt Bay.

12. Administrative and Emergency Permits

13. Adjournment